

GMS Flash Alert

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Ireland - Article 50 Triggered, Impact on Ireland-U.K. Immigration

On 29 March 2017, the U.K. Prime Minister, Theresa May, triggered Article 50 of the Treaty on European Union commencing the U.K.'s withdrawal from the European Union (EU). Below are key points in respect of this development.

- The U.K. reaffirms its pledge for no return of “hard borders” between the U.K. and Ireland.
- The European Council observes that EU law will continue to apply in the U.K. until the day it leaves the bloc.¹
- There is no immediate impact to the status of U.K. nationals resident in the EU and EU nationals resident in the United Kingdom.

In this newsletter, we focus on the significance of the triggering of Article 50 for U.K.-Ireland immigration.

WHY THIS MATTERS

The act of triggering Article 50 of the Treaty on European Union by the U.K. government sets in motion the wheels for negotiating the U.K.'s departure from the EU. While for the time being, there are no consequences of this action for Irish and EU nationals coming to – or already in – the U.K. for work or for U.K. nationals coming to – or already in – Ireland for work, the terms of the agreement ultimately negotiated might affect such workers.

At this stage, there is still much uncertainty about the negotiations that will take place shortly (it is likely they will be vigorous), thus the contours of any final terms, particularly with respect to free movement of persons, cannot be determined.

Immigration counsel, global mobility professionals charged with the immigration practicalities of their cross-border workers, and the workers themselves, should continue to watch this space for any changes that lie ahead as the EU and the U.K. negotiate the terms of the U.K.'s exit from the EU.

Article 50 Triggered

The Brexit referendum of 23 June 2016, put in motion the U.K.'s withdrawal from the EU. After months of being cagey about exactly when the U.K. government would trigger Article 50, on 29 March 2017, the British prime minister delivered the U.K.'s letter² of notification of withdrawal from the EU to the European Council President, Donald Tusk, in accordance with Article 50 of the Treaty on European Union. President Tusk observed that the first priority will be to minimize the uncertainty caused by the decision of the U.K. for EU citizens, businesses, and member states.

In her letter, the prime minister set out "proposed principles" to help ensure that the exit process is as smooth as possible. We highlight a couple of these, as they touch upon immigration and free movement of persons:

"We should put our citizens first"

The British prime minister seeks to strike an early agreement of the rights of EU citizens living in the U.K. and U.K. citizens living elsewhere in the EU. There is no change to the status of the free movement of people as a result of the triggering of Article 50. EU citizens may continue to work and reside in the U.K. and U.K. citizens may continue to work and reside in the EU until further agreement has been reached between the U.K. and the EU.

"We must pay attention to the U.K.'s unique relationship with the Republic of Ireland and the importance of the peace process in Northern Ireland"

The prime minister re-affirmed her pledge to avoid a return to a hard border between the U.K. and Ireland and to maintain the Common Travel Area between the two countries. The Irish government announced that a consolidated paper on Ireland's priorities will be published before the EU summit on 29 April 2017.³

European Council President Donald Tusk will formally respond to the prime minister's statement on 31 March 2017.

KPMG NOTE

There will be no immediate change to the status of Irish and other EU nationals residing in the U.K. and U.K. nationals residing in Ireland and the other EU member states until further agreement has been reached between the EU and the United Kingdom. While the British prime minister seeks to strike an early agreement on this point, the European Council president has stated that EU law will continue to apply to the U.K. until it formally exits the EU. Further clarification on this point may be available in the European Council president's response on 31 March 2017.

FOOTNOTES:

1 This was a comment made by the European Council on 29 March in response – see the 29 March 2017 press release "[Remarks by President Donald Tusk Following the U.K. Notification.](#)"

2 For the British prime minister's letter to the European Council president triggering Article 50, [click here](#).

3 For the Irish government's statement regarding the U.K. triggering Article 50 on 29 March 2017, [click here](#).

We Invite You to Listen to the KPMG LLP (U.K.) Brexit Webcast Play-Back

To help businesses prepare for what comes next in these unprecedented times, KPMG LLP (U.K.) brought together a team of Brexit experts for an hour-long [webcast](#) on 21 March 2017.

So the clock is now ticking. With the recent announcement that British Prime Minister Theresa May officially notified the European Union on Wednesday 29 March that the U.K. is leaving, businesses have two years to prepare for the U.K.'s exit.

Whether it's workforce planning, navigating regulatory issues, or understanding the economic and operational impacts on production and supply chains, how do you evaluate both the risks and opportunities of operating in a post-Brexit world? When do you really need to act?

Led and facilitated by Karen Briggs, U.K. Head of Brexit, our panel includes special guests Dorothy Livingston from law firm Herbert Smith Freehills, Charles Lichfield from geo-political consultancy Eurasia Group, and KPMG's top Brexit experts covering economics, tax, relocation, people, trade, customs, supply chain, governance, and compliance.

[Listen to the recording](#)

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* Please note that KPMG LLP (U.S.) does not provide immigration services.

The information contained in this newsletter was submitted by the KPMG International member firm in Ireland.

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