



# GMS Flash Alert

Immigration Edition

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## United Kingdom – What Does Travel to EU Mean if “No Deal” Brexit?

The U.K. government recently published a series of technical notices providing businesses and citizens with information regarding contingency planning in the event that the United Kingdom leaves the European Union (EU) without a deal.<sup>1</sup> Among the topics addressed in the technical notices is that of travel to the EU with a British passport in the event of there being no Brexit deal.<sup>2</sup> (For related coverage, see GMS [Flash Alert 2018-123](#), 18 September 2018.)

In publishing the technical notices, the U.K. government has stated that it wishes to prepare for all eventualities in the Brexit negotiations, including a “no deal” outcome. It has stressed, however, that the publishing of the notices does not mean a “no deal” scenario has increased in likelihood, but that it is merely good practice to be prepared for all eventualities.

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### WHY THIS MATTERS

According to one of the notices, were the U.K. to leave the EU on 29 March 2019, without an agreement, British citizens will be considered third-country nationals from that date and their entry to and travel within the Schengen Area,<sup>3</sup> thus becoming regulated by the Schengen Borders Code<sup>4</sup>. Third-country nationals are citizens of countries which are neither part of the EU nor the European Economic Area.

British citizens, as EU nationals, are currently able to enter the Schengen Area with a valid passport. There are no restrictions on the passport’s validity. In the event of a “no deal” Brexit, however, British citizens may have to check the validity of their passports to make sure they meet the criteria for third-country nationals before travelling to the Schengen Area. If a passport does not meet the criteria, the British citizen will have to renew his or her passport before travelling. The duration of his or her stay in the Schengen Area – unrestricted at present – may also be limited to 90 days within any 180-day period.

## Highlights of Technical Notices

### Passport Validity in Schengen Area until 29 March 2019

British citizens can enter the Schengen Area with a valid passport and the British passport does not have to have a minimum or maximum validity.

### Passport Validity in Schengen Area after 29 March 2019

In the event of a “no deal” Brexit, British nationals as of 30 March 2019, would become subject to the provisions of the Schengen Borders Code, and have to make sure when travelling to and within the Schengen Area that their passports:

- have been issued within the last 10 years at the date of entry to a country in the Schengen Area; and
- be valid for at least 3 further months from their intended date of departure from the Schengen Area – with third-country nationals only able to stay in the Schengen Area for up to 90 days within a 180-day period, the passport may need to be valid for at least 6 months on the date of entry to the Schengen Area.

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## KPMG LLP (U.K.) NOTE

In light of the above, the U.K. government has recommended that prospective adult travellers to the Schengen Area check the issue date in their passports and ascertain that the document is no older than 9 years and 6 months on the date of travel. For 5-year child passports, parents or guardians should check that they are valid for at least 6 months on the date of travel to the Schengen Area.

The U.K. government recommends that British passport holders who could be affected by the above validity criteria as of 30 March 2019, renew their passports sooner rather than later, given that the passport issuing service can be busy in spring.

Holders of British passports issued by a Crown Dependency or Gibraltar will also be subject to the aforementioned provisions as of 30 March 2019.

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## Travel to EU Member States Not in Schengen Area

The U.K. government recommends prospective travellers to Romania, Bulgaria, Croatia, and Cyprus to check entry requirements to these countries before travelling to them as of 30 March 2019.

### Travel to Ireland

In a technical notice, the U.K. government has stated that the Common Travel Area between the U.K. and Ireland will be maintained after Brexit, irrespective of the outcome of its negotiations with the European Union.

### Passports with Validity over 10 Years

There will be concerns in cases where individuals have time left on their old passport that was transferred over to the new passport. In the event of a “no deal” Brexit, holders of such passports will not be able to determine their validity under the Schengen Borders Code by reference to their expiry dates.

From September 2018, it is no longer possible for time left on an old passport to be transferred to a new passport to make it easier to calculate compliance with the Schengen Borders Code.

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## KPMG LLP (U.K.) NOTE

As stressed by the U.K. government, the technical notices are intended for guidance only at this point in time. Whether the above implications for British passport holders will materialise will depend on the outcome of the Brexit negotiations between the U.K. government and the European Union. British passport holders, however, should be aware of the possible implications of a “no deal” Brexit for future travel plans to EU member states.

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## FOOTNOTES:

- 1 See the section “[Travelling between the UK and the EU](#)”
  1. Mobile roaming if there’s no Brexit deal
    - o 13 September 2018 – Guidance
  2. Taking your pet abroad if there's no Brexit deal
    - o 24 September 2018 – Guidance
  3. Travelling in the Common Travel Area if there’s no Brexit deal
    - o 24 September 2018 – Guidance
  4. Travelling to the EU with a UK passport if there’s no Brexit deal
- 2 See (above) number 4, “[Travelling to the EU with a UK passport if there’s no Brexit deal.](#)”
- 3 See, from the European Commission: “[Europe without Borders; the Schengen Area.](#)”
- 4 See on EUR-Lex: “[Schengen Borders Code.](#)”

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## Contact us

For additional information or assistance, please contact your local GMS or People Services professional\* or one of the following professionals with the KPMG International member firm in the United Kingdom.

The KPMG Legal Services – Immigration Team has a wealth of experience in transactional, advisory, and compliance assurance services. We will be able to advise your business in relation to practical considerations in light of the above changes, as well as what this means for your long-term recruitment and compliance strategies.



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**The information contained in this newsletter was submitted by the KPMG International member firm in the United Kingdom.**

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