

Frontier Workers (updated 4.11.2022)

Who is a Frontier Worker?

- The Home Office has created the concept of 'frontier workers' following the UK leaving the EU.
- Frontier workers are nationals of the EU and Switzerland, Norway, Iceland and Liechtenstein who live outside the UK but work anywhere in the UK. They can be employed, self-employed or have retained rights of residence (see below for a definition of retained rights). They must have begun working in the UK by 31 December 2020 and must usually have been in and worked in the UK at least once every 12 months since then. The work must be genuine and effective.
- Other nationals who travel to the UK for work regularly or who are on short term work placements/secondments are not covered by the Frontier Worker route.
- The rights of frontier workers are set out in detail in the Citizens' Rights (Frontier Workers) EU Exit) Regulations 2020 ("the Regulations")
- Frontier workers must live "primarily" outside the UK
A person is considered as living primarily outside the UK if they have been present in the UK for less than 180 days over any 12 month period. People who have been in the UK for more than 180 days within a 12 month period will still be eligible if they have returned to the country of residence at least once in the last six months or twice in the last 12 months or there are exceptional circumstances such as an illness or accident why travel back to the person's country of residence in that period was not possible.

The Home Office will normally consider time from 1 January 2020 only up to the date of application on a rolling basis and not any previous time.

Applying for a frontier worker permit

There is no deadline to apply for a frontier worker permit

- In order to apply for a frontier permit the applicant must show a valid passport or national ID card and evidence of genuine and effective employment or self-employment in the UK.
- The applications are free of charge and can be submitted from inside or outside the UK. The application process is online. You will be required to prove your identity either using the UK Immigration: ID Check app on a smartphone, provided your passport or National ID card has a biometric chip or by enrolling biometrics (having your fingerprints and photograph taken) as a visa application centre (if applying from abroad) or a UK Visa and Citizenship Application Services (UKVCAS) service point (if applying from inside the UK).
- The online application form is available here: <https://www.gov.uk/frontier-worker-permit/apply>.

Family members

- Family members cannot apply as dependants of frontier worker permit holders but may be able to apply for pre-settled status (if they are themselves EU Nationals) or an EU Settlement Scheme family permit (for non-EU Nationals) to join a frontier worker in the UK where the relationship began before 11pm on 31 December 2020 and the relationship continues to exist at the date of application. There are more generous arrangements for children born or adopted after that and for the spouses/civil partners of Swiss nationals.
- Under the current fees regulations, dependent children of frontier worker permit holders may benefit from home fees eligibility if they wish to study at degree level at a UK university.

Retained rights of residence

Frontier workers can be employed, self-employed or have retained rights of residence in the UK. Retained rights are set out in Regulation 4 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020.

Regulation 4 states that a person who is no longer a frontier worker in the UK will retain their rights as a frontier worker if that person, immediately following ceasing work in the UK is:

- is temporarily unable to work as the result of an illness or accident
- temporarily unable to work due to pregnancy or childbirth
- unable to come to the UK and work because of coronavirus
- voluntarily unemployed and doing vocational training related to the person's last occupation
- involuntarily unemployed and either looking for work in the UK or doing vocational training

– this status lasts for 6 months if the person worked in the UK for less than a year before becoming unemployed but otherwise for as long as they continue to look for work but will require evidence of job seeking and registration as a jobseeker
Regulation 4 also sets out the requirements for retained rights of residence for self-employed frontier workers which are slightly different than the rights of employed individuals.

Validity of frontier worker permits

- Frontier worker permits will be valid for 5 years if the applicant meets the eligibility criteria as a current worker. Current workers are:
 - Nationals of the EU, Switzerland, Norway, Iceland and Liechtenstein
 - Not primarily resident in the UK
 - Either:
 - A worker in the UK
 - Self-employed in the UK
- Frontier worker permits will be valid for 2 years if they are a person with retained worker status as detailed above,
- A person who was working in the UK prior to the pandemic who then returned to their home country to work remotely because of the lockdowns will not normally be considered a frontier worker.

Suitability requirements for frontier workers

- A frontier worker permit application may be refused in accordance with the grounds set out in the Regulations:
 - on grounds of public policy, public security or public health
 - on the ground the decision is conducive to the public good
 - on grounds of misuse of rights

Appeal and administrative review

- An applicant can appeal to the First Tier Tribunal (Immigration and Asylum Chamber) a refusal to issue a frontier worker permit on the grounds that it breaches the Withdrawal Agreement or the Regulations
- An applicant can apply for administrative review if their application was refused on eligibility grounds on the basis that they believe an error has been made

Covid 19

- There are some concessions made for applicants who may not meet all eligibility requirements because they have been unable to travel in/out of the UK because of Covid. It is recommended that legal advice is sought if you think a concession may apply to you.