



## Information for employers

### Employment of UK nationals and their family members as of 1 January 2021

**The United Kingdom withdrew from the European Union on 1 February 2020.** In this context, the European Union and the United Kingdom concluded a Withdrawal Agreement, which has direct legal effect in Germany. On 1 January 2021, following the end of a transition period, regulations took effect to protect the rights of certain UK nationals and their family members with regard to their residence and economic activities, among other things.

**If your employees are covered by the Withdrawal Agreement, they are entitled to work for you, even if they do not have the relevant document.** If you know that your employee is entitled, **you are not required to take any further steps.**

This **applies in particular** when

- UK nationals or
- family members of UK nationals with a residence card or permanent residence card

**were already working legally for you before 31 December 2020.** In this case, you can simply continue to employ them after that date, without asking them to present you with further documents. You do not need to copy or scan any documents or file them with your wage documents.

**As a general rule, the same applies to employees covered by the Withdrawal Agreement and who began or will begin employment after 1 January 2021.** They, too, are not required to present any further documents. You do not need to copy or scan any documents or file them with your wage documents.

Until the end of 2021, **you can trust a statement by UK nationals and their family members to have a right of residence under the Withdrawal Agreement.** You can at least always assume that this is the case if the entitled employee was living in Germany on 31 December 2020.

You should require your employees to provide evidence of this legal status by the end of 2021. Please note that persons with an entitlement may take their time until 30 June 2021 to register their residence with the foreigners authority, and that it may take some time before they can get an appointment and for the residence document to be issued. In some cases, it may take the authorities until the end of 2021 to finalise the processing. When your employee presents the

document, you do not need to scan or copy it or file it with the wage documents. Similarly, you do not need to notify the foreigners authority of any later termination of employment.

**UK nationals entering Germany after 1 January 2021 who do not, by way of exception, fall under the Freedom of Movement Act/EU or the Withdrawal Agreement, as evidenced by documents, are to be treated in the same way as other third-country nationals.** They are required to hold the pertinent residence title, issued by the competent foreigners authority, in order to pursue gainful employment or render services as a self-employed person. There are exemptions for several short-term activities concerning business travellers and persons working in the sports or arts sector, among others. For further information please go to:

<https://uk.diplo.de/uk-en/professional-activities-not-classed-as-work/2447446>

UK nationals who have multiple citizenship, i.e. are also citizens of an EU or EEA state, are not required to have permission to pursue an economic activity.

For further information please contact the foreigners authority responsible for the employee's place of residence. Enter the employee's address in Germany using the search function below to find out which foreigners authority is responsible for him or her:

<https://bamf-navi.bamf.de/de/Themen/Behoerden/>

The Federal Ministry of the Interior, Building and Community and the federal authorities within its remit are not authorised to deal with matters relating to rights of residence in individual cases. Nor do they supervise or give instructions to the foreigners authorities.

Yours sincerely,

Federal Ministry of the Interior, Building and Community (BMI)  
Federal Ministry of Labour and Social Affairs (BMAS)

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