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Why Brexit could spell trouble for recruitment

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Would firms be able to hire those who qualified in another member state?
JEFF J MITCHELL/GETTY IMAGES

The outcome of next month's Brexit referendum is too close to call. That is why international law firms are now starting to feel decidedly uncomfortable about the possible implications for them if this country decides to vote Leave.

For those firms — and there are many in the City who either regularly recruit trainees from other EU countries or who provide placements for young EU lawyers — life could become much more complicated. Similarly for those who wish to transfer established lawyers around their European network.

“The ‘free movement of labour’ is essential to the human resource model of many law firms,” says Richard Hierons, founding partner of Belgravia firm Hierons LLP. “If it is wiped out by a Brexit then it will pose a real threat to their plans for growth.”

As the world's leading finance centre, London is a natural magnet for ambitious and businessminded young lawyers. “I came to qualify as a lawyer in London because the work and the atmosphere was much more commercially oriented than it was back in Germany,” said one German now well-established in the City.

Anthony Woolich, of Holman Fenwick Willan, underlines this: “London law firms can recruit the best in Europe but if there is no freedom of movement that is no

longer guaranteed. Right now, for example, we have a number of lawyers in our London office who were educated and qualified in another member state. Would we be able to recruit those people in the future?”

Students and trainees could be particularly vulnerable to a clamp-down on immigration. As **Kathryn Bradbury**, immigration partner at Payne Hicks Beach, explains, “A withdrawal from the EU could lead to the imposition of visa requirements for EU nationals to work, including to take up a training contract in the UK.”

Those coming to the UK for short-term training or work placements would have to qualify under the Tier 2 intra-company transfer or Tier 5 temporary worker arrangements, which only allow temporary permission to work in the UK for one or two years. Meanwhile, as far as training contracts are concerned, an EU national would in most cases need to prove that there was no suitably qualified UK resident worker. “Given that the number of applicants vastly outweigh the number of training contracts available in the UK, this could be difficult to establish.”

The impact, however, could be felt wider still. EU students, for example, who are currently attracted to UK university courses that offer combined qualifications (such as French and English law) might no longer see this as an attractive option if there is no guarantee of being able to stay in the UK subsequently with a training contract.

Meanwhile, precisely how non-UK EU citizens now working in London would be treated is unclear. They might be given the right to remain, says Richard Hierons — but to be on the safe side he is advising those who are qualified and want to stay to apply for UK citizenship. Is that a price worth paying? Or a prize worth seeking?