

RIGHTS OF EU CITIZENS IN SCOTLAND

EU Citizens and Your Right to Work

This factsheet provides a brief summary of your right to work as an **EU citizen** in Scotland. In this factsheet, 'EU citizens' includes citizens of the EU member states, as well as citizens of the EEA states (Norway, Iceland and Liechtenstein), and citizens of Switzerland.

This factsheet also covers the rights of **family members** who are not themselves EU citizens, and whose right to live in the UK is derived from their relationship with an EU citizen.¹

Following the UK's exit from the European Union (**Brexit**), the rights of EU citizens in Scotland have changed in some important ways:

EU Citizens who were living in the UK on 31 December 2020

- ▶ EU citizens and their family members who were living in the UK on 31 December 2020 may have applied to the EU Settlement Scheme (EUSS) and been granted either **Settled Status** (indefinite leave to remain) or **Pre-Settled Status** (limited leave to remain for five years). Irish citizens and people with indefinite leave to remain did not have to apply.
- ▶ If you do not currently have leave to remain, you may be able to make a late application to the EUSS. You should urgently seek legal advice if you wish to stay in Scotland.
- ▶ If you have made an application to the EUSS and are waiting for a decision (a '**pending application**'), you will be given a **Certificate of Application** as proof of having made this application. You have the right to remain in the UK until your application has been decided. If it is refused, you have the right to remain in

the UK until it is no longer possible to appeal the decision. You will hold a **Certificate of Application** as proof of having made this application.

EU Citizens who arrived on or after 1 January 2021

EU citizens and their family members who arrived in the UK for the first time on or after 1 January 2021 cannot apply for Settled or Pre-Settled Status.

You may have arrived as a **Short Term Visitor**. If you wish to remain in the UK for more than six months, you must apply for a **Long Term Visa** (for example, to study, or work, or join a family member).

Non-EU family members of EU citizens can enter the UK if they hold an EUSS family permit or a UK-issued biometric residence card. Once they have entered the UK, they should apply to the EUSS within three months.

1. 'Family members' can include: your spouse or civil partner, your children, grandchildren and great-grandchildren under age 21, your dependent children over age 21, your dependent parents, grandparents and great-grandparents, and some unmarried partners and other dependent relatives (where the Home Office has issued an 'extended family member' registration certificate).

EU Citizens and Your Right to Work continued

Do I have the right to work in Scotland?

EU citizens who have Settled Status or Pre-Settled Status (or a Certificate of Application)

- ▶ If you have Settled Status, you have the right to work in Scotland indefinitely.
- ▶ If you have Pre-Settled Status, you have the right to work in Scotland until your status expires.
- ▶ If you have a Certificate of Application, you have the right to work until you are granted Settled Status or Pre-Settled Status (or until you are no longer able to appeal a refusal of your application).

Your right to work is not linked to a particular employer or a particular job or role.

You also have the right **to equal treatment with British workers in access to employment, working conditions and all other social and tax advantages related to work** (for example, access to work-related benefits and pensions).

EU Citizens who were living in the UK on 31 December 2020 and have not yet applied to the EUSS

You no longer have leave to remain in the UK and are not allowed to work in Scotland. However, you may have the right to make a late application to the EUSS. If you now wish to stay in the UK, you should seek urgent legal advice.

EU Citizens who arrived on or after 1 January 2021 for the first time

SHORT TERM VISITORS

EU citizens arriving as Short Term Visitors, may be treated as Business Visitors. You are permitted to attend business meetings, events and conferences but you cannot:

- ▶ do paid or unpaid work for a UK company

- ▶ work as a self-employed person
- ▶ do a work placement or internship
- ▶ sell goods and services directly to the public

LONG TERM VISA HOLDERS

EU citizens and their family members wishing to work in the UK must apply for a Long Term Visa. In most cases, if granted, you will have the right to live in the UK and work, normally for a specific employer, in a particular job or role. If you wish to switch employers, or jobs or roles, you may need to seek a change to the terms of your Visa or reapply for a Long Term Visa.

How do I prove my right to work?

You can prove your right to work by showing proof that you hold Settled Status or Pre-Settled Status or another form of leave to remain (such as a Long Term Visa).

If you applied to the EU Settlement Scheme or a different immigration route, you will have created a UK Visas and Immigration (UKVI) account. You do this as part of the application process. This account includes your digital profile which confirms your immigration status. You use this account to sign in to the online 'View and Prove' service on GOV.UK.

You can use the service to get a 'share code' to prove your status to employers. [Check how to view and prove your immigration status](#) on GOV.UK.

If you are still waiting for a decision on your EUSS application, your right to live, work and study will continue until the UK Government makes a decision. Until then, you can show evidence of your rights using your [Certificate of Application](#). The UK Government sends this after they get a valid application from you. If this was a digital certificate you can [view and prove your immigration status](#) on GOV.UK, or if this was a non-digital certificate you can use this to evidence your rights. In the case of a non-digital certificate the employer will need to conduct further checks as referenced in [this guidance](#).

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EU Citizens and Your Right to Work continued

Where can I get more help or advice on my right to work in Scotland?

If you think you have been discriminated against in your right to work (applying for a job) or in how you are treated at work (equal treatment, working conditions, and social and tax advantages at work), you can seek help and advice from:

My World of Work:

<https://www.myworldofwork.co.uk/employed>

Citizens Advice Scotland:

<https://www.citizensadvice.org.uk/scotland/work/>

Citizens' Rights Project:

<https://citizensrightsproject.org/2022/05/30/learn-about-your-rights-as-a-migrant-in-the-uk-with-our-new-multilingual-factsheets/>

ACAS (for employment rights):

<https://www.acas.org.uk/>

STUC (if you are a trade union member):

<http://www.stuc.org.uk/>

More resources

Scottish Government:

[MyGov pages for EU Citizens living in Scotland](#)

<https://www.mygov.scot/eu-citizens-living-in-scotland>

UK Government's EU Settlement Scheme Toolkit for Employers:

<https://www.gov.uk/government/collections/eu-settlement-scheme-employer-toolkit>

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