

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 and their family members who were living in the UK on 31 December 2020 and who wished to stay in Scotland, must have applied to the EU Settlement Scheme (EUSS) for either **Settled Status** (indefinite leave to remain) or **Pre-Settled Status** (limited leave to remain for 5 years) before 30 June 2021. Irish citizens and people with indefinite leave to remain did not have to apply. EU citizens and their family members who did not apply to the EUSS before the 30 June 2021 deadline, do not have the right to remain in the UK after 1 July 2021, and should seek urgent legal advice if they now wish to stay in Scotland.

EU citizens who arrived in the UK for the first time on or after 1 January 2021 cannot apply for Settled Status or Pre-Settled Status. They arrive as **Short Term Visitors**. If they wish to remain for more than a short visit of up to 6 months, they 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 only enter the UK after 1 January 2021 if they already have an EUSS family permit, a UK-issued EEA family permit or a UK-issued biometric residence card.

Do I have the right to work in Scotland?

EU Citizens who have Settled Status or Pre-Settled Status (or who have applied to the EUSS before 30 June 2021)

All EU citizens and their family members with Settled Status or Pre-Settled Status have the right to work in Scotland.

If you have applied to the EUSS before the 30 June 2021 deadline and are awaiting a decision, you also retain 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 have Settled Status have the right to work in Scotland indefinitely. EU Citizens who have Pre-Settled Status have the right to work in Scotland until the expiration of your grant of Pre-Settled Status.

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

EU Citizens who were living in the UK on 31 December 2020 and did not apply to the EUSS before 30 June 2021

From 1 July 2021, you no longer have leave to remain in the UK and are therefore also not allowed to work in Scotland. If you now wish to apply to remain 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 have made a valid application under the EUSS before 30 June 2021 but your application has not yet been decided, you can also provide evidence of your application as proof of your right to remain and continue working in Scotland.

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/>

ACAS (for employment rights):

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

STUC (if you are a trade union member):

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

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More resources

Scottish Government: Toolkit to Support EU Citizens Staying in Scotland:

<https://www.gov.scot/publications/eu-citizens-staying-in-scotland-package-of-support/>

UK Government's EU Settlement Scheme Toolkit for Employers:

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

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