

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 your **family members**. A 'family member' is someone who is a member of your family and not an EU citizen, and whose right to live in the UK is derived in EU law from their relationship with you and your EU citizenship.¹

This factsheet covers your rights now (during the **Brexit transition period**) and also after the transition period ends. The transition period is due to end on 31 December 2020, but this date may change if the transition period is extended.

EU citizens have the right to live in Scotland under EU law during the Brexit transition period. After the end of the transition period, EU law will no longer apply. EU citizens and their family members who wish to stay in Scotland after the end of the transition period must apply under the EU Settlement Scheme for either **Settled Status** (indefinite leave to remain) or **Pre-Settled Status** (limited leave to remain for 5 years), before 30 June 2021.

Do I have the right to work in Scotland?

All EU citizens in Scotland and their family members have the right to work.

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).

This includes the right to:

- ▶ Apply for work (jobseeking)
- ▶ Work without a work permit
- ▶ Be self-employed without a work permit
- ▶ Stay in the UK even after work has finished, as a former worker² or a retired person³

All EU Citizens

You have the right to work in Scotland under EU law until the end of the Brexit transition period.

EU Citizens who have Settled Status

You have the right to work in Scotland indefinitely.

EU Citizens who have Pre-Settled Status

You 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).

2. An EU citizen who has ceased work may be considered to have retained worker status if he/she is temporarily unable to work as a result of accident or illness, is involuntarily unemployed, is starting vocational training, is heavily pregnant, or has recently given birth. An EU citizen who has become permanently incapacitated may be able to immediately apply for 'permanent residence.'

3. An EEA/EU citizen who has reached the state retirement age and then has retired after either living continuously in the UK for 3 years, or working in the UK for 1 year, can immediately apply for 'permanent residence.'

EU Citizens and Your Right to Work continued

How do I prove my right to work?

You can prove your right to work, until 30 June 2021, by showing a valid EU passport or national identity card, or by showing proof that you hold Settled Status or Pre-Settled Status.

Does my right to work change after the Brexit transition period?

After the end of the Brexit transition period, you can stay in Scotland and continue to work until 30 June 2021.

From 1 July 2021, you must show you hold either Settled Status or Pre-Settled Status to prove your right to remain and to 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/>

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>

Last updated 1 June 2020