



Supporting EU citizens to Stay In Scotland – a guide for EU citizens



What is in the Stay in Scotland toolkit

The Scottish Government has produced a toolkit guide with a range of materials for employers and EU citizens. It includes information on the UK Government's EU Settlement Scheme, details of the application process and requirements, links to other resources and some practical suggestions about how you can support your EU employees in the workplace.

Posters & Leaflet



Guide for EU staff (this document)



Factsheet



Guide for Employers



Digital Content



Introduction

The UK is preparing to leave the EU and we know that EU citizens* have questions about what happens next and what they need to do.

Unfortunately, it's still possible we might leave without a deal and this will affect EU citizens who have chosen to live here.

Your rights are protected, and we want you to stay in Scotland, but you may need to apply to the UK Government's EU Settlement Scheme. So, to help, we've produced a package of support to guide you through the steps you need to take to stay in Scotland. Along with others, we also lobbied the UK Government to scrap the settled status fee, and applications to the EU Settlement Scheme are now free.

The information in this guide is in line with the draft Withdrawal Agreement, and relates to the EU Settlement Scheme which opened in full on 30 March 2019. The EU Settlement Scheme will still go ahead, even if no deal is reached between the UK and the EU.

While we know there is a lot of uncertainty, if you're an EU citizen living in Scotland, be sure of this: whatever happens, we promise to do all we can to help you stay. You are welcome and valued here. You are our friends, our colleagues, our neighbours and in many cases our family. You are one of us.

Together #WeAreScotland and our commitment is that we will support our EU citizens through this challenging time.

*EU citizens is used throughout this document and refers to EEA and Swiss nationals, who are eligible to apply to the EU Settlement Scheme



What you need to know – key dates**

The EU Exit process



EU Settlement Scheme



**Some of these dates may change if no deal is reached between the UK and the EU.

What you need to know – Summary of your rights after the UK leaves the EU

- The UK Government have said that EU citizens can continue to use their passport or national identity card as proof of their rights until 30 June 2021.
- Employers have a duty not to discriminate against EU citizens in light of the UK's Exit from the EU, as both a prospective and current employer.
- Although the EU Settlement Scheme will be open until 30 June 2021 if the UK leaves the EU with a deal, it will only be open until December 2020 if there is no deal. You must apply before the scheme closes.

What you need to know – The UK Government's EU Settlement Scheme

What is the EU Settlement Scheme?

EU citizens and their families will have to apply to the UK Government's EU Settlement Scheme by 30 June 2021 in order to continue living, working and studying in the UK after that date. The Scottish Government does not believe it is fair that EU citizens are being required to apply to the EU Settlement Scheme to retain the rights they already have, but because of the UK leaving the EU this is unfortunately the case.

EU citizens who have been in the UK for five continuous years can apply for 'settled status'. EU citizens who have been in the UK less than five years can apply for 'pre-settled status'. After five years continuous residency you can then apply for 'settled status'.

Who is eligible to apply?

- EU citizens and their non-EU family members, including those with permanent residence documents.
- Citizens of Norway, Iceland, Lichtenstein and Switzerland.
- Irish citizens do not need to apply, but can if they wish. There are separate arrangements for Irish citizens under the Common Travel Area. Non-Irish *non UK* family members will need to apply.
- EU citizens with indefinite leave to remain or enter the UK will not need to apply.

Family members of EU citizens

- Non-EU family members will be able to apply to the Settlement Scheme as long as they can show that they have been resident in the UK by 31 December 2020.
- Close family members who are not living in the UK by 31 December 2020 will be able to join EU citizens in the UK in the future. They will need to show that they have a relationship with the EU citizen and that it still exists when they apply to come to the UK.



What you need to know – How the EU Settlement Scheme works

How does the EU Settlement Scheme application process work?

The application process is online, accessible via a computer, tablet or mobile phone.

Applicants will need to provide factual information such as name, address and details of identity documents like a passport or national identity card, and a National Insurance number.

There are three parts to the application:

Identity – applicants will have to verify their identity. They can do this by scanning their biometric passport, national identity card or residence card using the ‘EU Exit: ID document check’ app. The app is only available on Android devices, but the UK Government have announced that it should be available on iPhones by the end of 2019. If people are unable to use Android devices they can: visit their nearest Citizens’ Advice Bureau, use a family member or friend’s Android device, visit an ID document scanning service location (find your nearest centre at www.gov.uk) or send their documents to the Home Office by post.

Proof of residence – EU citizens will need to show they have been resident in the UK. National Insurance numbers can be used for an automated check of government data. People without a National Insurance number will need to show other proof of residence.

Criminality – People will have to declare any criminal history in the UK or overseas as part of their application. The UK Government has said that only serious or persistent criminality will affect applications.



Checklist – supporting documentation to prove UK residency

Why might you need additional documentation?

If the UK Government's automated checking system cannot verify your residency you may need to supply additional information. This may be because you don't have a National Insurance number or because of gaps in the Government's data and records. The below is not an exhaustive list, but should help you identify the types of documents it will be useful to have. If you have made any recent name changes ensure that the name on bills, payslips etc. matches the name on your passport or ID.

- ✓ **Passports and National ID cards** – If you do not have a valid passport or National ID card, or it's close to expiry, you should make arrangements with your embassy or consulate to get a new one.
- ✓ **Bills** – keep all council tax and utility bills (gas, electricity, water, TV licence, mainline mobile). If your name is not on the bills you may wish to get it added. You may also be able to use other bills with your name such as insurance, home repairs or veterinary.
- ✓ **Housing** – rental or mortgage agreements can be used. Try to find old ones back as far as five years if possible.
- ✓ **Employment or earnings** – letters from employers including contracts or periods of employment as well as payslips. Any correspondence with HMRC including P45s and P60s. Correspondence with DWP in relation to benefits or other payments.
- ✓ **Education/health/other** – letters from education providers such as universities schools or colleges. Letter from the NHS or care homes.



What you need to know – what rights you will have with settled or pre-settled status

Settled Status

Once you receive settled status (also known as indefinite leave to remain or enter) you will be able to stay in the UK for as long as you like and should be able to spend up to five years in a row outside the UK without losing your settled status.

The UK Government have said that people with settled status will also be able to use the NHS, access education and access public funds such as benefits and pensions, if they are eligible for them. You will also be able to travel in and out of the UK, and apply for British Citizenship, if you are eligible.

Pre-settled Status

If you receive pre-settled status (also known as limited leave to remain or enter) you will be able to stay in the UK for a period of five years. This will allow you to remain in the UK until you can show that you have lived continuously in the UK for five years. If you have pre-settled status, you will be able to spend up to two years in a row outside the UK without losing pre-settled status, but you will need to show continuous residence in the UK if you later want to qualify for settled status.

The UK Government have said that people with pre-settled status will also be able to use the NHS, access education and access public funds such as benefits and pensions, if they are eligible for them. You will also be able to travel in and out of the UK.

How can you access your status once granted?

If you are granted settled status or pre-settled status, you will not receive a physical document or card. Your status will be stored electronically by the Home Office. Once you receive your status, details will be provided on how to access it on GOV.UK. Once granted settled or pre-settled status, you will be able to prove it and your rights to others online, including with employers and landlords.



What is the Scottish Government doing to help?

Scotland values the contribution made by EU citizens and is committed to supporting them through this challenging time. That is why we have introduced the '*Stay in Scotland*' package to support EU citizens during the EU exit process. The Package will support EU citizens and their employers to make the process of applying for settled status easier.

Stay in Scotland Package

The Scottish Government is working to produce a package of support to help EU citizens stay in Scotland. The package of support includes:

- £250,000 of dedicated resource for community based support across Scotland.
- Citizens Advice Scotland are delivering a support and advice service for all citizens affected by the UK Government's EU Settlement Scheme, resident in Scotland with more complex needs or particular challenges. Part of the service is a national freephone helpline available on **0800 916 9847**. Lines are open:
 - ❖ Monday to Friday 9 am to 5 pm

More information is available at: www.cas.org.uk/brexit

- A toolkit for employers to support their EU staff to Stay in Scotland including posters, factsheets, digital content and guides.



Where to find out more

Below are a range of websites you can visit to find out more information on what you need to do to Stay in Scotland.

mygov.scot



GOV.UK

We would urge all EU citizens looking for more information to visit our EU Exit website www.mygov.scot/brexit

You may wish to visit the [GOV.UK website](http://www.gov.uk) for more information on the UK Government's EU Settlement Scheme.

PrepareforBrexit.scot

www.prepareforbrexit.scot also has information for Scottish businesses to help make sure their EU employees are prepared.



The Scottish Government has provided funding to Citizens Advice Scotland so they can support EU citizens with complex needs www.cas.org.uk/brexit

- [GOV.UK - 'Continue to live in the UK after it leaves the EU'](#) - a tool that asks for your personal situation and can help you know what to apply for, and when.
- [GOV.UK – EU citizens' rights and Settlement Scheme campaign page](#)
- [UK Government policy paper on EU citizens' rights if there is no deal](#)
- [European Commission – EU citizens' rights and Brexit](#)
- [Law Society of Scotland](#) – if you need to find a private solicitor who specialises in immigration.
- [Office of the Immigration Services Commissioner](#) – find an immigration adviser near you.



Scottish Government
Riaghaltas na h-Alba
gov.scot

Additional support available

Assisted Digital

The UK Government is providing an Assisted Digital Service for people who do not have the appropriate access, digital skills or confidence to complete the online application form. This Assisted Digital Service includes:

- telephone support from a skilled adviser who will help people complete their application form online
- face to face support at a local centre to access and complete the online form
- face to face support at home to complete the form – a We Are Digital tutor may visit you in your home and help you complete your online application form

You can find out more at <https://www.gov.uk/government/publications/eu-settlement-scheme-assisted-digital-service/eu-settlement-scheme-assisted-digital-service>

Or you can **phone**: 03333 445 675 or **text** the word “VISA” to 07537 416 944

EU Settlement Resolution Centre



EU citizens applying to the Scheme will be able to contact the EU Settlement Resolution Centre.

The number to call is: 0300 123 7379 or from outside the UK +44(0)203 080 0010.

Glossary of commonly used terms

EU Settlement Scheme – This is the UK Government’s scheme to which EU citizens need to apply by 30 June 2021 if they wish to continue living, working and studying in the UK after that date.

Settled Status - This is also known as indefinite leave to remain or enter and means people with this status will be able to stay in the UK for as long as they like and spend up to five years in a row outside the UK. EU citizens who have been in the UK for five continuous years will be able to apply for ‘settled status’.

Pre-settled Status – This is also known as limited leave to remain or enter. EU citizens who have been in the UK less than five years can apply for ‘pre-settled status’. After five years continuous residence they can they apply for ‘settled status’.

Biometric Passport – This is a passport with an embedded electronic microprocessor chip which contains biometric information that can be used to authenticate the identity of the passport holder. It is indicated by this symbol on your passport. 

Close Family Member – This includes spouses, civil partners, unmarried partners, dependent children and grandchildren and dependent parents and grandparents

Implementation Period – If the UK leaves the EU with a deal, according to the draft Withdrawal Agreement the period from EU exit until 31 December 2020 will see the rights of EU citizens unchanged while new arrangements are put in place.

5 Years Continuous Residence – This means over five consecutive years you have not spent more than six months outside the UK in any 12 month period. There are some exceptions including pregnancy, serious illness, study, overseas postings and vocational training. In these circumstances there is still a maximum 12 months absence permitted.