



# 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 and links to other resources.

### Posters & Leaflet



### Guide for EU citizens (this document)



### Factsheet



### Guide for Employers



## Introduction

Following decisions by the UK Government, the UK has now left the EU and we know that EU citizens\* have questions about what happens next and what they need to do.

We want you to stay in Scotland, but you will need to apply to the UK Government's EU Settlement Scheme in order to continue living, working and studying in the UK. So, to help, we've produced a package of support to guide you through the steps you need to take to stay in Scotland.

The information in this guide is in line with the Withdrawal Agreement, and relates to the EU Settlement Scheme which opened in full on 30 March 2019. You must be resident in the UK by 31 December 2020 in order to apply. The EU Settlement Scheme will remain open until 30 June 2021.

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



# EU Settlement Scheme

UK  
Government's  
EU Settlement  
Scheme fully  
open

30 Mar 2019

Date by which  
EU citizens  
must be  
resident in the  
UK to apply to  
the EU  
Settlement  
Scheme

31 Dec 2020

Deadline for  
applying to EU  
Settlement  
Scheme

30 Jun 2021



## 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.
- The EU Settlement Scheme will be open until 30 June 2021. 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.

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 any of their family members who are not UK citizens must apply.
- Those with permanent residence documents must apply.
- Citizens of Norway, Iceland, Lichtenstein and Switzerland must apply.
- 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 (ILR) do not need to apply, but can apply if they wish to do so.

### 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 their 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. You can do this by scanning their biometric passport, national identity card or residence card using the ‘EU Exit: ID document check’ app. To check if you can use the app on your device please visit the Home Office website at [www.gov.uk/guidance/using-the-eu-exit-id-document-check-app](https://www.gov.uk/guidance/using-the-eu-exit-id-document-check-app). If you are unable to use the app you can visit your nearest Citizens’ Advice Bureau, use a family member or friend’s device, or send your documents to the Home Office by post. ID document scanning centres are currently closed due to COVID-19.

**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 residence

### Why might you need additional documentation?

If the UK Government's automated checking system cannot verify your residence 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.

You can find more information on how to provide evidence of your residence on the UK Government website at:

<https://www.gov.uk/guidance/eu-settlement-scheme-evidence-of-uk-residence>

## 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*.

You will 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 in order to qualify for *settled status*. If you have *pre-settled status*, you will be able to spend up to two years in a row outside the UK without losing your status.

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 status* 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?

### Stay in Scotland

The Scottish Government has produced a package of support to help EU citizens stay in Scotland. The package of support includes:

- Digital and printed toolkits providing information and signposting to available support including:
  - A guide for EU citizens
  - A guide for employers of EU citizens
  - A factsheet
  - Posters and leaflets
- Multiple media campaigns across radio, digital and social platforms
- Over £1 million of funding committed to supporting EU citizens in Scotland, including through Citizens Advice Scotland's Advice and Support Service.



### Citizens Advice Scotland – Advice and Support Service

If you are facing difficulties with your application and want additional support, advice or information, you can contact the service by phoning the free national helpline on: **0800 916 9847** or by visiting your local Citizens Advice Bureau. Find your local Citizens Advice Bureau at <https://www.cas.org.uk/bureaux>.



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## 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](http://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](http://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](http://www.cas.org.uk/brexit)

- [GOV.UK](http://www.gov.uk) - '[Continue to live in the UK after it leaves the EU](http://www.gov.uk)' - a tool that asks for your personal situation and can help you know what to apply for, and when.
- [GOV.UK](http://www.gov.uk) – [EU citizens' rights and Settlement Scheme campaign page](http://www.gov.uk)
- [Law Society of Scotland](http://www.lawsocietyofscotland.com) – if you need to find a private solicitor who specialises in immigration.
- [Office of the Immigration Services Commissioner](http://www.oisc.gov.uk) – find an immigration adviser near you.



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## 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 can contact the UK Government’s 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** – The UK has left the EU with a deal, the Withdrawal Agreement states that 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.