



Supporting EU Citizens to Stay in Scotland – a guide for employers



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What is in the Stay in Scotland toolkit

The Scottish Government has produced this toolkit guide with a range of material 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 citizens



Factsheet



Guide for Employers (this document)



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.

The Scottish Government is doing all it can to support EU citizens to stay in Scotland and we know employers want to help too. So, to help, we've produced a package of support to guide EU citizens through the steps they need to take to stay in Scotland.

You may wish to familiarise yourself with the requirements of the EU Settlement Scheme as soon as possible to support your employees and their families through this process. You can use these resources to increase awareness with your EU citizen employees and employees that are family members of EU citizens.

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.

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

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 – Key information for employers

- Current 'right to work' checks (e.g. passport and/or national identity card) apply until the end of 2020.
- 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.
- You must be careful that you do not provide immigration advice to your employees, unless you are qualified to do so. For more information please look at the guidance provided by the [Office of the Immigration Services Commissioner](#).
- 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.



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 will be able to 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 they 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.

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. If people are unable to access a device or use the app they can visit their nearest Citizens’ Advice Bureau, use a family member or friend’s device, or send their 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.

What is the Scottish Government doing to help?

Stay in Scotland Package

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 the Citizens Advice Scotland 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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How to use the Stay in Scotland toolkit

There is a range of materials in the toolkit to use via different channels.

HR and senior management



- Guide for Employers

Line management discussions



- Guide for EU citizens
- Factsheet

All staff meetings and internal comms



- Posters
- Social media and digital content

How can employers support EU staff to stay in Scotland?

As well as signposting your EU staff to information and resources, including the Scottish Government's toolkit, there are also some really simple things you can do to help your EU members of staff as an employer. You may wish to consider:



That as an employer you will be a valuable source of evidence for your EU staff members who will have to show that they have been resident in the UK. You may be asked for evidence such as supporting letters, pay slips and contracts.



Allowing EU staff members to take time out of their working day to make an application to the EU Settlement Scheme.



Making Android or eligible Apple devices available for staff in a quiet space at work to use the EU Exit: ID Document Check app to complete the identity part of the application.



You may also want to arrange access to immigration or legal advice for EU staff who may have complex needs.

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.



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Where to find out more

Below are a range of websites you can visit to find out more information on how to support your staff to Stay in Scotland.

mygov.scot

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



You may wish to signpost your EU staff to the [GOV.UK website](http://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](#)
- [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.




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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.

