



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

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 is still possible we might do this without a deal and this will affect EU citizens who have chosen to live in Scotland.

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. Along with others we also lobbied the UK Government to scrap the settled status fee.

Although there is no need to do anything immediately you may wish to 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 draft Withdrawal Agreement, and relates to the EU Settlement Scheme which opened in full on 30 March 2019.

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



What you need to know – key dates

The Brexit process

EU referendum	Article 50 triggered	Draft withdrawal deal agreed with EU	EU leaders agree Article 50 extension	Original deadline for UK to leave EU	New deadline for UK to leave EU
23 Jun 2016	29 Mar 2017	13 Nov 2018	21/22 March 2019	29 Mar 2019	12 April or 22 May*

EU Settlement Scheme

UK Government's EU Settlement Scheme fully open	Date by which EU citizens must be resident in the UK to apply to EU Settlement Scheme	Deadline for applying to EU Settlement Scheme
30 Mar 2019	31 Dec 2020	30 Jun 2021

*This depends on developments in the UK Parliament and is subject to change.

What you need to know – Key information for employers

- There will be no change to the rights and status of EU citizens living in the UK until 30 June 2021
- Current 'right to work' checks (e.g. passport and/or national identity card) apply until the end of 2020
- 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. 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 Brexit this is unfortunately the case.

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 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

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 only, 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, national identity card or National Insurance number.

There are three parts to the application:

- 1. 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. If people are unable to use Android devices they can send their documents to the Home Office.
- 2. 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.
- 3. 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?

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 first round of support includes:

- £250,000 of dedicated resource for community based support across Scotland.
- A support and advice service for EU citizens with more complex needs or particular challenges. This is currently being rolled out with more information 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



The Scottish Government, along with others, has already successfully lobbied the UK Government to scrap the £65 “settled status” fee. We will continue to look at other ways we can support EU citizens around EU exit and will keep our efforts under review.

What is in the Stay in Scotland toolkit

The Scottish Government has produced a 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
staff



Factsheet



Guide for
Employers
(this document)



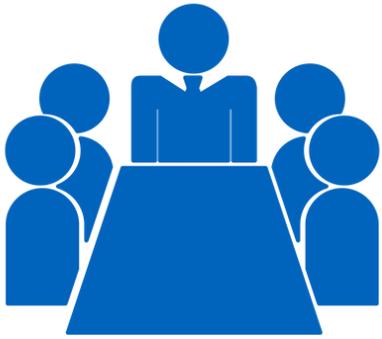
Digital Content



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 employees
- 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 devices available for staff in a quiet space at work – the application process does not work on iPhones.



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 will provide 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 will include:

- 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 will 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 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.

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/eu-exit



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



Scottish Government
Riaghaltas na h-Alba
gov.scot

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.