

The Civil Society Brexit Project: *Information*

A GUIDE TO YOUR RIGHTS FOR EEA/EU CITIZENS IN SCOTLAND

This guide gives information about what we know about how the rights of European Economic Area/ European Union (EEA/EU) citizens living in Scotland will or will not change after the UK leaves the EU.

Many of the complex details about Brexit are still being worked out and agreed upon. However we know from our work with civil society organisations across Scotland, that the impact upon EEA/EU rights is a source of concern and confusion. We can say for sure that Brexit will mean a major change in the rights of EEA/EU citizens to live or work in the UK.

This guide was produced by the [Civil Society Brexit Project](#) with [JustRight Scotland](#). The Civil Society Brexit Project is a collaboration between the [Human Rights Consortium Scotland](#) and [SULNE](#) – the Scottish Universities Legal Network on Europe, funded by the [Legal Education Foundation](#). The Project provides expert information and advice to Scotland’s civil society organisations around the details and impact of Brexit. JustRight Scotland is a human rights charity which uses the law as a tool to achieve social justice. JustRight Scotland offer legal advice and information to EEA/EU citizens on their rights in the UK.

Who is this guide for?

This guide contains information about the rights of EEA/EU citizens and their families, living in the UK.

This includes:

- Citizens of the **European Union (EU)** from Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy,

Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.

- Citizens of the **Republic of Ireland** enjoy a right to reside in the UK which does not come from EU law, and which will therefore not be affected by Brexit. However, the rights of their non-Irish family members to remain, or join them, in the UK will be affected by Brexit.

- Citizens of the **European Economic Area (EEA)** (Iceland, Lichtenstein, Norway) and **Switzerland**. The UK Government has separately negotiated with the governments of these four countries to extend the same rights and protections to citizens of these countries living in the UK as those enjoyed by EU citizens.

What does this guide cover?

This guide is a series of factsheets covering:

1. My right to reside
2. My right to work
3. My right to benefits, housing and other forms of social work support
4. My right to healthcare
5. My right to vote
6. My right to education

Each factsheet sets out:

- EEA/EU citizen rights now (until Brexit Day*)
- EEA/EU citizen rights during the Brexit transition period (from Brexit Day* to 31 December 2020)
- EEA/EU citizen rights after the transition period (after 1 January 2021)
- How to find out more about your rights

This guide and related factsheets are free to download from www.civilsocietybrexit.scot

They are also being translated into other major European languages – contact civilsocietybrexitscot@gmail.com if you would like more information about translated versions.

How to get further information and advice

Please remember that this guide is intended to help you understand your rights as an EEA/EU citizen in Scotland, but **does not constitute legal advice**. If you require legal advice on a specific issue, please have a look at the resources we have included under the section “How can I find out more”.

The Civil Society Brexit Project runs workshops around EEA/EU citizen rights and can provide expert information or advice to organisations on different aspects of Brexit. See www.civilsocietybrexit.scot or email civilsocietybrexitscot@gmail.com for more information.

April 2019

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A GUIDE TO YOUR RIGHTS FOR EEA/EU CITIZENS IN SCOTLAND

Factsheet 1. My Right to Reside

This factsheet provides a brief summary of the rights of you and your family members to live in Scotland before, during and after the Brexit transition period.

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What are my rights now (until Brexit Day*)?

You and your family members have:

- The right to live in the UK for an initial period of up to three months
- The right to continue to live in the UK if you are a **'qualified person'** exercising EU treaty rights
- The right to apply for **'permanent residence (PR)'** after living in the UK for 5 years continuously
- The right to become a British citizen after holding 'permanent residence (PR)' for at least 1 year

What does it mean to be a 'qualified person' exercising EU treaty rights?

It means you are:

- a jobseeker
- a worker, or self-employed worker
- a student (with comprehensive sickness insurance)
- a self-sufficient person (with comprehensive sickness insurance)

What is 'comprehensive sickness insurance'?

The UK Government has said that students and self-sufficient people must show that they have

comprehensive sickness insurance in order to be 'qualified people'

- **'Comprehensive sickness insurance'** can be proven by showing that you have any of the following:
 - European Health Insurance Card (EHIC)
 - private medical insurance that will cover the costs of the majority of medical treatment in the UK
 - other evidence that there is a direct arrangement between your country and the UK that will cover the cost of your medical care in the UK.

The European Commission thinks this requirement is a breach of EU law, and started infringement proceedings (an investigation) against the UK. However, this may no longer matter because the UK Government has said that proof of comprehensive sickness insurance will not be required under the EU Settlement Scheme (see below).

Who is your 'family member' under EU law?

Under EU law, your **'family members'** include:

- your husband, wife or civil partner
- your unmarried partner with a residence card to prove your relationship
- your child, grandchild or great-grandchild under 21 years old
- your dependent child over the age of 21

- your dependent parent, grandparent or great-grandparent
- your other dependent relative with a residence card to prove your relationship

However, if you are a ‘qualified person’ because you are a student, your ‘family members’ only include your spouse/civil partner and your dependent children.

What will my rights be during the Brexit transition period (Brexit Day* to 31 December 2020)?

- The UK and the EU have reached agreement in principle that there will be no change to your rights during the Brexit transition period.
- They have also agreed that EEA/EU citizens arriving during this period will enjoy the same rights as those who arrived before Brexit.
- However, the transition period will only come into effect if the **withdrawal agreement** is ratified by both the EU and the UK before 31 October 2019. The EU has ratified the withdrawal agreement but the UK Parliament has not.
- The UK Government has proposed a new approach to assessing the right to reside for EEA/EU citizens, called the **EU Settlement Scheme**. The EU Settlement Scheme will operate whether or not the withdrawal agreement is ratified by the UK. However, if it is not, the relevant dates by which you must be resident in the UK to apply under the Scheme will shift from 31 December 2020 to 29 March 2019.

What is the EU Settlement Scheme?

- You and your family members living in the UK during the Brexit transition period (30 March 2019 until 31 December 2020) must apply for either:

- **Settled status** (if you have been living here for 5 years continuously)
- **Pre-settled status** (if you have been living here for less than 5 years)

- **Settled status** means you have the permanent right to continue to live in the UK after the Brexit transition period, even if you are no longer a ‘qualified person’ or the family member of a ‘qualified person’
- **Pre-settled status** means that you have a temporary right to live in the UK for a period of up to five years after the end of the transition period. Once you have lived in the UK for 5 years, you will then be eligible to apply for settled status.
- Settled or pre-settled status means that you also have the same entitlements to work, study, and access public services and benefits as before the transition period¹.
- Evidence of your status will be given in digital form. No physical paper document will be issued to you.
- Evidence of the status of your non-EEA/EU family members will be issued as a biometric residence card.

Do I have to apply for the EU Settlement Scheme?

- Yes, if you want to remain in the UK after 31 December 2020.
- After that date, no other forms of right to reside for EEA/EU citizen will be valid.
- You’ll need to apply even if you’re an EEA/EU citizen married to a British citizen.
- You’ll need to apply if you hold ‘permanent residence (PR)’, but you will not need to pay a fee.
- You will not need to apply if you have Indefinite Leave to Remain or are Irish; however family

¹ Clarification is pending about whether settled status gives access to benefits for an EEA national who did not meet the habitual residence test. We will include this detail on our website www.civilsocietybrexit.scot as soon as this is clear.

members from outside the UK and Republic of Ireland must apply.

How do I apply for 'settled status' under the EU Settlement Scheme?

- You apply online, using any device. A paper form is also available but only in exceptional cases. Help is available with applying online either on the phone or in person – see 'How can I find out more' at the end of this factsheet for their contact.
- You can apply by yourself, or you may want to seek help from an organisation that provides legal advice and information on the EU Settlement Scheme. Immigration advice is regulated and can only be given in Scotland by a solicitor, an advocate or a person regulated by OISC as a Level 1 advisor.
- You will need to prove:
 - **Your identity** (for example, using a passport, national ID card, or biometric residence card or permit)
 - **Your continuous residence in the UK** (for example, either by giving your National Insurance Number and agreeing to an online search of your HM Revenue & Customs and Department of Work and Pensions records, or by providing [additional evidence](#)²)
 - **That you are not unsuitable** because you:
 - Have made false or misleading statements about yourself in the application,
 - Have a previous criminal conviction,
 - Have previously been removed or deported from the UK
 - Are associated with a terrorist organisation, or have committed a war crime or genocide, or
 - Pose a risk to public safety, public security or public health

- There is no fee for settled status applications made on or after 30 March 2019.
- You will also need to provide a facial scan or passport photograph. Your non-EEA/EU family members may need to attend an application centre to give fingerprints, if they have not done so in the past.

When should I apply for the EU Settlement Scheme?

- You should apply for settled status as soon as you qualify for '**continuous residence**', meaning you have been living in the UK for at least 6 months of each of the last five years.
- If you will not qualify for 'continuous residence' before 30 June 2021, you must apply for pre-settled status first.
- **The latest date for making an application is 30 June 2021.**
- If you are the family member of an EU citizen, you should apply at the same time as the EU citizen, if possible.

What if my application is not successful?

- You can apply for administrative review of the decision. There is a fee of £80 for this application.
- You can also reapply as many times as you want to before 30 June 2021, but you will have to pay the fee each time you apply.
- At present, there is no right to appeal a refusal of settled status.

What will my rights be after the transition period (after 1 January 2021)?

As mentioned above, the EU Settlement Scheme will remain open until 30 June 2021.

2. The Home Office has provided a list of further evidence that will be accepted for proving continuous residence here, www.gov.uk/guidance/eu-settlement-scheme-evidence-of-uk-residence

- EEA/EU citizens who were granted ‘pre-settled status’ during the transition period, will have the right to apply for ‘settled status’ once they have achieved five years of ‘continuous residence,’ even if this is after 30 June 2021. There will be no additional fee for applying for ‘settled status’ if you already hold ‘pre-settled status’.
- EEA/EU citizens with ‘settled status’ or ‘pre-settled status’ will also have the right to apply for their close family members (a spouse, civil partner, durable partner, dependent child or grandchild, and dependent parent or grandparent) living overseas to join them, as long as the relationship existed on 31 December 2020 and continues to exist when the person wishes to come to the UK. Close family members joining an EU citizen after 31 December 2020 will have three months from their arrival in which to make an application for status under the scheme (or until 30 June 2021 if they arrive before 1 April 2021).
- EEA/EU citizens with ‘settled status’ or ‘pre-settled status’ will also always be able to apply for their children to join them in the UK, even if the children were born after 31 December 2020.
- UK Government published a White Paper on its post-Brexit transition immigration policy on 19 December 2018. The White Paper proposes to restrict the right of EEA/EU citizens and their families, arriving after 1 January 2021, to live, work, study and visit the UK making them fully subject to immigration controls similar to those which apply to non EEA/EU citizens.

How can I find out more?

- Read more about the **UK Government on EEA/EU citizens rights and settled status scheme** here: <https://eucitizensrights.campaign.gov.uk>
This web link also provides information about the Settlement Scheme in 26 different languages.
- Read more about the **Scottish Government policy on EEA/EU citizens** here: <https://beta.gov.scot/policies/europe/eu-citizens/>
- **Citizens Advice Scotland** can provide advice on your rights and on settled status, find your local bureau here: <https://www.cas.org.uk/bureaux>
- **JustRight Scotland** provides free confidential second-tier advice to organisations supporting EU citizens. Contact us through our website: <http://justrightscotland.org.uk/our-work/scottish-refugee-migrant-centre/brexit-eu-citizens/> or by phone on 0141 406 5350.
- Read a settled status checklist from the 3million: <https://www.the3million.org.uk/checklist>
- We are Digital can help with how to make an online application – call them on T:03333 445 675 or text the word “VISA” to 07537 416 944

Last Updated April 2019

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Funded by the Legal Education Foundation.



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A GUIDE TO YOUR RIGHTS FOR EEA/EU CITIZENS IN SCOTLAND

Factsheet 2. My Right to Work

This factsheet provides a brief summary of your right to work in Scotland before, during and after the Brexit transition period.

www.civilsocietybrexit.scot

What are my rights now (until Brexit Day*)?

You have the right to work in Scotland under EU free movement law. This includes the right to:

- Seek 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 worker³ or a retired person⁴

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).

What will my rights be during the Brexit transition period (Brexit Day* to 31 December 2020)?

- The UK and the EU have reached agreement in principle that there will be no change to your rights

during the Brexit transition period.

- They have also agreed that EEA/EU citizens arriving during this period will enjoy the same rights as those who arrived before Brexit.
- **This means that you will have the same rights to work and be self-employed – and will be protected by the same conditions of equal treatment with British workers – during the transition period.**
- However, the transition period will only come into effect if the **withdrawal agreement** is ratified by both the EU and the UK before 31 October 2019.

What will my rights be after the transition period (after 1 January 2021)?

- EEA/EU citizens who have been granted ‘settled status’ or ‘pre-settled status’ will enjoy the same rights to work as currently and during the transition period.

3. An EEA/EU citizen who has ceased work is considered to have retained her worker status if she is temporarily unable to work as a result of accident or illness, is involuntarily unemployed (having been employed for at least 1 year previously), is starting vocational training, or is heavily pregnant. An EEA/EU citizen who has become permanently incapacitated (after having worked for 2 years previously), or has become permanently incapacitated because of an accident or occupational disease which means she will be paid a pension by a UK institution can immediately apply for ‘permanent residence.’

4. 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.’

- The UK Government has not yet published their policy about EEA/EU citizen employment rights after the transition period.
- The UK Government published a White Paper on its Brexit transition immigration policy on 19 December 2018. The White Paper proposes to restrict the right of EEA/EU citizens and their families arriving after 1 January 2021 to live, work, study and visit the UK, making them fully subject to immigration controls similar to those which apply to non-EEA/EU citizens.
- The UK Government has proposed that EEA/EU citizens arriving after this date will automatically be granted 3 months leave to remain (LTR). If they wish to remain longer, they will need to apply for an extension of LTR and fees will be payable.

How can I find out more?

- See **My World of Work**
<https://www.myworldofwork.co.uk/getting-job/your-rights-work>
- Read more about the **UK Government on EEA/EU citizens rights and settled status scheme** here:
<https://eucitizensrights.campaign.gov.uk>
- Read more about the **Scottish Government policy on EEA/EU citizens** here:
<https://beta.gov.scot/policies/europe/eu-citizens/>
- Read the **UK Government's toolkit for employers** around settled status:
<https://www.gov.uk/government/publications/eu-settlement-scheme-employer-toolkit>

Last Updated April 2019

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Factsheet 3. My Right to Benefits, Housing and Social Work Support

This factsheet provides a brief summary of your rights to access benefits, housing and social work support in Scotland before, during and after the Brexit transition period.

www.civilsocietybrexit.scot

What are my rights now (until Brexit Day*)?

Access to Benefits

- Your right to access many types of benefits (such as Jobseeker's Allowance, Income Support, Employment Support Allowance, Housing Benefit or Universal Credit) depends on whether you pass the **habitual residence test** by proving that you:
 - Have a legal right to live in the UK and claim benefits (the **right to reside** – see Factsheet 1 at www.civilsocietybrexit.scot) and
 - Intend to make your home in the UK or the Republic of Ireland (**habitual residence**)
- If you are relying on worker status to prove your right to reside, you may be asked to prove that your earnings were more than the '**minimum earnings threshold**' (the level at which employees start paying Class 1 National Insurance contributions⁵).
- If you are relying on jobseeker status to prove your right to reside, you must first have lived in the UK for three months before you can establish habitual residence for purposes of claiming certain types of benefits.

Access to Housing

- If you have a **right to reside**, you are eligible for a housing allocation and homelessness assistance from the local authority.
- If you are homeless or at risk of homelessness, you have a right to make a homelessness application. The local authority must provide you with temporary accommodation, whilst they investigate your circumstances and decide whether they must offer you permanent accommodation.
- However, you will be expected to contribute to the costs of your temporary accommodation, and this may be difficult for you if you are not yet eligible for housing benefit because you cannot pass the habitual residence test.

Access to Social Work Support

- You may be entitled to other forms of help from the local authority if you:
 - Are under aged 18 and alone, or at risk (for example, of harm or destitution)
 - Are a care leaver or about to leave care
 - Are a carer for someone else
 - Have children and are unable to give them adequate housing or financial support

5. At present, the 'minimum earnings threshold' is £162/week in 2018/19.

- Require additional support because of a disability, your mental health, your age, or some other vulnerability
- Are at risk of harm or abuse
- **You have a right to ask the local authority for help, no matter what your migration status is.** The local authority has a duty to consider your request, and if necessary, make an assessment of whether or not they must provide you with help and support.
- However, once the assessment has been completed, whether or not you have a **right to reside** may affect whether and how the local authority can provide you with the help and support you may need. See Factsheet 1: My right to reside for more details at www.civilsocietybrexit.scot

What will my rights be during the Brexit transition period (Brexit Day* to 31 December 2020)?

- The UK and the EU have reached agreement in principle that there will be no change to your rights during the Brexit transition period.
- EEA/EU citizens arriving during this period will also enjoy the same rights as those who arrived before Brexit.
- However, the transition period will only come into effect if the **withdrawal agreement** is ratified by both the EU and the UK before 31 October 2019.

What will my rights be after the transition period (after 1 January 2021)?

- The UK Government has not yet published a post-Brexit policy on access to benefits, housing and

- other support for EU/EEA citizens.
- Some matters, such as access to housing are matters devolved to the Scottish Government.
- Other matters, such as access to mainstream benefits, are reserved to the UK Government.
- However, key social work assistance such as access to social work support for children and vulnerable adults, remain available to all residents in Scotland, regardless of where they come from.

How can I find out more?

- Read more about your rights to housing in Scotland, and further details of a housing rights advice line, at the **Shelter Scotland** website here: https://scotland.shelter.org.uk/get_advice
- Read factsheets on access to benefits in Scotland, and details of the welfare rights advice line, at the **Child Poverty Action Group Scotland** website here: <http://www.cpag.org.uk/scotland/factsheets>
- Speak to someone at **Citizens Advice Scotland** – you can find your local advice bureau at: <https://www.cas.org.uk/bureaux>

Last Updated April 2019

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Factsheet 4. My Right to Healthcare

This factsheet provides a brief summary of your right to access free healthcare from the National Health Service (NHS) in Scotland before, during and after the Brexit transition period.

www.civilsocietybrexit.scot

What are my rights now (until Brexit Day*)?

- **Everyone in Scotland has the right to receive free treatments for the following:**
 - emergency care in a hospital (in the accident and emergency department, casualty department or minor injury unit)
 - emergency care at a GP surgery
 - emergency transport in an ambulance
 - sexual health services (family planning)
 - treatment for some infectious diseases and sexually transmitted infections in the best interests of public health.
- **Everyone living in Scotland for more than 3 months has the right to register with a GP.**
- You may be asked to show a **European Health Insurance Card (EHIC)** when you register with a GP, but even if you do not have one, you still have the right to register with the NHS and receive medical treatment.
- If you are staying for less than 3 months, you can still receive treatment but as a 'temporary resident'.
- **You and your family members can also access free**

non-emergency primary (GP) and secondary (hospital-based) health care from the NHS in Scotland if you can prove you have the **right to reside**.

- **Your non-EEA/EU family members** may need to also provide proof of their right to join you in Scotland in order to receive free treatment, for example, an EEA family permit.⁶

What will my rights be during the Brexit transition period (Brexit Day* to 31 December 2020)?

- The UK and the EU have reached agreement in principle that there will be no change to your rights during the Brexit transition period.
- They have also agreed that EEA/EU citizens arriving during this period will enjoy the same rights as those who arrived before Brexit.
- However, the transition period will only come into effect if the **withdrawal agreement** is ratified by both the EU and the UK before 31 October 2019.

⁶ <https://www.nhsinform.scot/publications/healthcare-for-people-coming-to-scotland-to-work-factsheet>

What will my rights be after the transition period (after 1 January 2021)?

- Your rights to NHS services after the transition period are not yet clear. They will be negotiated between the EU and the UK during the transition period.

How can I find out more?

- **For information about health conditions and services, phone the NHS inform Helpline on 0800 22 44 88 (textphone 18001 0800 22 44 88; the helpline also provides an interpreting service). The helpline is open every day between 8am and 10pm.**
- **Contact the Patient Advice & Support Service (PASS) at your local citizen's advice bureau** (find your nearest bureau on the internet at www.cas.org.uk or in your local phone book). PASS is independent and provides free, confidential information, advice and support to anyone who uses the NHS in Scotland.

Last Updated April 2019

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Factsheet 5. My Right to Vote

This factsheet provides a brief summary of your right to vote in elections in Scotland before, during and after the Brexit transition period.

www.civilsocietybrexit.scot

What are my rights now (until Brexit Day*)?

If you are 16 or over and living in Scotland, you are eligible to vote in⁷:

- local elections, that elect local councillors in your area
- Scottish Parliament elections
- European Parliament elections – these are scheduled for 23rd May 2019.

You cannot vote in UK Parliament elections, unless you are also a citizen of the UK, Republic of Ireland, Cyprus or Malta.⁸

What will my rights be during the Brexit transition period (Brexit Day* to 31 December 2020)?

- **You will remain eligible to vote in local elections and Scottish Parliament elections.**
- **You will not be eligible to vote for a UK MEP in the European Parliament elections**, because the UK will no longer take part in the European Parliament.
- If you want to vote in the European Parliament elections in May 2019, you must contact electoral

authorities in the EEA/EU country where you're a citizen.⁹

What will my rights be after the transition period (after 1 January 2021)?

The Scottish Government has announced a proposal to bring the Electoral Franchise Bill in the 2018/19 legislative session to protect the right of EU citizens to vote.

How can I find out more?

For information about your right to vote in Scotland you can contact the **Electoral Commission in Scotland** by telephone 0333 103 1928, by email at infoscotland@electoralcommission.org.uk. Or you can read more on their website here:

<https://www.electoralcommission.org.uk/scotland>

For information about the European Parliament elections, see: <http://www.europarl.europa.eu/at-your-service/en/be-heard/elections>

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7. <https://www.gov.uk/elections-in-the-uk>

8. <http://www.electoralcommission.org.uk/faq/voting-and-registration/who-is-eligible-to-vote-at-a-uk-general-election>

9. <https://www.gov.uk/elections-in-the-uk/european-parliament>

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Factsheet 6. My Right to Education

This factsheet provides a brief summary of your rights to education in Scotland before, during and after the Brexit transition period.

www.civilsocietybrexit.scot

What are my rights now (until Brexit Day*)?

- Every child living in Scotland who is of school age (generally, age 16 or under) has a right to a free primary and secondary education.¹⁰
- You also have a right to study in Scotland as an EEA/EU citizen if:
 - you are attending
 - A private school
 - A public or privately funded college
 - A university
 - Vocational training, and
 - you have 'sufficient resources' to meet the cost of your study and living expenses; and
 - you have 'comprehensive sickness insurance'
- However, it is important to note that whether or not you qualify for 'home fees' and financial support in the form of student loan funding may affect your decision to enter further or higher education, even if you have a right to do so.
- To qualify for student loan funding from the Student Awards Agency Scotland (SAAS) you must:

- Have been ordinarily resident in the EU for the three years immediately before you start your studies, and
- Be an EEA/EU citizen ordinarily resident in Scotland

- To qualify for 'home fees' status (free tuition) in further or higher education you must be an EEA/EU citizen who has been ordinarily resident in the EU for the three years immediately before you start your studies

What will my rights be during the Brexit transition period (Brexit Day* to 31 December 2020)?

- The UK and the EU have reached agreement in principle that there will be no change to your rights during the Brexit transition period.
- EU citizens arriving during this period will also enjoy the same rights as those who arrived before Brexit.
- However, the transition period will only come into effect if the **withdrawal agreement** is ratified by both the EU and the UK before 31 October 2019.

¹⁰. Section 1, Education (Scotland) Act 1980

- The Scottish Government has announced that for EEA/EU citizens enrolling in an undergraduate higher education degree in Scotland in 2018/19 and 2019/20 will benefit from 'home fees' status (free tuition) for the duration of their entire course.¹¹

What will my rights be after the transition period (after 1 January 2021)?

- Children of EEA/EU citizens of school age resident in Scotland will continue to access free primary and secondary education as this is not dependent on migration status.
- The UK Government has not yet published their policy about access to further and higher education for EEA/EU citizens after Brexit.
- However, it is likely that the right of EEA/EU citizens to come to Scotland to study after the transition period will be restricted by immigration policy after the transition period. This means that they may require to apply for student visas, which may confer leave to remain for only a limited period of time, and subject to conditions (such as a restriction on work and access to benefits).

- The Scottish Government has announced, as set out above, it will continue to support EEA/EU students in undergraduate higher education degrees with 'home fees' free tuition for the duration of their course. The Scottish Government has also said it will work to continue to attract students from the EU to Scotland.

How can I find out more?

- Primary and Secondary Education: Citizens Advice Scotland
<https://www.citizensadvice.org.uk/scotland/family/education/school-and-pre-school-education-s/education-choices-from-5-to-16-s/>
- Further and Higher Education: UKCISA Scotland
<https://www.ukcisa.org.uk/Information--Advice/Fees-and-Money/Scotland-fee-status>
- Student Awards Agency for Scotland, Guidance on General Residence
<http://www.saas.gov.uk/forms/residence.pdf>

Last Updated April 2019

www.civilsocietybrexit.scot

* If the draft withdrawal agreement between EU and UK is approved by the UK Parliament or an alternative deal is agreed by 31 October 2019, a specific date will be designated as Brexit Day. If 'no deal' is agreed by 31 October 2019, the 31 October will be Brexit Day.

11. <https://news.gov.scot/speeches-and-briefings/ministerial-statement-supporting-people-to-study-in-scotland>

Funded by the Legal Education Foundation.

