

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.

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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>

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* 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.