**Information for recruitment panels regarding EU/EEA nationals**

There are currently no changes to the rights and status of EU citizens living in the UK. It is only after the UK leaves the EU that EU citizens will need to apply for documentation to prove they have permission to work legally in the UK. The Government state they will be given plenty of time for them to do so and they will engage closely with businesses and others on how they will be affected by those changes.

The below information is based on the government proposals published on the 26th June 2017, which will form the basis of their position when negotiating this issue with the EU. There is therefore no certainty at this stage that these proposals will be accepted. However, we understand that as recruiting panels you may be asked questions by candidates. The below information is designed to help you respond to these queries.

When the EU is discussed with regard to living and working in the UK, people are generally referring to the EEA nations. We have listed the EEA nations below and also added a jargon buster on page 2, any terms used in the jargon buster appear in bold throughout the text.

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| **What are the EEA nations?** |
| Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland\*, Ireland, Italy, Latvia, Lichtenstein\*, Lithuania, Luxembourg, Malta, Netherlands, Norway\*, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland\*\*.  |
| From 1 July 2013, Croatian nationals can work with restrictions.\* Although Iceland, Liechtenstein and Norway are not members of the European Union (EU), their citizens have the same rights as EU citizens to enter, live in and work in the UK.\*\*Switzerland is neither an EU nor EEA member but is part of the single market - this means Swiss nationals have the same rights to live and work in the UK as other EEA nationals. |

**EEA citizens who are in the UK**

They will probably be well aware of their situation and may not ask questions, however, in case they do;

**Those candidates who have over 5 years’ or more residency in the UK and have been exercising a Treaty Right in the UK**

They can either apply for confirmation of permanent residency whilst the UK is still part of the EU or once the details are confirmed apply for settled status. Please note that the government have said that those EU citizens who already hold a permanent residence document and who are currently resident in the UK will need to reapply for **settled status** once the UK leaves the EU.

**Those candidates with under five years residency in the UK**

The Government states they will be allowed to stay in the UK until they reach the five year point but they will need to apply to the Home Office for a temporary residence document to remain in the UK once the UK have left the EU. Once they have been in the UK for five years continuously they will then be able to apply for **settled status**.

**EEA citizens who are not currently living and working in the UK**

**Arriving in the UK before the ‘specified date’**

If they are resident in the UK before the specified date but have not obtained **settled status** or met the five years’ residence requirement by the end of the **grace period** of blanket permission, they will be allowed to stay in the UK until they reach the five year point, but they will need to apply to the Home Office for permission for this (leave to remain). At the five year point, they will be able to apply for **settled status**.

**Arriving after the ‘specified date’, but before the UK’s exit from the EU**

If they arrive after the specified date and prior to the UK's withdrawal from the EU, they and their family members will continue to exercise free movement rights up until the date that the UK leaves the EU. From then the **grace period** will apply to them so they will have up to two years in which to apply to the UK Home Office for permission to stay in accordance with the new rules applying to EU citizens which the Government states are yet to be determined.

**If they arrive after the UK leaves the EU**

The new post-exit arrangements would automatically apply to EU citizens and their family members who arrive after this date. They will have to comply with future immigration controls in place at the time, which have yet to be decided.

The above is the UK's Government proposals, which will form the basis of their position when negotiating this issue with the EU. There is therefore no certainty at this stage that these proposals will be accepted.

Jargon Buster

**Settled status** – the term the government are using for an equivalent status to that of indefinite leave to remain. Citizens would be able to stay in the UK with no time limits, although there are likely to be limits such as amount of time spent outside the UK e.g. currently for non-EU citizens there is usually a two year limit so if you reside outside the UK for more than two years you may lose your indefinite leave status.

**Specified date** – this will be the date determined by the UK government, which is currently yet to be agreed. The government have said that it will be a date between the date the UK triggered article 50 (29th March 2017) and the date we leave the EU.

**Grace period** – the two year period EU citizens will have to apply for a temporary residence document that will grant them the time to remain in the UK working until they can apply for settled status.

People Services

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