

Brexit: FAQ's for EU Workers – University of Aberdeen

The UK is still a member of the EU for now. This means that EU citizens continue to enjoy the benefits of freedom of movement including the right to work in another member state.

We appreciate that staff may have a number of questions about how Brexit might affect them, and their families in the longer term.

As has been widely published the implications of the 'leave' vote will take some time to become clear. Article 50 of the Lisbon Treaty foresees a two-year negotiation process between the UK and other Member States, during which time the terms of the UK's exit from the EU will be decided.

We will continue to welcome students, staff and collaborators from across the EU and further afield. Aberdeen is committed to supporting our staff and recognises the contribution they make to the University, whether as academic colleagues or members of the professional services in Schools and Sections.

We are also very proud of our diversity, and we will be working with all representative bodies in the sector to provide further information on matters affecting staff as it becomes available.

Q: Will my immigration and right to work status change post-brexit?

The immigration status of staff and students currently working and studying in the UK has not changed and the free movement of people and services will continue whilst the UK remains a member of the EU, until a negotiated exit has been achieved.

The government has provided reassurance on this point, by stating that "When we do leave the EU, we fully expect that the legal status of EU nationals living in the UK, and that of UK nationals in EU member states, will be properly protected."

Q: What are my options for securing an ongoing right to work in the UK?

This will depend on your individual circumstances but might include:

Registration certificates:

Registration certificates have been available for many years for EEA citizens in the UK. Whilst not mandatory, these certificates prove that an individual has the right to study or work in the UK and are useful for those who have been in the UK for fewer than five years. There has been no change in the rules on who is eligible for certificates

If you have been in the UK for less than five years, you can apply for an EEA Registration Certificate. This document would not enhance your rights but may be useful proof of your status if freedom of movement is restricted in the future. It may also be useful evidence if you intend to apply for a document certifying permanent residence once you have been in the country for five years.

Permanent residence:

If you have been living in the UK for at least five years you may have acquired permanent residence. There are detailed criteria for this, but generally it will apply if you have been a job-seeker, worker, self-employed, self-sufficient or a student during that time, and have not been absent from the UK for more than six months in any 12-month period.

If you meet the criteria, you will acquire permanent residence automatically, and don't have to complete any application process. However, it is possible to apply for a document certifying

permanent residence - it would be advisable for all EU nationals to make this application (and it is essential for those intending to apply for British citizenship).

Permanent residence is revoked if an EU national is absent from the UK for 2 years or more.

There is a question mark over whether EU citizens with permanent residence will be entitled to remain in the UK post-Brexit: as permanent residence rights come from European law, it is possible that these could be revoked post-Brexit. Although Government indications to date are that this is unlikely, individuals with permanent residence may want to take further steps to protect their immigration status in the longer term.

British citizenship:

British citizenship guarantees the right to live in the UK indefinitely and to hold a UK passport: this option offers the most security if you are planning to stay in the UK.

Many of the benefits of British citizenship are already enjoyed by EU nationals with permanent residence in the UK but there are some key benefits to citizenship:

- Permanent residence is revoked if an EU national is absent from the UK for 2 years or more. Citizenship is permanent and there are no restrictions on the amount of time that can be spent outside of the UK.
- Only British citizens are entitled to a British passport
- There are very limited circumstances in which the Home Office may revoke an individual's British citizenship or permanent residence in the UK but, arguably, the criteria under which permanent residence can be revoked are broader and the threshold is lower.

However, some countries do not permit dual citizenship (<https://www.gov.uk/dual-citizenship>) - if this applies to you, becoming a British citizen would mean relinquishing citizenship of your home country. In order to determine whether you can hold dual citizenship you should make contact with the appropriate government department in your home country.

<https://www.gov.uk/government/publications/foreign-embassies-in-the-uk>

Applying for British citizenship could have tax and pensions consequences and you should take specialist advice.

Q: What are the criteria for British citizenship?

If you have lived in the UK for 5 years and held permanent residence status for at least 12 months, you can apply for British citizenship by naturalisation.

The eligibility criteria include:

You must not have been absent from the UK for more than 450 days in the five-year period, or more than 90 days in the year leading up to your application;

- Good character;
- English language proficiency;
- Understanding of life in the **UK**;
- Intention to remain in the UK; and
- Possession of a permanent residence certificate or card (which you must apply for).

Q: What about my family, what are the options for securing their right to remain in the UK?

The options available will depend on the nationality of your family members, their relationship to you and how long they have been in the UK.

For example, if you have acquired permanent residence by working in the UK for five years (as described above) and your spouse or civil partner is not an EEA national but has lived with you throughout that five-year period, they may also have acquired permanent residence.

As explained above, British citizenship offers the most security for those planning to stay in the UK: your family members may want to explore their eligibility for this.

Q: I am an EU national living outside of the UK, and have been offered a job in the UK. If I take the job what impact will Brexit have on my right to work in the UK?

It is unclear how long the Brexit process **will** take, but it is unlikely that you will have been in the UK long enough to obtain British citizenship or permanent residence by the point of Brexit. As such, your right to work in the UK post-Brexit will depend on the outcome of the Brexit negotiations and in particular:

- Will there be an amnesty for EU nationals already working here?
- Will there be a cut-off point meaning, for example, that EU nationals arriving between the date of the referendum and Brexit will not have an automatic right to remain?
- Will the current UK points-based system (applicable to non-EU nationals) be extended to EU nationals?

If you decide to come and work in the UK, we would recommend that you apply for an EEA Registration Certificate. This document would not enhance your rights but may be useful proof of your status if freedom of movement is restricted in the future. It may also be useful evidence if you intend to apply for a document certifying permanent residence once you have been in the UK for five years.

Further questions:

Should you have any further questions not address above, please get in touch with one of the following HR Partners:

Deborah Marwick (COPS) - d.marwick@abdn.ac.uk

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Other sources of information:

The following organisations are also maintaining webpages of information in relation to the implications of 'Brexit' for Higher Education:

- The Universities and Colleges Employers Association (UCEA): <http://www.ucea.ac.uk/en/empres/epl/brexit/index.cfm>
- Universities UK (UUK): <http://www.universitiesuk.ac.uk/facts-and-stats/Pages/brexit-faq.aspx>