

RIGHTS OF EU CITIZENS IN SCOTLAND

EU Citizens and Your Housing Rights

This factsheet provides a brief summary of your housing rights as an **EU citizen** in Scotland. In this factsheet, 'EU citizens' includes citizens of the EU member states, as well as citizens of the EEA states (Norway, Iceland and Liechtenstein), and citizens of Switzerland.

This factsheet also covers the rights of your **family members**. A 'family member' is someone who is a member of your family and not an EU citizen, and whose right to live in the UK is derived in EU law from their relationship with you and your EU citizenship.¹

This factsheet covers your rights now (during the **Brexit transition period**) and also after the transition period ends. The transition period is due to end on 31 December 2020, but this date may change if the transition period is extended.

EU citizens have the right to live in Scotland under EU law during the Brexit transition period. After the end of the transition period, EU law will no longer apply. EU citizens and their family members who wish to stay in Scotland after the end of the transition period must apply under the EU Settlement Scheme for either **Settled Status** (indefinite leave to remain) or **Pre-Settled Status** (limited leave to remain for 5 years), before 30 June 2021.

Do I have the right to buy and own property in Scotland?

All EU citizens

All people in Scotland have the right to buy and own property, if they wish to do so.

Your rights to buy and own property are equal to that of a UK citizen, and property owners, banks and mortgage lenders must not discriminate against you on the basis of your citizenship.

However, you may face some barriers in arranging to buy and own property if you do not have leave to remain (like Settled Status or Pre-Settled Status). For example, you have the right to open a UK bank account, however you may be asked to provide more information to support your application than someone who is a UK citizen.

If you need to obtain financing (like a mortgage loan) to purchase your property, and you do not have leave to remain or you do have leave to remain but it is for a limited period of time (like Pre-Settled Status), you may not be eligible for some mortgages, or the mortgage lender may charge you a higher rate than for someone who is a UK citizen.

1. 'Family members' can include: your spouse or civil partner, your children, grandchildren and great-grandchildren under age 21, your dependent children over age 21, your dependent parents, grandparents and great-grandparents, and some unmarried partners and other dependent relatives (where the Home Office has issued an 'extended family member' registration certificate).

EU Citizens and Your Housing Rights continued

Do I have the right to rent property in Scotland?

All EU citizens

All people in Scotland have the right to rent property, if they wish to do so.

Your rights to rent property are equal to that of a UK citizen, and landlords must not discriminate against you on the basis of your citizenship, nor do they have the right to refuse to rent property to you on the basis of your immigration status.

assistance and either provide you with assistance, or give you written reasons why they have decided you are not eligible.

If the local authority decides you are not **eligible for homelessness assistance**, and you disagree, you should seek help and advice to challenge this decision.

EU Citizens who have Settled Status

If you hold Settled Status, you automatically satisfy the **right to reside** test. You are eligible for homelessness assistance in Scotland, on the same terms as a British person would have.

EU Citizens who have Pre-Settled Status

If you hold Pre-Settled Status, you must satisfy the **right to reside** test in order to establish your eligibility for homelessness assistance.

Do I have the right to access social housing in Scotland?

All EU citizens

All EU citizens and their family members who have a **right to reside**² in Scotland can make an application to their local authority for homelessness assistance.

If you are homeless, the local authority has a duty to accept your homelessness application and provide you with temporary accommodation, whilst they investigate your circumstances – which may include whether or not you are eligible for assistance.

However, you may 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 or Universal Credit because you cannot pass the **habitual residence test**.

The local authority must then consider whether you and your family members are eligible for homelessness

Do my rights change after the Brexit transition period?

Your right to purchase, own or rent property does not change after the Brexit transition period.

Your right to access social housing in Scotland is decided by the Scottish and UK governments. Under the current rules, only people who hold Settled Status will have a right to access homelessness assistance after the Brexit transition period. Local authorities will have no duty to accommodate people who hold Pre-Settled Status or EU citizens who do not hold any status, after the Brexit transition period.

If you are unsure about your current or future right to own or rent property or about accessing homelessness assistance in Scotland, you should seek advice and support for your individual case.

2. You can prove your right to reside under EU law by showing you are a: Worker or self-employed worker (doing a sufficient amount of paid work), jobseeker, former worker or a retired person, student (who is 'self-sufficient') or a family member of an EU citizen engaged in one of these activities. For more information, or if you cannot prove your right to reside, but you need social housing or financial support, please read our factsheet, 'EU Citizens and Your Right to Access Benefits and Social Work Support'.

EU Citizens and Your Housing Rights continued

Where can I get more advice or support?

For more information about your housing rights in Scotland, or if you need more help understanding your rights, you can:

- ▶ Call the **EU Citizens Support Service** helpline at Citizens Advice Scotland on **0800 916 9847** (Monday to Friday, 9am to 5pm) - or you can find your local advice bureau at: <https://www.cas.org.uk/bureaux>
- ▶ Read more about your rights to buy and rent property at the **MyGov.Scot Housing and Local Services**: <https://www.mygov.scot/housing-local-services/>
- ▶ Call the **Shelter Housing Advice Helpline** on **0808 800 4444** (Monday to Friday, 9am to 5pm) or read more about your rights to housing in Scotland, and further details of a housing rights advice line, at Shelter Scotland: https://scotland.shelter.org.uk/get_advice
- ▶ Read resources on Housing Rights for Housing Advisers for new migrants at the **Chartered Institute of Housing**: <https://www.housing-rights.info/scotland-housing-advisers.php>

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