

RIGHTS OF EU CITIZENS IN SCOTLAND

EU Citizens and Your Right to Vote

This factsheet provides a brief summary of your right to vote 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 **family members** who are not themselves EU citizens, and whose right to live in the UK is derived from their relationship with an EU citizen.¹

Following the UK's exit from the European Union (**Brexit**), the rights of EU citizens in Scotland have changed in some important ways:

EU Citizens who were living in the UK on 31 December 2020

- ▶ EU citizens and their family members who were living in the UK on 31 December 2020 may have applied to the EU Settlement Scheme (EUSS) and been granted either **Settled Status** (indefinite leave to remain) or **Pre-Settled Status** (limited leave to remain for five years). Irish citizens and people with indefinite leave to remain did not have to apply.
- ▶ If you do not currently have leave to remain, you may be able to make a late application to the EUSS. You should urgently seek legal advice if you wish to stay in Scotland.
- ▶ If you have made an application to the EUSS and are waiting for a decision (a '**pending application**'), you will be given a **Certificate of Application** as proof of having made this application. You have the right to remain in the UK until your application has been decided. If it is refused, you have the right to remain in

the UK until it is no longer possible to appeal the decision. You will hold a **Certificate of Application** as proof of having made this application.

EU Citizens who arrived on or after 1 January 2021

EU citizens and their family members who arrived in the UK for the first time on or after 1 January 2021 cannot apply for Settled or Pre-Settled Status.

You may have arrived as a **Short Term Visitor**. If you wish to remain in the UK for more than six months, you must apply for a **Long Term Visa** (for example, to study, or work, or join a family member).

Non-EU family members of EU citizens can enter the UK if they hold an EUSS family permit or a UK-issued biometric residence card. Once they have entered the UK, they should apply to the EUSS within three months.

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 Right to Vote continued

Do I have the right to vote in Scotland?

You have the right to vote in council elections and in Scottish Parliament elections if you are:

- ▶ An EU citizen or the family member of an EU citizen who has been granted leave to remain
- ▶ age 16 or over, and
- ▶ registered to vote in Scotland

You **cannot vote in UK Parliament elections**, unless you are:

- ▶ Also a citizen of the UK, Republic of Ireland, or a Commonwealth country (like Cyprus or Malta) who has been granted leave to remain,
- ▶ age 18 or over, and
- ▶ registered to vote in the UK

How do I register to vote?

You can register to vote from the age of 14 (for Scottish elections) and 16 (for UK Parliament elections).

You can register online at <https://www.gov.uk/register-to-vote> and will be asked to give your national insurance number (if you have one), to confirm your nationality and to give your current address in Scotland. Your application will be forwarded to your local Electoral Registration Officer who will confirm your registration or may contact you with additional questions.

Do I have the right to stand for election in Scotland?

COUNCIL ELECTIONS

You can stand in a council election in Scotland if you are over 18 and have:

- ▶ Indefinite Leave to Remain (which includes Settled Status),
- ▶ Pre-Settled Status, or
- ▶ Are a national of a country which has entered into a voting and candidacy rights treaty with the UK (currently Luxembourg, Poland, Portugal and Spain)

And you are either:

- ▶ registered to vote in the local authority area you wish to stand in,
- ▶ an owner, tenant, resident or worker in the local authority area you wish to stand in,
- ▶ working in the local authority area as your main or only place of work, or
- ▶ living in the local authority area

SCOTTISH PARLIAMENT ELECTIONS

You can stand in a Scottish Parliament election if you are over 18 and have:

- ▶ Indefinite Leave to Remain (which includes Settled Status, or
- ▶ Pre-Settled Status

Family members of EU citizens who are also Commonwealth citizens may also have the right to stand in council and Scottish Parliament elections.

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EU Citizens and Your Right to Vote continued

UK PARLIAMENT ELECTIONS

EU citizens and their family members cannot stand in UK Parliament elections, unless they are:

- ▶ a citizen of the UK, Republic of Ireland, or a citizen of a Commonwealth country (like Cyprus or Malta) who has Indefinite Leave to Remain or Settled Status,
- ▶ age 18 or over, and
- ▶ living in the UK

Where can I get more help or advice?

To register to vote in Scotland:

- ▶ <https://www.mygov.scot/register-to-vote-scotland/>

For more information about exercising your right to vote in Scotland:

- ▶ Read the **Scottish Government's** guidance: <https://www.mygov.scot/how-to-vote>
- ▶ Contact the **Electoral Commission in Scotland** by telephone 0333 103 1928, through their website: <https://www.electoralcommission.org.uk/>

or by email at:

infoscotland@electoralcommission.org.uk

For more information about standing as a candidate in Scottish elections:

- ▶ Visit the **Electoral Commission's** guidance for candidates: <https://www.electoralcommission.org.uk/i-am-a/candidate-or-agent>

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