

## Human Resources

### Frequently Asked Questions - Support for EEA staff

#### Immigration rights/Status

##### Has Brexit affected my legal right to reside in the UK?

No. In July 2016, UK Visas and Immigration (UKVI) stated that there is been no change to the rights and status of EEA nationals in the UK as a result of the referendum. EEA nationals are free to live and work in the UK without restriction and retain the rights under current free movement rules.

##### What if the UK is not granted access to the single market and free movement rules end?

This will very much depend on which model is negotiated and agreed between the UK and the remaining 27 member states. If the outcome is similar to Norway or Swiss models, then we may notice little difference, but this currently seems unlikely.

If freedom of movement in the current form ends, we might expect:

- EEA nationals already here in UK will be allowed to stay
- Reciprocal arrangements for UK nationals living abroad
- New visa systems for EEA nationals, system for new entrants to UK
- UK citizens wishing to work in EEA will need to comply with relevant countries visa requirements

The status of EEA nationals post Brexit will be dependent on the formal negotiations between the UK and the remaining 27 member states.

##### What will happen to EEA staff once the UK leaves the EU?

The arrangements for EEA national post Brexit will depend on the model agreed with the remaining 27 member states. The University as a matter of urgency, will clarify what the long-term position of EEA nationals will be once the UK departs the EU.

##### Do EEA staff need to do anything to confirm their status in the UK?

There is currently no requirement for EEA nationals to register for any documentation to confirm their status in the UK. However, EEA nationals may want to apply for documentation confirming their status as this may help should immigration restrictions be imposed post Brexit.

The options open are:

1. EEA nationals and families who have been living in the UK for five or more years may consider applying for Permanent Residency to avoid any immigration restrictions which may result from Brexit.
2. EEA nationals and their families who have been living in the UK for less than five years may consider applying for an EEA Registration Certificate. Although this is not currently necessary to grant permission to work in the UK, possession of this certificate demonstrates that the EEA national is exercising their freedom of movement rights.
3. Those eligible may also want to explore one of the following:
  - British citizenship - Individuals who have held Permanent Residency for a period of 12 months may be eligible to apply for British Citizenship.
  - Family member of a British citizen
  - Commonwealth citizens with UK parents/grandparents may be eligible to apply for the right to live and work in the UK through the Right of Abode or a UK Ancestry visa.

**Is the University offering any help with applications for permanent residency or citizenship?**

Human Resources will be able to answer questions from employees about the requirements and practicalities for obtaining either an EEA Residence Certificate, Permanent Residence or British citizenship.

**Application/eligibility process****How do I prove that I have been exercising my EU treaty rights as a worker when applying for permanent residency?**

When you apply for permanent residency, you will need to satisfy the UKVI that you have completed a 5 year period as a qualified person. If you have been a qualified person as a worker, you would need to provide evidence of this. This can include bank statements showing salary payments, P60s, payslips or a letter from your employer confirming that you are or have been employed by them and the start and end dates (as applicable) of your employment.

**Do I need comprehensive sickness insurance (CSI) just at the time of my application, or for the full qualifying period I am claiming as my right to permanent residency?**

If you intend to rely on your time as a student or self-sufficient person, you must have CSI for those specific periods of your qualifying period.

**If I don't want to apply for citizenship, do I have to apply for a permanent residency card? What are the benefits of citizenship?**

There is no requirement to apply for a permanent residency card as the status is automatically acquired after completing the 5 year qualifying period. However, with the uncertainty of the UK's departure from the EU, you may opt to apply for a permanent residency card. You do not have to become a British citizen, it is a choice and not essential. The benefits of citizenship are that you can vote in parliamentary elections, access British consular services overseas, apply for a British passport and it may make overseas travel to certain countries more straight forward.

**I've heard we can just write to the UKVI stating that I meet the permanent residency criteria as opposed to using the application form, can I write to the Home Office in a letter?**

No. Previously it was acceptable to write a letter to apply for permanent residency, however since 1 February 2017 it is now mandatory to use the UKVI application forms.

**Pension****Will Brexit affect my eligibility to the state pension as a non UK national?**

While there remains huge uncertainty about the deal the UK will have with the EU upon its departure, it should not have an impact on your existing pension entitlements. There has been no indication that Brexit will remove the rights that non-UK nationals have to state pension entitlements they have accumulated while in the UK.

**What will happen to my pension if I decide to leave the UK?**

Your benefits remain in the University pension scheme until your retirement age. The scheme will write to you with information about your pension benefits and options as you approach retirement age.

**Can I transfer my pension overseas?**

You do have the option of transferring your pension overseas, but the receiving scheme must be recognised by HMRC and both pension schemes must agree to the transfer of benefits. Further details can be found at <https://www.gov.uk/government/publications/list-of-qualifying-recognised-overseas-pension-schemes-groups>.

**Can I receive pension payments outside the UK?**

Yes. You have two choices:

- Payments can be paid directly into your UK bank account and you can transfer them to an overseas account when you wish to do so.

- Payments can be paid directly to an overseas account. Please be aware that there may be a small charge for this service.

For more information about pensions, please contact Lisa Harley, Pensions Administrator, on extension 2546 or [ljh10@st-andrews.ac.uk](mailto:ljh10@st-andrews.ac.uk)

## **Reimbursement**

### **Is the University able to reimburse the cost of my application for residency?**

The University is currently providing reimbursement of the application costs for EEA Residence Certificate and Permanent Residence. This policy will remain under review pending the outcome of the negotiations to leave the EU. The University will not reimburse the cost of obtaining British Citizenship.

## **Recruitment**

### **Will the University still be able to employ staff from other EU countries?**

Yes. The rights and status of EEA nationals in the UK as a result of the referendum have not changed and the University recognises the important contribution made by all non-UK citizens who work in St Andrews.

The UK remains a member of the EU for the time being and UKVI has confirmed that there will be no immediate changes to any UK visa policies for university staff currently in, or contemplating coming to, the UK from the EU.

Any future changes and immigration requirement for EEA nationals will depend on the kind of relationship the UK negotiates with the EU.

### **What is the University sector doing to support EEA nationals?**

UK Universities (UUK) is lobby the UK government to make a clear and unequivocal statement that EEA nationals currently living in the UK are welcome here, and that any changes to immigration status will only apply to new entrants to the UK after the UK has left the EU.

Further information on the impact of Brexit on higher education can be found at <http://www.universitiesuk.ac.uk/policy-and-analysis/Brexit>

## **Help and Assistance**

If you have any questions, or require further information, please contact either Cameron Little on 01334 462497 or [cl81@st-andrews.ac.uk](mailto:cl81@st-andrews.ac.uk); or alternatively visit the UKVI website at <https://www.gov.uk/browse/visas-immigration/eu-eea-commonwealth>.

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