



## NECE 2019 Glasgow

### Confronting Inequalities! The Role of Citizenship Education

**Panel: European Citizenship Beyond Brexit: An Agenda for Times of Trouble,**  
26 October 2019

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#### Scotland, Brexit and Citizen Rights

The UK's decision to leave the European Union will result in the loss of citizenship rights for millions of UK and EU nationals living in the UK, and UK nationals living in other EU Member States. UK nationals will lose their European citizenship, which has allowed them move freely around Europe to live, work, study and retire (along with a host of other legal protections and social and political rights). Meanwhile, Brexit will result in the loss of rights of residence for EU citizens living in the UK, which they have enjoyed under the EU's free movement rules.

EU citizens' rights have been one of the most contentious issues in Brexit debates. Following the June 2016 referendum to leave the EU, the UK Government made the decision not to immediately legally protect the rights of the 3.4 million EU citizens living in the UK, and instead to determine such rights following UK-EU negotiations. This decision was widely criticised as an attempt to use EU citizens as 'bargaining chips' in negotiations to leverage a better deal for the UK.

In March 2019, the UK Government launched an EU Settlement Scheme' for EU citizens living in the UK. Applications for settlement were intended to be 'quick and easy', or in the words of the Home Secretary, 'as easy as setting up an account with LK Bennett.' However, the Scheme has been plagued by a number of issues, including technological problems, a high number of unsuccessful applications, and concerns that certain vulnerable groups of people are unaware - or incapable - of applying. Furthermore, in October 2019, the UK Government signalled that it would deport EU nationals who had not obtained settled status by the end of 2020. The prospect of a no-deal Brexit has heightened concerns of EU nationals.

The Scottish Government (SG) has been critical of the UK Government's stance on citizens' rights. The SG has described the Settlement Scheme as 'demeaning' and it wishes to replace the scheme with a declaratory system, which would remove the need for EU nationals to make applications to continue living in the UK. The SG has also launched a 'Stay in Scotland' campaign to encourage EU nationals to remain after Brexit, and which offers practical support and advice for EU citizens.

Scotland voted to remain in the EU (by 62%) and the SG wishes to continue membership of the EU and free movement. However, should Scotland leave the EU alongside the rest of the UK, there are limited options for Scotland to try to secure the rights of EU nationals. While the devolved Scottish Parliament has competence over various aspects of migrant integration – such as education, health and housing, and





the electoral franchise for some elections and referenda – immigration is currently reserved to Westminster. This means that the Scotland will have to find creative solutions to give EU nationals the rights the SG think they deserve – if not with regard to immigration status (over which the SG has failed to obtain greater control), then perhaps with regard to other social, political and economic rights.

