



## Rights of EU Citizens in Wales

# EU Citizens and Their Right to Vote

This factsheet provides a brief summary of an EU citizen's rights to vote in Wales. In this factsheet, 'EU citizens' means citizens of the EU member states.

Following the UK's exit from the European Union (**Brexit**), the rights of EU citizens across the UK have changed in a number of ways. EU citizens and their **family members** who were living in the UK on 31 December 2020 and who wished to stay in Wales, must have applied to the **EU Settlement Scheme (EUSS)** for either **Settled Status** (indefinite leave to remain) or **Pre-Settled Status** (limited leave to remain for 5 years). Those who have indefinite leave to remain or enter, or are an Irish citizen, do not need to apply but can if they want to.

EU citizens and their family members who did not apply to the EUSS (even after the deadline) or have an expired pre-settled status, no longer have the right to remain in the UK, and should seek legal advice if they now wish to stay in Wales

(details of the support available is provided at the end of this factsheet). However, the UK Government has made provision for late applications to be made by EU, EEA and Swiss citizens and their family who can evidence they have reasonable grounds for having missed the EUSS deadline.

EU citizens' who have applied to the EUSS and are awaiting an outcome will be issued with a Certificate of Application (CoA) to prove their protected status.

EU citizens who arrived in the UK for the first time on or after 1 January 2021 cannot apply for **Settled Status** or **Pre-Settled Status**. Those who wish to remain for more than a short visit, of up to 6 months, 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 now only enter the UK after 1 January 2021 if they already have an EUSS family permit. EEA family permits and UK biometric residence cards are no longer valid in the UK.

## The Right to Vote in Wales

Individuals have the right to vote in local government elections and elections for Senedd Cymru/ the Welsh Parliament (the Senedd) in Wales if they are:

- A British citizen, a qualifying Commonwealth citizen, a citizen of the Republic of Ireland, an EU citizen or a qualifying foreign citizen;
- Aged 16 and over;

- Not otherwise legally excluded from voting;
- Registered in the register of local government electors for either the Senedd constituency or local government area; and
- Resident in the relevant local government electoral area.

Individuals cannot vote in UK Parliament elections in Wales unless they are:

- A British, Irish or qualifying Commonwealth citizen;
- Aged 18 or over on the day of the election ('polling day');
- Not otherwise legally excluded from voting;
- Registered to vote in the register of Parliamentary electors for the relevant constituency; and
- Resident in the relevant Parliamentary constituency (or is a British citizen living abroad who has been registered to vote in the UK in the last 15 years.).

## How EU Citizens can register to Vote in Wales

You can easily register to vote on the UK Government website at [www.gov.uk/register-to-vote](https://www.gov.uk/register-to-vote). You can also contact your local authority who will be able to help you if you do not have access to the internet.

You will need your name, address and your National Insurance number (but you can still register if you don't have one. You will be asked to provide additional evidence to confirm your identity).

## The Right to Stand in Elections

Individuals can stand as a constituency or regional candidate in a Senedd Election if they are:

- at least 18 years old, and
- a British citizen, a qualifying Commonwealth citizen, a qualifying foreign citizen, a citizen of the Republic of Ireland or an EU citizen who is resident in the United Kingdom;
- not otherwise legally excluded from standing.

There is no requirement in law for you to be a registered elector in Wales but there are some exceptions. More information can be found on the Electoral Commission website NAW Part 1 ([www.electoralcommission.org.uk/sites/default/files/2021-02/Senedd Part 1 – Can you stand for election.pdf](https://www.electoralcommission.org.uk/sites/default/files/2021-02/Senedd%20Part%201%20-%20Can%20you%20stand%20for%20election.pdf)) (electoralcommission.

org.uk)

Individuals have the right to stand as a candidate in a Local Government Election in Wales if they are:

- at least 18 years old;
- a British citizen, a qualifying Commonwealth citizen, a qualifying foreign citizen or an EU citizen;
- not otherwise legally excluded from standing); and
- meet at least one of the following four qualifications:
  - a. You are, or will continue to be, registered as a voter for the local authority area you wish to stand in as a candidate on the day of your nomination onwards.
  - b. You have occupied as an owner or tenant any land or other premises in the local authority area during the whole of the 12 months before the day of your nomination and the day of election.
  - c. Your main or only place of work during the 12 months prior to the day of your nomination and the day of election has been in the local authority area; or
  - d. You have lived in the local authority area during the whole of the 12 months before the day of your nomination and the day of election.

To stand as a candidate in a UK Parliamentary Election you need to be at least 18 years old and:

- a British citizen;
- a citizen of the Republic of Ireland;
- a qualifying Commonwealth citizen; and
- not otherwise legally excluded from standing.

**Important Note:** This is intended as general guidance only; it is not legal advice. Anyone in doubt should seek their own independent legal advice to ensure they are compliant with any relevant legislation.

The legislation and associated advice in this factsheet is up to date at the time of publication.

## Changes to the EUSS

On 17 July 2023 the Home Office announced changes to the EU Settlement Scheme. Citizens with pre-settled status will now automatically have their status extended by 2 years. The Home Office will notify citizens when their status has been extended and their digital status on the View and Prove system will be updated automatically.

The Home Office will also automatically upgrade pre-settled status holders to settled status if they are eligible. Citizens will only be eligible for this automatic upgrade if the Home Office can evidence they have lived in the UK for the last 5 years. The Home Office will contact those who are automatically upgraded to settled status.

EU citizens do not have to wait to be automatically upgraded to settled status following the end of the 2 year extension. They can apply to upgrade as soon as they are eligible.

Those who do not have 5 years continued residence will not be eligible for the automatic upgrade but can apply as soon as they qualify for settled status.

## Additional Information and Support

Free legal advice on EUSS is available from Welsh Government funded, Immigration Specialist Lawyers, Newfields Law. Their contact details are below:

**Tel:** +44 (0) 292 169 0049

**Email:** [info@newfieldslaw.com](mailto:info@newfieldslaw.com)

**Address:** Newfields  
35 Park Place  
Cardiff, CF10 3RL

## Useful Links

**I need help with Settled Status – Settled**

[www.settled.org.uk/en/help/](http://www.settled.org.uk/en/help/)

**Citizens' rights have changed | the3million**

[www.the3million.org.uk/rights-have-changed](http://www.the3million.org.uk/rights-have-changed)

**Homepage – Independent Monitoring Authority for the Citizens' Rights Agreements**

[ima-citizensrights.org.uk](http://ima-citizensrights.org.uk)

**EU Settlement Scheme: information for late applicants – GOV.UK**

[www.gov.uk/government/publications/eu-settlement-scheme-information-for-late-applicants/eu-settlement-scheme-information-for-late-applicants](http://www.gov.uk/government/publications/eu-settlement-scheme-information-for-late-applicants/eu-settlement-scheme-information-for-late-applicants)

**EU Settlement Scheme caseworker guidance – GOV.UK**

[www.gov.uk/government/publications/eu-settlement-scheme-caseworker-guidance](http://www.gov.uk/government/publications/eu-settlement-scheme-caseworker-guidance)

**EU citizens – we want you to stay in Wales | GOV.WALES**

[gov.wales/preparing-wales/eu-citizens](http://gov.wales/preparing-wales/eu-citizens)

**EU Settlement Scheme: employer toolkit – GOV.UK**

[www.gov.uk/government/collections/eu-settlement-scheme-employer-toolkit](http://www.gov.uk/government/collections/eu-settlement-scheme-employer-toolkit)

**The UK's points-based immigration system: information for EU citizens – GOV.UK**

[www.gov.uk/guidance/the-uks-points-based-immigration-system-information-for-eu-citizens](http://www.gov.uk/guidance/the-uks-points-based-immigration-system-information-for-eu-citizens)

**Immigration – Citizens Advice**

[www.citizensadvice.org.uk/wales/immigration/](http://www.citizensadvice.org.uk/wales/immigration/)

**EU Citizens Immigration (eusswales.com)**

[www.eusswales.com/en/index.html](http://www.eusswales.com/en/index.html)

**Register to vote – GOV.UK**

[www.gov.uk/register-to-vote](http://www.gov.uk/register-to-vote)