



## **Nationality eligibility guidance for appointments based at shared Scottish Government offices**

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**Applies to: All recruitment where regular attendance is required at all shared Scottish Government offices**

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## 1. Guidance purpose

This policy sets out the nationality eligibility criteria for all applicants within the Care Inspectorate who required regular attendance at Scottish Government shared offices (currently Atlantic Quay 5, Floor 7, 150 Broomielaw, Glasgow, G2 8LU and Victoria Quay 3 C & D South, Victoria Quay, Edinburgh, EH6 6QQ).

It ensures compliance with the Civil Service Nationality Rules\* for non-reserved posts. The Care Inspectorate is an executive non-departmental public body, and it is not part of the civil service, although we are beholden to the Civil Service Nationality Rules due to use of the Scottish Government offices.

## 2. Guidance scope

This policy applies to all prospective candidates applying for posts based in the Scottish Government offices.

## 3. General nationality eligibility

Under the Civil Service Nationality Rules, the following categories of individuals are eligible to be appointed to the posts based in the Scottish Government offices:

- **UK Nationals, including:**
  - British citizens
  - British Overseas Territories citizens
  - British Overseas citizens
  - British Nationals (Overseas)
  - British Protected Persons
  - British subjects with the right of abode
- **Irish Nationals**
- **Commonwealth Citizens**, as defined under the British Nationality Act 1981 and listed in Annex B of the Civil Service guidance
- **Nationals of the European Economic Area (EEA), Switzerland, and Turkey**, provided they meet additional conditions (see Section 4)

## 4. Eligibility conditions for EEA, Swiss, and Turkish nationals

Due to the UK's exit from the European Union and the end of free movement on 31 December 2020, EEA, Swiss, and Turkish nationals must meet specific conditions to be eligible for appointment at the Scottish Government shared offices under Civil Service Nationality Rules.

These individuals are only eligible if they fall into one or more of the following categories:

- have pre-settled or settled status under the EU Settlement Scheme (EUSS)
- hold limited or indefinite leave to remain granted by 31 December 2020 (and were eligible for EUSS)
- have a valid Certificate of Application for EUSS demonstrating a pending application made on or before 30 June 2021
- are Turkish nationals with rights under the European Community Association Agreement (ECAA) and:
  - were granted ECAA leave before 31 December 2020, or
  - applied for ECAA rights on or before that date and can demonstrate entitlement under Decision 1/80\*

Candidates in these groups must provide supporting documentation such as:

- national passport or identity card confirming nationality
- proof of immigration status (e.g. share code for digital status or physical permit)
- certificate of application if EUSS decision is pending
- proof of ECAA worker status for Turkish nationals

## 5. Family members of eligible nationals

Family members of eligible EEA, Swiss, and Turkish nationals may also qualify for Civil Service employment, provided they themselves hold valid EUSS or ECAA-related status or otherwise meet the nationality criteria independently (e.g. UK or Commonwealth citizenship).

Family members who do not hold such status are not eligible unless they qualify on their own merit.

## 6. Documentary evidence requirements

Candidates recommended for appointment must submit valid and acceptable evidence confirming their nationality and immigration status. Acceptable documentation includes, but is not limited to:

- valid passport showing eligible nationality
- birth certificate and accompanying documentation confirming citizenship
- Home Office letters confirming status
- digital immigration status (share code) or physical documents confirming EUSS, ECAA, or other leave to remain

All documents will be checked in accordance with [Home Office and Cabinet Office guidance](#) before an offer of appointment is confirmed.

## 7. Right to work in the United Kingdom

Meeting the Civil Service nationality requirements does not exempt candidates from the requirement to demonstrate their legal right to work in the UK.

Prior to the unconditional employment offer, all successful candidates must undergo a Right to Work check, in line with Home Office employer guidance. This is a separate legal requirement and failure to meet it will disqualify a candidate from appointment, even if they meet nationality criteria.

## 8. Ineligibility

Candidates who are nationals of countries not listed above and do not meet any of the exceptions under the Civil Service Nationality Rules are not eligible for appointment to any post based at AQ and VQ.

Specifically, individuals are not eligible if:

- they do not hold one of the qualifying nationalities
- they do not meet the conditions for EUSS, ECAA, or other lawful status
- they are stateless persons or refugees without confirmed nationality
- they are asylum seekers without Home Office permission to work

## 9. Responsibilities

It is the responsibility of:

- Care Inspectorate recruitment teams to ensure compliance and conduct eligibility checks
- candidates to provide accurate information and valid documents to support their application

Failure to meet these requirements may result in disqualification, withdrawal of an offer, or termination of appointment.

## 10. Queries

For further information please contact [recruitment@careinspectorate.gov.scot](mailto:recruitment@careinspectorate.gov.scot)

Additional reference:

- [Civil Service Nationality Rules](#)
- [Civil Service Nationality Rules accessible forms](#)
- [Home Office Right to Work Guidance](#)
- [EU Settlement Scheme Information](#)

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