



ANNEX A

CABINET OFFICE

THE CIVIL SERVICE NATIONALITY RULES

Introduction

The Civil Service Nationality Rules concern eligibility for employment in the Civil Service on the grounds of nationality and must be followed by government departments and other bodies within the Home Civil Service and the Diplomatic Service in their recruitment and appointment procedures.

The United Kingdom restricts employment in its Civil Service to nationals of certain countries, but, unlike many other nations, not solely to its own nationals. There is a general statutory prohibition on the employment of aliens in the Civil Service except in certain circumstances. An “alien” is defined as any person who is not a British or Commonwealth citizen, a British protected person or an Irish citizen. The Civil Service Nationality Rules reflect the statutory provisions on the employment of aliens which are principally contained in the Aliens’ Employment Act 1955.

The eligibility of non-aliens for employment in the Civil Service is governed by the terms of the Civil Service Nationality Rules. In principle, non-aliens are eligible for employment in the Civil Service. However, additional nationality restrictions apply in relation to certain posts due to the sensitive nature of the work undertaken in those posts.

The Civil Service Nationality Rules cover eligibility for employment on the grounds of nationality in the Home Civil Service and the Diplomatic Service. Rules for the Home Civil Service are made by the Minister for the Civil Service under powers conferred by the Civil Service Order in Council 1995 (as amended). Similarly, rules applicable to the Diplomatic Service are made by the Secretary of State for Foreign and Commonwealth Affairs under powers in the Diplomatic Service Order in Council 1991 (as amended). The Civil Service Nationality Rules are issued by the Cabinet Office on behalf of the Ministers referred to above.

This document was revised in January 2021 to reflect changes to the Civil Service Nationality Rules as a result of amendments to the Alien’s Employment Act 1955 following the UK’s departure from the European Union (EU) and the end of free movement.

The Rules were reviewed in August 2023



THE CIVIL SERVICE NATIONALITY RULES

Employment of Aliens in the Civil Service

1. There is a general statutory prohibition on the employment of aliens in the Civil Service. ¹An alien is any person who is not a British or Commonwealth citizen, a British protected person or a citizen of the Republic of Ireland.²
2. There are certain exceptions to this prohibition set out in the Aliens' Employment Act 1955 ("the 1955 Act"), some candidates may also benefit directly from protections which derive from the Withdrawal Agreement

Overseas Postings

3. The first exception relates to certain overseas postings. An alien may be appointed in any country or territory outside the United Kingdom, the Channel Islands or the Isle of Man to a post of a class or description which appears to the responsible Minister to be appropriate for the employment of aliens. This exception applies mainly to appointments to local staff postings in UK embassies and consulates overseas.

Aliens' Certificates

4. The second exception enables the employment of aliens under cover of an aliens' certificate issued by the department concerned, with the consent of the Minister for the Civil Service. The certificate can cover the employment of a particular individual in a specified service, or the employment of aliens generally in a specified service or in service of a specified class or description.
5. An aliens' certificate may only be issued in relation to the employment of a particular individual in a specified service if no suitably qualified UK national is available for employment in that service, or if the alien possesses exceptional qualifications or experience for such employment.
6. Certificates covering employment generally in a service or a specified class or description of service may only be issued if no suitably qualified UK nationals are readily available, or available in sufficient numbers for

¹ Act of Settlement 1700, s.3; Aliens Restriction (Amendment) Act 1919, s. 6.

² See paragraphs 33 - 42 for further information on the definition of British, Irish and Commonwealth citizens, and British protected persons.



employment in the service or class or description of the service specified in the certificate.

7. If a certificate is issued, the candidate must be given a conditional (nationality) appointment provided that the normal recruitment procedures for the grade are followed and the candidate is eligible in respect of age, health, character, knowledge and ability. In all cases, a certificate is only valid for a period of five years. On its expiry, the responsible Minister may issue a further certificate if the conditions described in paragraphs 5 and 6 above continue to apply. If the candidate subsequently becomes eligible for permanency, for example through naturalisation, the appointment may be converted to a permanent one.
8. Each financial year, the Cabinet Office lays before each House of Parliament a list containing particulars of all aliens' certificates in force during the previous financial year including the number of aliens employed under such certificates.

Relevant Europeans

9. The third exception provides for the employment of certain European Economic Area (EEA),³ Swiss and Turkish nationals (and certain members of their families with immigration rights irrespective of their nationality) to take up employment in the Civil Service in a non-reserved post.⁴

EEA Nationals

10. References to 'EEA nationals' include nationals of EU Member States, Iceland, Norway and Liechtenstein.⁵ EEA nationals are eligible for employment in all non-reserved posts in the Civil Service where they meet the definition of a 'relevant European', as set out in the legislation⁶ or benefit from the direct effect of the Withdrawal Agreement.
11. EEA nationals are therefore entitled to work in the Civil Service if they have:

³ EEA nationals comprises nationals of EU member states and Iceland, Liechtenstein and Norway.

⁴ See paragraphs 25 - 30 on the definition of reserved and non-reserved posts.

⁵ EEA members currently are: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and Sweden.

⁶ See section 1(1)(c) and (5) of the Aliens' Employment Act 1955, as amended by The Immigration and Social Security Coordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020.



- I. Status under the EU Settlement Scheme (EUSS);⁷ or
- II. limited or indefinite leave to remain granted by 31 December 2020⁸ (where they were eligible under the EUSS as of 31 December 2020, but did not need to apply because they had other leave to remain).
- III. Have made a valid application for settled or pre-settled status in accordance with the requirements of the EUSS as evidenced by a certificate of application⁹.

Temporary Protection Arrangements

12. The Government has implemented comprehensive arrangements to enable those that are eligible to apply to the EUSS. Those who make a valid application to the EUSS, and receive a 'Certificate of Application'¹⁰, have their rights protected until their application and any appeal is finally determined. During this process, such applicants are eligible for non-reserved posts under the Civil Service Nationality Rules. Please see the Civil Service Nationality Rules guidance for more information.

Swiss Nationals

13. Swiss nationals have the same entitlements as EEA nationals to take up employment in non-reserved posts in the Civil Service. The same eligibility requirements as paragraph 10, 11 & 12 apply to Swiss nationals.

Turkish Nationals

14. Certain Turkish nationals are eligible for employment in non-reserved posts in the Civil Service. This is on the basis that an individual meets the definition of a 'relevant European', as set out in the legislation.¹¹ Turkish nationals are entitled to work in the Civil Service if they previously had rights under the European Community Association Agreement (ECAA) as

⁷ Additional protections have been made for EEA and Swiss nationals who were lawfully resident in the UK under free movement law at the end of the transition period but who have yet to obtain EUSS status. This is only applicable if an application was submitted prior to 30 June 2021 or applicants with reasonable grounds for missing the June 2021 deadline, apply to the EUSS after that date. Protections made in Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020

⁸ Implementation Period (IP) Completion Day. As defined in European Union (Withdrawal Agreement) Act 2020 s.39.

⁹ See <https://www.gov.uk/settled-status-eu-citizens-families> for more information

¹⁰ See <https://www.gov.uk/settled-status-eu-citizens-families> for more information

¹¹ See section 1(1)(c) and (5) of the Aliens' Employment Act 1955, as amended by The Immigration and Social Security Coordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020.



a Turkish worker (or as a family member of a Turkish worker),¹² which is demonstrated either by having or previously had ECAA worker leave that was granted by 31 December 2020 or as a result of an application made before that time, remain in the UK as a Turkish worker (of family member of a Turkish worker) and either;

- i. immediately before 31 December 2020 had an entitlement to take up any activity in the United Kingdom under Decision 1/80;¹³ or
- ii. they would have had an entitlement at a later date under Decision 1/80 but for the Act.¹⁴

Family Members

15. Family members of EEA nationals, who may not be EEA nationals themselves, have rights to take up employment in the Civil Service, in non-reserved posts if they have status under the EUSS or if they qualify as a UK national, British protected person, Irish national,¹⁵ or Commonwealth citizen. Family members of EEA nationals who do not have status under the EUSS are only eligible to work in the Civil Service if they qualify as a UK national, British protected person, Irish national, or Commonwealth citizen. In addition, some family members of EEA and Swiss nationals who are not otherwise eligible to work in the Civil Service in their own right and who do not yet hold EUSS status may be eligible for employment in non-reserved posts within the Civil Service under the Government's temporary protection arrangements, provided they hold a 'Certificate of Application'. **A failure by such a person to successfully obtain EUSS status may result in such job application being rejected or their contract with the Civil Service terminated.**

16. Certain family members of Swiss nationals may be eligible to take up employment in the Civil Service, provided they meet the same eligibility requirements as certain family members of EEA nationals (as outlined in paragraph 15 above).

¹² European Community Association Agreement (ECAA) is the Agreement establishing an Association between the European Economic Community and Turkey, signed at Ankara on 12 September 1963

¹³ A Decision 1/80 entitlement means an entitlement to take up any activity as an employed person in the United Kingdom by virtue of rights derived from Article 6(1) or 7 (rights of certain Turkish nationals and their family members to take up any economic activity, whatever their nationality) of Decision 1/80 of 19 September 1980 of the Association Council set up by the ECAA, OJ No L361/1, 31.12.1977, p.29.

¹⁴ Turkish nationals with extant ECAA leave, or those who applied for ECAA rights by 31 December 2020 (where that application is successful), and would have otherwise at the point their status is being considered built up the right to work in the Civil Service in the future were it not for the Immigration and Social Security Coordination (EU Withdrawal) Act 2020, are eligible. This applies whether or not the individual had been working in the Civil Service by 31 December 2020.

¹⁵ For determining citizenship of the Republic of Ireland, see the accompanying Guidance on the Civil Service Nationality Rules.



17. Family members¹⁶ of Turkish workers are eligible for employment in non-reserved posts in the Civil Service if they applied for, or obtained ECAA leave by 31 December 2020 and either:

- i. immediately before 31 December 2020 had an entitlement to take up any activity in the United Kingdom under Decision 1/80;¹⁷ or
- ii. they would have had an entitlement at a later date under Decision 1/80 but for the Act.¹⁸

18. Family members of Turkish nationals who did not obtain rights under the ECAA by 31 December 2020 are only eligible to work in the Civil Service if they qualify as a UK national, British protected person, Irish national, or Commonwealth citizen.

Frontier Workers

19. The citizens' rights agreements protect the rights of EEA and Swiss nationals who are frontier working in the UK (that is, those who are employed or self-employed here and resident elsewhere) before the end of the transition period on 31 December 2020, for as long as they continue to be frontier workers. This may include those who are, or become, employed in the UK as a civil servant or who are, or become self-employed working in the UK.

20. Frontier workers can apply for and be issued with a frontier worker permit as confirmation of their right to enter and work in the UK, including as a civil servant. In most cases, the permit is issued as a digital document that can be accessed by the holder and shared with their employer as required. A small number of frontier workers will initially be issued with a physical permit. They will be able to show their physical permit to employers to prove their right to work in the UK.

¹⁶ "Family member" includes the Turkish national's spouse and their descendants (children, including step-children, grandchildren, great-grandchildren) who are under the age of 21 years or are dependants, and dependent relatives in the ascending line (parents, grandparents, great-grandparents) of the worker and his spouse.

¹⁷ A Decision 1/80 entitlement means an entitlement to take up any activity as an employed person in the United Kingdom by virtue of rights derived from Article 6(1) or 7 (rights of certain Turkish nationals and their family members to take up any economic activity, whatever their nationality) of Decision 1/80 of 19 September 1980 of the Association Council set up by the ECAA, OJ No L361/1, 31.12.1977, p.29.

¹⁸ Turkish nationals with extant ECAA leave, or those who applied for ECAA rights by 31 December 2020 (where that application is successful), and would have otherwise at the point their status is being considered built up the right to work in the Civil Service in the future were it not for the Immigration and Social Security Coordination (EU Withdrawal) Act 2020, are eligible. This applies whether or not the individual had been working in the Civil Service by 31 December 2020.



21. After it becomes mandatory for frontier workers to hold a permit to enter the UK on 1 July 2021, employers will be able to check with the Home Office whether an EEA national holds a valid frontier worker permit.
22. We expect most frontier workers will choose to use a frontier worker permit to prove their right to work in the UK, as it is the simplest way to do so. However, they can choose to prove their status by other means to employers. The Home Office will set out in guidance what alternative evidence employers can request from EEA nationals to prove their right to work.
23. The Cabinet Office should be consulted in the event of any queries regarding the eligibility of a national of any of the above States, or the eligibility of their family members, to take up employment in the Civil Service.

Reserved Posts

24. The 1955 Act specifies in detail those public service posts which are to be reserved for UK nationals. These are referred to in the United Kingdom as “reserved posts”. Under no circumstances may other nationals or aliens be employed in a reserved post.
25. Posts within the security and intelligence services (that is, the Security Service, the Secret Intelligence Service, and the Government Communications Headquarters) are automatically reserved.
26. Other categories of posts are capable of being reserved if that is considered to be necessary (that is, that special allegiance to the Crown is required in respect of that post such that the post must be held by a UK national). These categories of posts are:
 - posts within the Defence Intelligence Staff within the Ministry of Defence;
 - posts in Her Majesty’s Diplomatic Service, the Foreign, Commonwealth and Development Office and the Defence Intelligence Staff which the responsible Minister considers needs to be held otherwise than by a relevant European;
 - posts whose functions are concerned with:
 - i) (access to intelligence information received directly or indirectly from the security and intelligence services;



- ii) access to other information which, if disclosed without authority or otherwise misused, might damage the interests of national security;
- iii) access to other information which, if disclosed without authority or otherwise misused, might be prejudicial to the interests of the United Kingdom or the safety of its citizens;
- iv) border control or decisions about immigration,

which the responsible Minister considers needs to be held otherwise than by a relevant European

27. If a post does not fall within these categories, then it is not capable of being reserved to UK nationals only. This means that any “relevant European” would be eligible to apply for such a post. These posts are therefore called ‘non reserved’ posts.

28. Where a post falls within one of the above categories (other than posts in the security and intelligence services) the relevant Minister must consider whether it is necessary to reserve that post for UK nationals only (that is, that special allegiance to the Crown is required in respect of that post such that the post must be held by a UK national). Where the relevant Minister does not consider that to be necessary, the post will not be reserved for UK nationals.

29. In relation to posts within the Diplomatic Service and the Foreign, Commonwealth and Development Office, it has been determined that special allegiance to the Crown is required in respect of these posts such that it is necessary to reserve these posts to UK nationals.¹⁹ Relevant Europeans are not therefore eligible for employment in posts in the Diplomatic Service and the Foreign, Commonwealth and Development Office unless the responsible Minister decides otherwise in relation to a specified post or posts.

Employment of Non-Aliens in the Civil Service

30. Non-aliens, that is, UK nationals, British protected persons, and Irish and Commonwealth citizens, are not prohibited by statute from employment in the Civil Service.

31. However, the following rules and restrictions apply to non-aliens.

¹⁹ Additional requirements are imposed in posts in the Diplomatic Service and FCDO – see paragraph 35.



Departments and other bodies forming part of the Home Civil Service and the Diplomatic Service must ensure that these rules and restrictions are complied with before appointment.²⁰

UK Nationals

32. UK Nationals are in principle eligible for employment in all Civil Service posts. However, departments are entitled to impose additional requirements in reserved posts if this is considered necessary.²¹ This could include, for example, requirements as to the residency of the applicant or the nationality of one or both parents of the applicant.
33. Family members of UK nationals (who are not themselves UK nationals and do not otherwise satisfy the Civil Service Nationality Rules) are not generally eligible to join the Civil Service unless they have status under the EUSS or hold a 'Certificate of Application' and are still awaiting a decision after applying to the EUSS under the temporary protection's arrangements. **A failure by such a person to successfully obtain EUSS status may result in such job application being rejected or their contract with the Civil Service terminated.**
34. For posts in the Diplomatic Service and Home Civil Service posts in the Foreign and Commonwealth Office, individuals are only eligible if:
 - a. they are a British citizen; and
 - b. they have resided in the United Kingdom for at least two of the previous ten years immediately prior to their application, at least one year of which must have been a consecutive twelve-month period, unless they have served overseas with HM Forces or in some other official capacity as a representative of Her Majesty's Government, or have lived overseas as a result of their parents' or partner's government employment. A lack of sufficient background information may preclude them from being granted security clearance.
35. The definition of UK national is set out in the UK Declaration on Nationality, made with effect from 1 January 1983, and comprises: British citizens, British subjects under Part IV of the British Nationality Act 1981 having the right of abode in the United Kingdom, and British Overseas Territories citizens.²²

²⁰ See the accompanying Guidance on the Civil Service Nationality Rules.

²¹ See above paragraphs 25 to 30 on the definition of a "reserved post".

²² For further details see the accompanying Guidance on the Civil Service Nationality Rules.



British Protected Persons

36. The definition of British protected person is determined under the British Nationality Act 1981.²³ It is expected that very few candidates will fall into this category. In practice, they will be required to show either a British passport which demonstrates their status as a British protected person or a letter from the Foreign and Commonwealth Office confirming their status.
37. British protected persons are eligible for employment in all non-reserved posts in the Civil Service. They are not eligible for employment in reserved posts.²⁴

Irish Nationals

38. Irish nationals²⁵ are eligible for employment in all non-reserved posts in the Civil Service. They are not eligible for employment in reserved posts.²⁶
39. The family members of Irish nationals who are themselves Irish nationals are to be treated in their own right in accordance with paragraphs 1.16 and 1.17 of the General Eligibility Guidance. The family members of Irish nationals who are not Irish nationals but are EEA or Swiss nationals are to be treated in the same way as other EEA and Swiss nationals. The family members of Irish nationals who are not EEA or Swiss nationals are also eligible for employment in non-reserved posts in the Civil Service in the same way as family members of other EEA nationals.²⁷

Commonwealth Citizens

40. A “Commonwealth citizen” is any person who has the status of a Commonwealth citizen under the British Nationality Act 1981. The territories forming part of the Commonwealth are listed in Annex B.²⁸
41. Commonwealth citizens are eligible for employment in all non-reserved posts in the Civil Service. They are not eligible for employment in

²³ See in particular sections 50 and 38 of the 1981 Act and the Home Office guidance on British Protected Persons: <http://www.ind.homeoffice.gov.uk/documents/nichapter54/>.

²⁴ See paragraphs 21–27 above on the definition of “reserved post”.

²⁵ For determining citizenship of the Republic of Ireland, see the accompanying Guidance on the Civil Service Nationality Rules.

²⁶ See paragraphs 21–27 above on the definition of “reserved post”.

²⁷ See paragraph 17 above concerning EEA family members.

²⁸ For determining citizenship of the Commonwealth see also the accompanying Guidance on the Civil Service Nationality Rules.



reserved posts.²⁹ Family members of Commonwealth citizens are not eligible to join the Civil Service if they do not themselves satisfy the nationality rules.

Dual Nationality

42. Individuals with dual nationality are in principle eligible for employment in the Civil Service provided that they meet the requirements of these rules in relation to one of their nationalities. This does not apply however, in respect of those reserved posts where additional nationality requirements are imposed.³⁰

Equality Act 2010

43. The Civil Service Nationality Rules do not contravene the provisions of the Equality Act 2010, because paragraph 5 of Schedule 22 of the Act allows restrictions on the employment of foreign nationals in the civil, diplomatic, security and intelligence services. This exception also applies to certain public bodies, who are entitled to apply the Civil Service Nationality Rules. See Annex E.

Stateless Persons

44. Stateless persons are not eligible for appointment to the Civil Service, even if they had past connections with the United Kingdom or the Commonwealth.

Refugees

45. A refugee does not automatically lose his or her nationality. It must either be taken away by the government of the country concerned, or the candidate must voluntarily renounce it. The Home Office (UK Visas and Immigration) should be consulted in the event of refugee candidates who claim to retain the nationality of origin.³¹

²⁹ See paragraphs 21– 27 above on the definition of “reserved post”.

³⁰ See above in paragraphs 25 - 30.

³¹ For further details see the Guidance on the Civil Service Nationality Rules.