

RIGHTS OF EU CITIZENS IN SCOTLAND

EU Citizens and Your Right to Study

This factsheet provides a brief summary of your right to study as an **EU citizen** in Scotland. In this factsheet, 'EU citizens' includes citizens of the EU member states, as well as citizens of the EEA states (Norway, Iceland and Liechtenstein), and citizens of Switzerland.

This factsheet also covers the rights of your **family members**. A 'family member' is someone who is a member of your family and not an EU citizen, and whose right to live in the UK is derived in EU law from their relationship with you and your EU citizenship.¹

This factsheet covers your rights now (during the **Brexit transition period**) and also after the transition period ends. The transition period is due to end on 31 December 2020, but this date may change if the transition period is extended.

EU citizens have the right to live in Scotland under EU law during the Brexit transition period. After the end of the transition period, EU law will no longer apply. EU citizens and their family members who wish to stay in Scotland after the end of the transition period must apply under the EU Settlement Scheme for either **Settled Status** (indefinite leave to remain) or **Pre-Settled Status** (limited leave to remain for 5 years), before 30 June 2021.

Do I have the right to study in Scotland?

Primary and Secondary Schools

All EU citizens

All children living in Scotland of school age (generally, between ages 4.5 and 16 years old) have a right to an education.

Parents are legally responsible for ensuring that their children are educated and normally fulfil this duty by sending their child to school. Every child has a right to a free place at primary and secondary school. Some parents choose to fulfil this duty by sending them to an independent school or educating them at home.

Schools are run by local councils – if you have any questions about your child's right to a free place in your local school, you should contact your local council for advice and information.

Further and Higher Education

EU citizens who do not have Settled Status or Pre-Settled Status

You have a right to study in Scotland as an EU citizen if:

- ▶ you are attending
 - ◇ a private school
 - ◇ a public or privately funded college
 - ◇ a university
 - ◇ vocational training, and
- ▶ you have 'sufficient resources' to meet the cost of your study and living expenses; and
- ▶ you have 'comprehensive sickness insurance'

EU Citizens who have Settled Status or Pre-Settled Status

You have the right to apply to study at any academic institution in Scotland, regardless of whether you have 'sufficient resources' or 'comprehensive sickness insurance'.

1. 'Family members' can include: your spouse or civil partner, your children, grandchildren and great-grandchildren under age 21, your dependent children over age 21, your dependent parents, grandparents and great-grandparents, and some unmarried partners and other dependent relatives. (where the Home Office has issued an 'extended family member' registration certificate).

EU Citizens and Your Right to Study continued

How much will it cost me to study here? Can I access student loans?

You may have the right to study at further or higher education level in Scotland, but you should consider whether you can afford to study, or continue to study, here. This may depend on whether you are eligible for 'home fees' status (free tuition) and/or student loan schemes.

Home Fees Status

To qualify for 'home fees' status (free tuition) in further or higher education, you must be:

- ▶ a citizen of an EU member state, and
- ▶ ordinarily resident in the EU for the three years immediately before you start your studies

The Scottish Government has announced that the citizens of EU member states enrolling in an undergraduate higher education degree in Scotland in 2018/19, 2019/20 and 2020/21 will benefit from 'home fees' status (free tuition) for the duration of their entire course. This will also apply to some EEA citizens. For further information, please visit www.saas.gov.uk

SAAS Student Support

Some citizens of EU member states studying a course of higher education may be eligible for student support from SAAS. Please visit www.saas.gov.uk for further information.

How do I prove my right?

Primary and Secondary Schools

Children are normally provided with a place at a local school serving their catchment area. You can enrol your child in a primary or secondary school by making an application to your local council. You must give proof of your child's identity and your residence in the local area.

Higher and Further Education

You can prove your right to study using a valid EU passport or national identity card. You may also need to give proof of residence to meet eligibility criteria for 'home fees' or student loans.

Do my rights change after the Brexit transition period?

Your child's right to a school education will not change after the Brexit transition period, if you continue to live in Scotland.

The Scottish Government has announced that it will continue to support EU students in undergraduate higher education degrees with 'home fees' (free tuition) for the duration of their course. The Scottish Government has also said it will work to continue to attract students from the EU to Scotland, after the Brexit transition period.

EU Citizens and Your Right to Study continued

Where can I get more help or advice?

If you have questions about your right to study in Scotland, your eligibility for student loans, or if you think you have been discriminated against in accessing education, you can seek help and advice here:

Primary and Secondary Education:

- ▶ **Parentzone Scotland**
Choosing a School:
<https://education.gov.scot/parentzone/my-school/choosing-a-school/local-state-school/>
- ▶ **Scottish Government**
Register your Child for a School:
<https://www.mygov.scot/register-your-child-for-a-school/>
- ▶ **Citizens Advice Scotland:**
<https://www.citizensadvice.org.uk/scotland/family/education/school-and-pre-school-education-s/education-choices-from-5-to-16-s/>

Further and Higher Education:

- ▶ The college or university you wish to study at
- ▶ **UKCISA Scotland:**
<https://www.ukcisa.org.uk/information--advice/fees-and-money/scotland-fee-status>
- ▶ **Student Awards Agency for Scotland**
Guidance on General Residence:
<https://www.saas.gov.uk/files/288/saas-exceptions-to-the-general-residence-conditions.pdf>
- ▶ **Scottish Government**
Brexit and Education:
<https://www.mygov.scot/brexit-education/>

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