

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 **family members** who are not themselves EU citizens, and whose right to live in the UK is derived from their relationship with an EU citizen.¹

Following the UK's exit from the European Union (**Brexit**), the rights of EU citizens in Scotland have changed in some important ways:

EU Citizens who were living in the UK on 31 December 2020

- ▶ EU citizens and their family members who were living in the UK on 31 December 2020 may have applied to the EU Settlement Scheme (EUSS) and been granted either **Settled Status** (indefinite leave to remain) or **Pre-Settled Status** (limited leave to remain for five years). Irish citizens and people with indefinite leave to remain did not have to apply.
- ▶ If you do not currently have leave to remain, you may be able to make a late application to the EUSS. You should urgently seek legal advice if you wish to stay in Scotland.
- ▶ If you have made an application to the EUSS and are waiting for a decision (a '**pending application**'), you will be given a **Certificate of Application** as proof of having made this application. You have the right to remain in the UK until your application has been decided. If it is refused, you have the right to remain in

the UK until it is no longer possible to appeal the decision. You will hold a **Certificate of Application** as proof of having made this application.

EU Citizens who arrived on or after 1 January 2021

EU citizens and their family members who arrived in the UK for the first time on or after 1 January 2021 cannot apply for Settled or Pre-Settled Status.

You may have arrived as a **Short Term Visitor**. If you wish to remain in the UK for more than six months, you 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 enter the UK if they hold an EUSS family permit or a UK-issued biometric residence card. Once they have entered the UK, they should apply to the EUSS within three months.

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

Do I have the right to study in Scotland?

EARLY EDUCATION AND CHILDCARE

All EU citizens

Early education and childcare is funded by the Scottish Government and can be accessed for free by the following children:

- ▶ All 3 and 4-year-olds (up to 30 hours per week)
- ▶ 2-year-olds who are 'looked after' by a local authority or where the parent is receiving certain benefits.

Local authorities may choose to provide access to free early learning and childcare to any other child, as they see fit.

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 responsible for ensuring that their children are educated. They usually do this by sending their child to school. Every child has a right to a free place at primary and secondary school. Some parents choose to send their child to an independent school or to educate them at home.

Local councils run schools. If you have questions about your child's right to a free place in your local school, you should contact your local council for advice and information.

If your child has additional support needs, the local authority has a duty to identify and support these. More information on this is available via [Enquire](#) and [Parent Club](#).

FURTHER AND HIGHER EDUCATION

EU Citizens who have Settled Status or Pre Settled Status (or who have a Certificate of Application)

You have the right to study at any academic institution in Scotland.

- ▶ If you have Settled Status, you have the right to work and study in Scotland indefinitely.
- ▶ If you have Pre-Settled Status, you have the right to work and study in Scotland until your status expires.
- ▶ If you have a Certificate of Application, you have the right to work and study until you are granted Settled Status or Pre-Settled Status (or until you are no longer able to appeal a refusal of your application).

Your right to study is not linked to a particular educational institution or a particular course of study.

EU Citizens arriving on or after 1 January 2021

SHORT TERM VISITORS

EU citizens arriving as Short Term Visitors, are permitted to attend a short course of study, or participate in academic research, so long as this is for no more than six months. You do not need to apply for a visa before arriving but you must show proof that you have enough funds to support yourself during your studies in the UK.

You are not permitted to:

- ▶ do paid or unpaid work for a UK company
- ▶ work as a self-employed person
- ▶ do a work placement or internship

LONG TERM VISA HOLDERS

EU citizens and their family members wishing to study for more than six months must apply for a

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Long Term Visa. In most cases, if granted, you will have the right to live in the UK and study, normally to complete a specific course or qualification at a specific academic institution. If you wish to switch academic institutions, or your course or qualification, you may need to seek a change to the terms of your visa or reapply for a Long Term Visa.

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

Students starting in academic year 2020-21 (or earlier)

Citizens of EU member states who enrolled in an undergraduate higher education degree in Scotland in 2020-21 or earlier will benefit from 'home fees' status (free tuition) for the duration of their entire course. This will also apply to some EEA citizens.

Students starting in academic year 2021-22 (or later)

Only citizens of EU member states who have Settled Status or Pre-Settled Status in the UK will remain eligible for 'home

fees' status. This will also apply to EEA citizens who meet residency conditions.

EU citizens coming to Scotland for the first time to start a course of study in academic year 2021-22 are not eligible to apply to the Student Awards Agency Scotland (SAAS) for tuition fee support.

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 prove your child's identity and your residence in the local area.

HIGHER AND FURTHER EDUCATION

From 1 July 2021, you must show you hold either Settled Status or Pre-Settled Status or another form of leave to remain (such as a Long Term Visa) to prove your right to remain and to continue studying in Scotland.

If you have a Certificate of Application, you can also provide this as proof of your right to study in Scotland.

You may also need to give proof of residence to meet eligibility criteria for 'home fees' or student loans.

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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/need-to-know/brexit>
- ▶ **Scottish Government**
Brexit and Education:
<https://www.studentinformation.gov.scot/students/higher-education/brexit-education>

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