



## Rights of EU Citizens in Wales

# EU Citizens' Right to Study

This factsheet provides a brief summary of an EU Citizens' right to study in Wales. 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\*.

Following the UK's exit from the European Union (**Brexit**), the rights of EU citizens in Wales have changed in some important 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) before 30 June 2021. Irish citizens and people with

indefinite leave to remain did not have to apply to the EUSS. EU citizens and their family members who did not apply to the EUSS before the 30 June 2021 deadline, do not have the right to remain in the UK after 1 July 2021, and should seek urgent legal advice if they now wish to stay in Wales.

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**. They arrive as Short Term Visitors. If they wish to remain for more than a short visit of up to 6 months, they 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 only enter the UK after 1 January 2021 if they already have a EUSS family permit, a UK-issued EEA family permit or a UK-issued biometric residence card.

## Do EU Citizens' have the right to study in Wales?

### Primary and Secondary Schools

#### All EU citizens

Parents are responsible for ensuring that their children are educated. They usually do this by sending their child to school. Every child of compulsory school age has a right to a free place at primary and secondary school. Some parents

choose to send their child to an independent school who charge fees or to educate them at home. EU citizens should contact their local authority should they have any questions about their child's right to a free place in their local school.

\* '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)

## Further and Higher Education

### EU Citizens who have Settled Status or Pre-Settled Status (or who have applied to the EUSS before 30 June 2021)

EU Citizens' have the right to study at a college or university in Wales. EU citizens with Settled Status have the right to study in Wales indefinitely. EU citizens with Pre-Settled Status have the right to study in Wales until their status expires. If you are an EU citizen and you have applied to the EUSS before the 30 June 2021 deadline and are awaiting a decision, you retain 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).

## 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. If you are an EU citizen 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 Long Term Visa. In most cases, if granted, EU citizens' 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 are an EU citizen and 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 an EU citizen to study in Wales?

EU citizens should consider whether they can afford to study, or continue to study, in Wales. Colleges and universities in Wales can charge fees and the amount you will be charged will also depend on whether you are eligible for 'home fees' status.

### Home Fees Status

#### Students starting in academic year 2020/21 (or earlier)

Citizens of EU member states who started a further or higher education course in Wales in 2020/21 or earlier will benefit from 'home fees' status for the duration of their entire course. This will also apply to EEA and Swiss nationals.

#### Students starting in academic year 2021/22 (or later)

EU, EEA and Swiss nationals who benefit from citizens' rights under the various withdrawal agreements, family members of People of Northern Ireland, Children of Swiss nationals, Children of Turkish Workers, UK nationals living in the EEA and Switzerland, UK and EU nationals resident in Gibraltar, and British and Irish citizens under the Common Travel Area arrangement, who start a further or higher education course on or after 1 August 2021 remain eligible for 'home fees' status. Residency conditions will apply and the college or university will be responsible for confirming the fees status for EU Citizens'.

If an EU citizen has 'home fees' status and is aged 16-19, FE colleges will not charge them a tuition fee. However, they may have to pay a fee if they are a college learner aged 19 and over. The college will be able to provide EU citizens' with more information about the fees it charges.

EU citizens and other EEA and Swiss nationals and their family members who are not covered by the various withdrawal agreements, and coming to Wales for the first time to start a course in the 2021/22 academic year, will not be eligible for 'home fees' status and will be charged higher fees by their college or university.

## Student Finance Wales – Student Support

### Students starting in academic year 2020/21 (or earlier)

EU citizens, EEA and Swiss nationals and their family members, who started a further or higher education course before 1 August 2021, will continue to receive student loans and grants from Student Finance Wales for the duration of their course, if they continue to meet the eligibility criteria.

### Students starting in academic year 2021/22 (or later)

EU citizens, EEA and Swiss nationals who benefit from citizens' rights under the various withdrawal agreements, family members of People of Northern Ireland, Children of Swiss nationals, Children of Turkish Workers, UK nationals living in the EEA and Switzerland, UK and EU nationals resident in Gibraltar, and British and Irish citizens under the Common Travel Area arrangement, who start a further or higher education course on or after 1 August 2021 in Wales, may be eligible to apply for student loans and grants from Student Finance Wales. Residency conditions will apply.

EU citizens and other EEA and Swiss nationals and their family members who are not covered by the various withdrawal agreements, and coming to Wales for the first time to start a course in the 2021/22 academic year, will not be eligible for student loans and grants from Student Finance Wales.

Colleges and universities in Wales provide their own bursaries, scholarships and discretionary funding. Students will need to contact their college or university directly for more information about eligibility and how to apply.

## How do EU citizens' prove their right to study?

Primary and Secondary Schools Children are normally provided with a place at a local school serving their catchment area. Children can be enrolled in a primary or secondary school by making an application to their local authority. Parents or carers must prove the child's identity and their residence in the local area.

### Further and Higher Education

From 1 July 2021, EU citizens' must show they hold either Settled Status or Pre-Settled Status or another form of leave to remain (such as a Long Term Visa) to prove their right to remain and to continue studying in Wales. If you are a EU citizen and have made a valid application under the EUSS before 30 June 2021 but your application has not yet been decided, you can also provide evidence of your application as proof of your right to remain and continue studying in Wales. You will need to give proof of your residence to meet eligibility criteria for 'home fees' or student finance.

## Further help and advice

If EU citizens' have questions about their right to study in Wales, their eligibility for student loans, or if they are experiencing difficulties in accessing education, they can seek help and advice here:

### Primary and Secondary Education

#### Choosing a school – SNAP Cymru

<https://www.snapcymru.org/help-for-families/choosing-a-school/>

#### Citizens Advice Wales

<https://www.citizensadvice.org.uk/family/education/>

### Further and Higher Education

#### Student Finance Wales

<https://www.studentfinancewales.co.uk/>

#### Study at Welsh Universities

<https://www.wales.com/lifestyle/studying/universities-wales>

## Frequently Asked Questions Regarding the Right to Study

### Will I have to pay for my children to receive an education/attend school?

Education is free in local authority managed schools in Wales. Parents and carers have a legal duty to make sure their children attend school. It is a criminal offence to keep your children away from school for no reason. You can register your child for school with your local authority.

### Do my children need to speak English or Welsh to attend school?

No, they will receive help and support to communicate and learn English and or Welsh.

### How can I learn or improve my English?

The Welsh Government also funds 'English for Speakers of Other Languages' (ESOL) courses. These are set up to help you learn and improve your English. These courses are often free and can be delivered in many areas across Wales (<https://gov.wales/english-speakers-other-languages-esol-policy-statement>).