

UKCISA advice for students on post-Brexit rules and entitlements

1 November 2018

Please note that this advice and guidance represents our best current interpretation and understanding of government announcements and intentions as they relate to visa regulations, fee status and student support (loans for study) over the next few years. A number of the issues have not, however, as yet been confirmed in legislation and, as we all understand, significant changes to policy could be announced at any time as the negotiations continue.

This cannot therefore be firm legal advice at present but we hope this general guidance for those currently in the UK or considering coming to study will find it useful. It will be updated on a regular basis and for any more detailed information, please additionally see the UKCISA website (www.ukcisa.org.uk).

Finally please note that significant changes seem inevitable – and students and parents should be aware of them – but that universities and colleges in the UK are committed to doing whatever they can to ensure that as many EU students as possible can continue to study in the UK in the post Brexit future.

The UK is still a member of the European Union until 29 March 2019. If an agreement between the UK and EU is reached before this time, the UK will enter a transition period likely to be from 30 March 2019 until 31 December 2020.

For those currently studying in the UK or for those intending to come to study in the academic year 2019/20

Fees/student support

- The relevant authorities in England, Scotland and Wales (as education is a matter decided by each of the four countries within the UK) have given generic assurances that there will be no changes to fee status or student support (access to loans) for any EU students who intend to continue with or start higher education courses in or before the 2019/20 academic year, for the full duration of the courses on which they are registered. Scotland and England have included students who are family members of EU nationals (but who are not EU nationals themselves) in these commitments and Scotland has also included those on further education courses. Northern Ireland has not yet given any assurances.
- There has, as yet, been no confirmation on the position of non- EU EEA citizens (from Norway, Iceland and Lichtenstein) and their family members studying in any of the four countries of the UK.

Immigration

- Assuming that a 'transition period' is confirmed, there will be no changes to visa requirements or entitlements during this period and EU citizens and their eligible family members will be able to enter the UK without requiring immigration permission during this time.

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- Any (eligible) student who may plan to stay in the UK for any reason, following the end of that transition period, should apply under the EU settlement scheme before the deadline for the scheme (or have permission under another immigration category from the end of the transition period). The government has said that registration under the scheme will be as simple and straightforward as possible and pilots are currently underway to ensure it is ready for full roll-out. Students should carefully retain proof of residence during the time they are in the UK so that they can apply for 'pre-settled status' if they have been in the UK for less than five years or 'settled status' if they have been in the UK for five years or more.
- Retaining evidence of residence (or reasons for gaps in residence) in the UK will also be of particular importance for any student who might be out of the UK on 31 December 2020 on say a placement, term or year abroad.

For those currently studying in the UK or for those intending to come to study in the academic year 2020/2021

- There has, as yet, been no decision on either fee status or student support for those planning to arrive in the UK to study a further or higher education course in the academic year 2020/21.
- As the start of that academic year will be within the 'transition period' we are not expecting any EU nationals and eligible family members who arrive by 31 December 2020 (or who are in an eligible relationship with an EU national by 31 December 2020) to be subject to new immigration requirements.
- As in the previous section, however, those planning to stay on in the UK after the end of the transition period should apply under the EU settlement scheme (or obtain permission under another immigration category). They should ensure that they retain all evidence of their residence in the UK from the day of their arrival (including evidence of reasons for gaps in residence).
- It is likely there will be changes to the immigration system and these will affect those who come to the UK from January 2021 and that work rights during study for these students might be brought in line with those for non-EU students; and that entitlements to work on a full-time basis, after study, may (and probably will) be subject to new Immigration Rules.

For those intending to come to study in the academic year 2021/2022

- There have been no decisions on fee status or student support following the UK's full withdrawal from the EU although many believe that changes to fees/student support may be inevitable.
- We expect further changes to the immigration system (from the end of the transition period) but there are currently no details on how this might affect international/EU students (and their family members).

Further information

Further information is available from UKCISA's website and the following resources:

- EU settlement scheme:
<https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-eu>
- Annex A of the HO guidance (which contains the list of documents students can provide in order to evidence residence in the UK):
<https://www.gov.uk/government/publications/eu-settlement-scheme-caseworker-guidance>
- UUK brochure on Brexit and EU students:
<https://www.universitiesuk.ac.uk/policy-and-analysis/brexit/Pages/brexit-faqs.aspx>
- Short videos:
www.ukcisa.org.uk/brexit

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