

A GUIDE TO YOUR RIGHTS FOR EEA/EU CITIZENS IN SCOTLAND

Factsheet 6. My Right to Education

This factsheet provides a brief summary of your rights to education in Scotland before, during and after the Brexit transition period.

www.civilsocietybrexit.scot

What are my rights now (until Brexit Day*)?

- Every child living in Scotland who is of school age (generally, age 16 or under) has a right to a free primary and secondary education.¹⁰
- You also have a right to study in Scotland as an EEA/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'
- However, it is important to note that whether or not you qualify for 'home fees' and financial support in the form of student loan funding may affect your decision to enter further or higher education, even if you have a right to do so.
- To qualify for student loan funding from the Student Awards Agency Scotland (SAAS) you must:

- Have been ordinarily resident in the EU for the three years immediately before you start your studies, and
- Be an EEA/EU citizen ordinarily resident in Scotland
- To qualify for 'home fees' status (free tuition) in further or higher education you must be an EEA/EU citizen who has been ordinarily resident in the EU for the three years immediately before you start your studies

What will my rights be during the Brexit transition period (Brexit Day* to 31 December 2020)?

- The UK and the EU have reached agreement in principle that there will be no change to your rights during the Brexit transition period.
- EU citizens arriving during this period will also enjoy the same rights as those who arrived before Brexit.
- However, the transition period will only come into effect if the **withdrawal agreement** is ratified by both the EU and the UK before 31 October 2019.

¹⁰. Section 1, Education (Scotland) Act 1980

- **The Scottish Government has announced that for EEA/EU citizens enrolling in an undergraduate higher education degree in Scotland in 2018/19 and 2019/20 will benefit from ‘home fees’ status (free tuition) for the duration of their entire course.**¹¹

What will my rights be after the transition period (after 1 January 2021)?

- Children of EEA/EU citizens of school age resident in Scotland will continue to access free primary and secondary education as this is not dependent on migration status.
- The UK Government has not yet published their policy about access to further and higher education for EEA/EU citizens after Brexit.
- However, it is likely that the right of EEA/EU citizens to come to Scotland to study after the transition period will be restricted by immigration policy after the transition period. This means that they may require to apply for student visas, which may confer leave to remain for only a limited period of time, and subject to conditions (such as a restriction on work and access to benefits).

- The Scottish Government has announced, as set out above, it will continue to support EEA/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.

How can I find out more?

- Primary and Secondary Education: 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: UKCISA Scotland
<https://www.ukcisa.org.uk/Information--Advice/Fees-and-Money/Scotland-fee-status>
- Student Awards Agency for Scotland, Guidance on General Residence
<http://www.saas.gov.uk/forms/residence.pdf>

Last Updated April 2019

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* If the draft withdrawal agreement between EU and UK is approved by the UK Parliament or an alternative deal is agreed by 31 October 2019, a specific date will be designated as Brexit Day. If ‘no deal’ is agreed by 31 October 2019, the 31 October will be Brexit Day.

11. <https://news.gov.scot/speeches-and-briefings/ministerial-statement-supporting-people-to-study-in-scotland>

Funded by the Legal Education Foundation.

