

Brexit protected rights: EU national, 3 years in UK & Islands

In order to qualify for 'home' fees under this category, all of the following criteria (a) to (e) must be met:

(a) on the *first day of the academic year* you are paying fees for, you must be a 'person with protected rights'

Read about who counts as a '*person with protected rights*' on the Definitions page (it does include people who have pre-settled status or settled status under the EU Settlement Scheme, as well as others).

Note: Once you have qualified for the 'Brexit protected rights: EU national, 3 years in UK & Islands' category for one year of your course, requirement (a) is more flexible for later years of your course. So for later years of your course, it is acceptable if you have lost your pre-settled or settled status under the EU Settlement Scheme, as long as one of the following things is true about you, on the first day of whatever academic year you are paying fees for:

- You have some kind of leave to remain; or
- You are a British or Irish citizen; or
- You are still waiting for a decision on an application for some kind of leave to remain, but you made that application late (after your previous leave expired). There is an extra requirement you must also meet: you must be someone who qualifies under paragraph SUI 13.1 of the Immigration Rules not to be treated as an overstayer (read [paragraph SUI 13.1](#) to see who that covers).

This is a special adjustment to requirement (a) that the regulations make. It has not always existed, so the options in the first two bullet points exist for academic years that start on or after 1 August 2024, and the option in the third bullet point exists for academic years that start on or after 5 March 2026.

(b) you are an *EU national* on the *first day of the first academic year of the course*

(c) you must have been ordinarily resident in the *UK and Islands* for the full three-year period before the *first day of the first academic year of the course*. For example, if your course begins in October 2024 you must have been ordinarily resident in the UK and Islands from 1 September 2021 to 31 August 2024

Note: A person who makes a late application to the EU Settlement Scheme (EUSS) will have any period of residence in the UK and Islands between missing the deadline for the EUSS and making their EUSS application treated as lawful residence, even if it was unlawful. This means the residence can count as 'ordinary residence'.

(d) if the main purpose of your residence for the three-year period was to receive full-time education, you must have been ordinarily resident in the *UK / EEA / Switzerland / the overseas territories* (these include Gibraltar) the day before the start of the three-year period

Tip: if you were in full-time education at some point during the three years, then ask yourself: If I had not been in education, where would I have been? If the answer is that you would have been somewhere in the large area that consists of the UK/EEA/Switzerland/overseas territories anyway, then you meet criterion (d).

(e) you must be *ordinarily resident* in the *UK* on the *first day of the first academic year of the course*