

Brexit protected rights: Child of worker

In order to qualify for 'home' fees under this category, all of the following criteria (a) to (d) 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: Child of worker' 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 24 July 2026.

(b) on the *first day of the academic year* you are paying fees for, two requirements must be met:

(i) you must be the child of either:

- an *EEA* national (Swiss nationality isn't enough); or
- a *relevant person of Northern Ireland* ('RPNI')

But it does not matter if you are now over 21 and are no longer dependent on the EEA national or RPNI.

and

(ii) your EEA national or RPNI parent must be someone who has been employed (not self-employed) in the UK, and at some point in time you must have lived in the UK as the child of that person whilst she/he was employed here. You should usually have started studying in the UK (not necessarily this course) while under the age of 21 or while still dependent on that person, and at a level lower than higher education. It does not matter if your EEA national or RPNI parent is not employed now, or is no longer in the UK.

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

If you have or will move to the UK from the Channel Islands or the Isle of Man, read the 'Special note for people from Channel Islands or Isle of Man' in the section on 'Know the basics' for higher education in Northern Ireland.

(d) you must have been *ordinarily resident* in the *UK / EEA / Switzerland / overseas territories* (these include Gibraltar) for the full three-year period before the *first day of the first academic year of the course*

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'.