

## Brexit protected rights: Child of a Turkish worker

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

**(a) at 10.59pm on 31 December 2020, all four bullet points were true:**

- you were *ordinarily resident* in the *UK*; and
- you were the child of a Turkish national; and
- that Turkish national was *ordinarily resident* in the *UK*; and
- that Turkish national had been lawfully employed or self-employed in the UK at any moment in time before that (it does not matter how many years earlier the employment or self-employment was – it might have been years ago)

When this category refers to a 'child', there is no requirement for the 'child' to be below a certain age (so the 'child' can be over 21). There is also no requirement for the 'child' to be dependent on the 'parent' (or anyone else).

The regulations simply state that "'parent' means a parent, guardian or any other person having parental responsibility for a child, and 'child' is to be construed accordingly".

You can read a Government explanation of what 'parental responsibility' is at <https://www.gov.uk/parental-rights-responsibilities>. If a person is already 18 then 'parental responsibility' cannot start if it has not already been established.

### **Note this special variation on the requirements in (a):**

Because Covid-19 affected travel in 2020, the Government's Department for Education issued some special guidance in May 2024. They recognise that some people will have been unable to arrive in time for 31 December 2020. It might have been you who was unable to arrive in time, or perhaps it was your parent. Perhaps both of you were unable to arrive in time.

If it was your **parent** who was unable to arrive in time, then the requirements in the third and fourth bullet points of (a) can be ignored, provided all these three requirements are met instead:

- your parent made an immigration application using the 'Ankara Agreement' (Turkish EC Association Agreement) before 11pm on 31 December 2020; and
- that immigration application was granted at some point; and
- your parent has been lawfully employed or self-employed in the UK at some point in time.

If it was **you** who was unable to arrive in time, then the requirement in the first bullet point of (a) can be ignored, provided the following requirement is met instead:

- you made an immigration application using the 'Ankara Agreement' (Turkish EC Association Agreement) before 11pm on 31 December 2020.

If **both** you and your parent were unable to arrive in time, then all four bullet points mentioned above in this box will need to be met.

In **all cases**, you will need to provide evidence that the delay in arriving was due to Covid-19.

**(b) on the *first day of the academic year* you are paying fees for, both the following two bullet points must be true:**

- you are still the child of that Turkish national; and
- that Turkish national is *ordinarily resident* in the *UK* (this includes a requirement that their residence is lawful)

**(c) you have been *ordinarily resident* in Turkey / 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***

**(d) you are ordinarily resident in the *UK* on the *first day of the first academic year of the course***