

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' includes a guardian, any other person having parental responsibility for a child and any person having care of a child and 'child' is to be construed accordingly".

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

(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*