

Brexit temporary offer for courses starting before 2028: Residence in Gibraltar

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

(a) on the *first day of the academic year* you are paying fees for, you must fall into A or B or C or D:

A. You are a *UK national* and you have resident status in Gibraltar granted by the Government of Gibraltar

You can show your 'red card' or 'blue card' issued by the Government of Gibraltar as evidence of your resident status.

B. All of the following three bullet points are true, on the *first day of the academic year* you are paying fees for:

- you are a family member of another person; and
- that other person is or was a *UK national*; and

For B, 'family member' means:

- *spouse* or *civil partner* of the UK national
- *direct descendant* of the UK national, or of the UK national's spouse or civil partner, who is:
 - under 21 years old; or
 - 21 or over and a *dependant* of the UK national or of the UK national's spouse or civil partner

- you have resident status in Gibraltar granted by the Government of Gibraltar

You can show your 'green card', 'red card' or 'blue card' issued by the Government of Gibraltar as evidence of your resident status.

C. You are an *EU national* and you have a 'right of residence in Gibraltar arising under the EU withdrawal agreement'

To show the fee assessor that you have a 'right of residence in Gibraltar arising under the EU withdrawal agreement', you should produce your 'blue card', issued by the Government of Gibraltar (not a 'green card').

D. All of the following three bullet points are true, on the *first day of the academic year* you are paying fees for:

- you are a family member of another person; and
- that other person is or was an *EU* national; and

For D, 'family member' means:

- *spouse* or *civil partner*
- *direct descendant* of the person, or of their spouse or civil partner, who is:
 - under 21 years old; or
 - 21 or over and a *dependant* of the person or of the person's spouse or civil partner
- additionally (but if the person is a student in Gibraltar and is not a worker, then the person must be self-sufficient), the dependent direct *ascendant* of:
 - the person; or
 - the person's spouse or civil partner

- you have a 'right of residence in Gibraltar arising under the EU withdrawal agreement'

To show the fee assessor that you have a 'right of residence in Gibraltar arising under the EU withdrawal agreement', you should produce your 'blue card', issued by the Government of Gibraltar (not a 'green card').

(b) a three-year residence test is met. There are two alternatives way of meeting it, you can choose either (i) or (ii) below:

(i) You meet the three-year residence test yourself. You will meet the test yourself if:

- you 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*; and
- the main purpose for your residence in the UK/EEA/Switzerland/overseas territories residence area must not have been to receive full-time education during any part of that 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 this 'main purpose' test.

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'.

or

(ii) You are the family member of an *EU* national or the family member of a *relevant person of Northern Ireland* ('RPNI'), and the EU national or RPNI meets the three-year residence test. For this to be acceptable:

- the EU national or RPNI that you are a family member of 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'.

(c) you must undertake the course in the UK