

## Brexit protected rights: Child of a Swiss national

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: Child of a Swiss national' 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 you have some kind of leave to remain (or British or Irish citizenship) on the first day of whatever academic year you are paying fees for. This is a special adjustment to requirement (a) that the regulations make. It is available for academic years that start on or after 1 August 2024.

**(b) on the *first day of the academic year* you are paying fees for, both (i) and (ii) must be true:**

(i) you must be the child of a Swiss national;

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.

and

(ii) your Swiss parent must have pre-settled or settled status under the EU Settlement Scheme. Or your Swiss parent must fit the description given at B of the definition of a '*person with protected rights*'.

If your Swiss parent has been missing from the UK and Islands for a long period, your fee assessor will want to check how long that was for. This is because your Swiss parent will have lost their pre-settled status or settled status automatically, as

soon as they stayed outside the UK and Islands for a continuous period of more than 4 years. This will be true even if their digital status says they have pre-settled or settled status.

**(c) 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***

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 your three years' ordinary residence in the large area described in (c) was mainly for the purpose of receiving full-time education, you must have been ordinarily resident in the *UK / EEA / Switzerland / Gibraltar* (and not in any of the other overseas territories) 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 UK/EEA/Switzerland/Gibraltar anyway, then you meet criterion (d).

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