



Update on the Impact of BREXIT on non-UK Pupils

Some frequently asked questions:

Can EU students who go home this Easter come back into the country without a visa?

Yes – EU pupils who go home for Easter should be able to return whether or not there is a deal, provided they were resident in the UK by 29 March.

If there is a deal, the Government has said this will be followed by the implementation period to 31 December 2020 during which the pre-exit rules will continue to apply - EU nationals will be able to enter and reside in the UK as they do presently. New immigration rules would then take effect from January 2021.

In the event of the UK leaving the EU without a deal, the Government has said they will seek to legislate to end freedom of movement from 30 March 2019 (or as soon as possible thereafter). However for those EU students in the UK by 29 March, pre-exit immigration rules will continue to apply until 31 December 2020, therefore they will be able to enter and reside in the UK as they do now. The new immigration system would then take effect from January 2021.

The Government's no-deal policy paper adds that until 31 December 2020, those EU citizens resident in the UK before 29 March 2019, "will continue to be able to rely on their passport (as a British citizen may) or national identity card if they are asked to evidence their right to reside in the UK when, for example, applying for a job, as they do currently".

Can The Oratory School and Oratory Prep School continue to offer future places to EU students who do not have a visa?

The rules will differ depending on whether or not the UK agrees a withdrawal agreement. The Government has said that if the UK leaves the EU with a deal on 29 March 2019 the intention is that the new immigration rules – which would require EU students to have a student visa or be here under the EU Settlement Scheme – will take effect in January 2021. Therefore, until 31 December 2020, the current immigration rules will apply, and EU students would be able to come to the UK without a visa.

In the event of the UK leaving the EU without a deal, those EU students arriving in the country after the 29 March 2019 and before 31 December 2020, will be subject to transitional arrangements:

- During this period, EU citizens will be able to enter the UK as now, using e-gates when travelling on a biometric passport, and will be automatically granted leave to stay for up to 3 months during which they will be permitted to work and study.

- However any EU national who wishes to stay in the UK longer than 3 months, will need to apply for "European Temporary Leave to Remain" (which is subject to identity, criminality and security checks) during that initial 3 month period. Successful applicants will be granted leave to remain for a further non-extendable period of three years for work and study.
- After the expiry of this three year period, EU students who wish to remain longer will have to apply under the new immigration rules.

Therefore a pupil due to start school in Autumn Term 2019 should be able to come to the UK but they will need to apply for "European Temporary Leave to Remain" if the course is longer than 3 months.

Until 31 December 2020, EU citizens will be able to enter the UK by showing either a valid national identity card or a passport.

What is the position of EU students and staff during the implementation period?

During the implementation period, while the UK will no longer be a member of the EU, the Government has said that EU citizens will be able to 'carry on their lives broadly as now'. EU citizens will continue to be able to work, study and enter/exit the UK without obstacle. The Immigration White Paper states that during the implementation period, "EU citizens will be able to enter and reside under the terms of the UK Regulations which implement the current, pre-Exit rules".

EU students and workers will also be able to apply for settled or pre-settled status under the EU Settlement Scheme during the implementation period. Importantly the Department for Education has confirmed that a boarding school can be classed as a home address for students when making applications.

What happens to non-EU students if there is 'no deal'?

If the UK leaves the EU without a deal there will be no change for non-EU students until any new immigration system is implemented.

What happens to EU students and workers if there is 'no deal'?

The current understanding is as follows:

- Those EU citizens resident in the UK by 29 March 2019 will be able to remain until 31 December 2020 and apply to remain under the EU Settlement Scheme during that period. For boarding students, the Department for Education has confirmed that an EU pupil's boarding school can be classed as a home address when making applications under the scheme.

The Government's no-deal policy paper adds that until 31 December 2020, those EU citizens resident in the UK before 29 March 2019, "will continue to be able to rely on their passport (as a British citizen may) or national identity card if they are asked to evidence their right to reside in the UK when, for example, applying for a job, as they do currently".

If an EU citizen is not granted pre- or settled status under the EU Settlement Scheme, they will have to apply for a permission to remain beyond January 2021 in another immigration category.

- Those EU citizens arriving in the country after the 29 March 2019 and before 31 December 2020 will be subject to transitional arrangements.
 - o During this period, EU citizens will be able to enter the UK as now, using e-gates when travelling on a biometric passport, and will be automatically granted leave to stay for up to 3 months during which they will be permitted to work and study.
 - o However any EU national who wishes to stay in the UK longer than 3 months, will need to apply for "European Temporary Leave to Remain" (which is subject to identity, criminality and security checks) during that initial 3 month period. Successful applicants will be granted leave to remain for a further non-extendable period of three years for work and study.
 - o After the expiry of this three year period, EU citizens who wish to remain longer will have to apply under the new immigration rules.
- Those EU citizens who arrive after 1 January 2021 will need a visa under the new immigration system

Links to further information

Immigration White Paper - <https://www.gov.uk/government/publications/the-uks-future-skillsbased-immigration-system>

EU Settlement Scheme – info on Gov.UK - <https://www.gov.uk/settled-status-eu-citizens-families>

EU Settlement Scheme statement of intent – more detailed policy paper - <https://www.gov.uk/government/publications/eu-settlement-scheme-statement-of-intent>

Government policy paper on rights of EU citizens under no deal (December 2018)- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/762222/Policy_paper_on_citizens__rights_in_the_event_of_a_no_deal_Brexit.pdf

Immigration from 30 March 2019 if there is no deal (January 2019): <https://www.gov.uk/government/publications/eu-immigration-after-free-movement-ends-iftheres-no-deal/immigration-from-30-march-2019-if-there-is-no-deal>