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Technical Notice – No Deal Brexit – Studying in the UK, the EU and Gibraltar

In November 2018, the European Union (the “EU”) and the United Kingdom (the “UK”) concluded the terms of a Withdrawal Agreement providing for the UK’s orderly departure from the EU. Gibraltar forms part of these arrangements. The Agreement includes a transition period until the end of 2020. The transition period would also apply to Gibraltar. The Agreement has been debated and voted upon at length but it is still subject to ratification by the UK Parliament and the European Parliament.

The door is now open for a short extension to the Article 50 process. There will be an extension to 22 May if the Withdrawal Agreement is approved. The extension will run to 12 April if the Withdrawal Agreement is not approved.

In the meantime, HM Government of Gibraltar (“HMGoG”) continues to plan for the eventuality that the UK and Gibraltar may leave the EU without this Agreement.

Purpose

The purpose of this Notice is to provide guidance to students currently enrolled in higher education programmes, or looking to enrol in higher education programmes, in the UK, the EU or Gibraltar after the UK and Gibraltar withdraw from the EU with or without a deal.

Existing Position



Gibraltar students studying in the UK have a right to reside in the UK by virtue of their UK nationality. Other EU citizens have a right to reside in the UK pursuant to EU rules on the free movement of persons. EU citizens studying in Gibraltar have a right to reside in Gibraltar in accordance with the same EU rules.

EU law also prevents discrimination on the basis of nationality. Therefore, Gibraltarians and other EU citizens studying in the UK have the same rights as home students. As such, Gibraltar students and EU students pay the same fees as home students. The same applies to UK students or students of other EU nationalities studying in Gibraltar.

In case of a Withdrawal Agreement

If the Withdrawal Agreement enters into effect, the status quo would remain up to the end of the transition period – that being 31 December 2020.

With regard to the position in the UK, following the HMGoG-UK Joint Ministerial Council of 8 March 2018, the UK Government announced that British Citizens resident in Gibraltar would continue to be eligible for higher education home fee status at English Institutions (both during the Implementation Period and afterwards). Moreover, HMGoG has entered into a reciprocal agreement with the UK which would allow for UK students to benefit from the same advantages when studying at Gibraltar University.

Furthermore, HMGoG is in discussions which aim to arrive at similar arrangements with the governments of Scotland, Wales and Northern Ireland for those looking to study in Scottish, Welsh or Northern Irish institutions.

If there is no Withdrawal Agreement

The arrangements described above with regard to Gibraltar students studying in the UK and UK students studying in Gibraltar would be unaffected by a No-Deal Brexit.



Therefore, should there be a No-Deal exit on 29 March, or after a short extension, students currently enrolled in UK universities would be able to complete their courses under the same conditions as home students. Students looking to study in the UK in future would not be disadvantaged either. The same applies to UK students currently studying at Gibraltar University or UK students planning to enrol on a higher education course in Gibraltar.

With regard to students of other EU nationalities looking to pursue higher education in Gibraltar, HMGoG has taken a policy decision to safeguard current EU rights to reside and rights on non-discrimination even in the event of a No-Deal Brexit. Legislation will be enacted to provide for this.

With regard to very limited number of Gibraltarian students currently studying at institutions elsewhere in the EU, HMGoG would advise those students to check the position in the Member State concerned. In particular, they should establish whether they would need to take any steps to register as residents in the Member State they are in in the event of a No-Deal Brexit. Individual Member States will adopt different rules in this regard.

With respect to Spain, the Spanish Government has provided in its No-Deal Brexit legislation for students studying in Spanish universities, or looking to study in Spanish universities, after having completed secondary school education in Gibraltar, to be able to do so under the same conditions as EU students for the 2019/2020 and 2020/2021 academic years.

Separately, the EU will imminently be adopting a measure providing for the continuation of ongoing learning mobility activities under the Erasmus+ programme. The measure would ensure that students and trainees abroad, who are already participating in Erasmus+, can complete their studies and continue to receive relevant funding or grants. It is expected that Gibraltar students currently participating in Erasmus+ programmes would be covered by this measure.

Further information

This Notice is meant for guidance only.



Further information, or answers to specific queries regarding this Notice, can be sought from the Department for Education (info.edu@gibraltar.gov.gi) or Gibraltar University (info@unigib.edu.gi).