



Department
for Education

New eligibility rules for home fee status and student finance for the 2021/22 academic year

December 2020

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New eligibility rules for home fee status and student finance for the 2021/22 academic year

Disclaimer

This document is designed to assist with the interpretation of The Education (Student Support) Regulations 2011 (as amended) (the Regulations). It does not cover every aspect of student support nor does it constitute legal advice or a definitive statement of the law, which will be set out in the amended Regulations early in 2021. Whilst every endeavour has been made to ensure the information contained is correct at the time of publication, no liability is accepted with regard to the contents and the Regulations will remain the legal basis of the student support arrangements for the academic year (AY) 2021/22. In the event of anomalies between this guidance and the Regulations, the Regulations prevail.

Please note this information is for Student Finance England students only]

The Withdrawal Agreement provides that current EU principles of equal treatment will continue to apply for those covered by the citizens' rights provisions in the Withdrawal Agreement. This means that EU nationals lawfully resident in the UK before the end of the transition period on 31 December 2020 will be eligible in England for support on a similar basis as now, subject to meeting the usual residency requirements, which are unchanged. Similar agreements have been signed with the EEA-EFTA states and Switzerland.

Now that we have left the EU and will no longer have the legal obligations of membership, it is right that EU, other EEA and Swiss nationals are in future treated the same as those from other countries. Therefore, EU, other EEA and Swiss nationals and their family members not covered by the Withdrawal Agreements (the EU Withdrawal Agreement, EEA-EFTA Separation Agreement and the Swiss Citizens' Rights Agreement) or the Common Travel Area arrangement with Ireland will not be eligible for home fee status and student financial support from Student Finance England if starting courses on or after 1 August 2021.

EU, other EEA and Swiss nationals, and their family members, who are covered by the citizens' rights provisions, and who have been granted settled or pre-settled status under the EU Settlement Scheme, will be eligible for support on broadly the same basis as now, subject to meeting the usual residency requirements.

Academic year 2020/21

These changes will not affect students starting courses on or before 31 July 2021. If they are already eligible under the current system, they will remain eligible under the current system for the duration of their course.

Academic year 2021/22

From 1 August 2021, EU, other EEA and Swiss nationals and their family members who are not covered by the Withdrawal Agreements will no longer be eligible for home fee status, undergraduate and postgraduate financial support and advanced learner loans from Student Finance England for courses starting in academic year 2021/22 or after. Children of Turkish workers arriving in the UK after 31 December 2020 will similarly not be eligible for home fee status and student financial support for courses starting on or after 1 August 2021.

This change will also apply to Further Education funding for those aged 19+, and funding for apprenticeships.

These eligibility changes do not apply to Irish citizens living in the UK or Ireland whose right to study and to access benefits and services will be preserved on a reciprocal basis for British and Irish citizens under the Common Travel Area arrangement.

Regulatory amendments will give effect to these changes.

EU, other EEA and Swiss nationals, and their family members who are covered by the Withdrawal Agreements will continue to have access to home fee status and student financial support on broadly the same basis as now. Generally this covers those who:

- are living in the UK by 31 December 2020 having exercised a right to reside under EU law, the EEA Agreement or the Free Movement of Persons Agreement, and;
- continue to live in the UK after 31 December 2020.

Such persons will generally have applied for pre-settled or settled status under the EU Settlement Scheme (EUSS) before 30 June 2021, apart from Irish citizens, who are not required to apply as their rights will be protected as a result of Common Travel Area arrangements.

Settled status

Those who have been granted settled status under the EUSS will generally be eligible for home fee status, tuition fee and maintenance support if they have been ordinarily resident in the UK and Islands for at least 3 years.

Irish citizens are automatically treated as settled in the UK and do not need to apply to the EUSS to benefit from these rights.

Pre-settled status

In practice, the Student Loans Company (SLC) will accept pre-settled status, together with ID documentation, as evidence for the purposes of awarding student support to EU, other EEA and Swiss nationals and their family members.

We anticipate that providers will take the same approach when awarding home fee status where the student has 3 years' residence in the UK, Gibraltar, EEA, Switzerland or the British/EU overseas territories.

EU nationals, and their family members, will generally be awarded tuition fee support by the SLC where the student has pre-settled status and has 3 years' residence in the UK, Gibraltar, EEA and Switzerland (unless that residence was wholly or mainly for the purpose of education).

The SLC will award tuition fee and maintenance support to EEA and Swiss workers, and their family members, where the student has pre-settled status and 3 years' residency in the UK, Gibraltar, EEA and Switzerland. They will also ask for financial evidence to confirm applicants are working, have worked or are looking for work, for example, P60 or a letter from an employer.

The SLC will award tuition fee and maintenance support to the child of a former EEA or Swiss migrant worker where the student has pre-settled status and 3 years' residency in the UK, Gibraltar, EEA and Switzerland.

In line with Government policy, family members of people of Northern Ireland¹ where the family member has pre-settled status will be eligible for home fee status and tuition fee support on the same basis as family members of EU nationals covered by the Withdrawal Agreement.

Irish citizens covered by the Withdrawal Agreement do not need to apply to the EU Settlement Scheme to benefit from citizens' rights. Please also see the section below: 'The Common Travel Area arrangement with Ireland'.

¹ <https://www.gov.uk/settled-status-eu-citizens-families/family-member-eligible-person-from-northern-ireland>

UK nationals living in the EEA, Switzerland and EU Overseas Territories

UK nationals and their family members living in the EEA or Switzerland on 31 December 2020 will generally be eligible for home fee status, tuition fee and maintenance support from Student Finance England for courses starting on or after 1 August 2021 and before 1 January 2028 if they meet the following conditions:

- they are living in the EEA or Switzerland on 31 December 2020 (or have moved back to the UK immediately after living in the EEA or Switzerland); and
- they have lived in the EEA, Switzerland, the UK or Gibraltar for at least the last three years; and
- they have lived continuously in the EEA, Switzerland, the UK or Gibraltar between 31 December 2020 and the start of the course.

UK nationals and their family members living in the EU Overseas Territories on 31 December 2020 will continue to be eligible for home fee status in England for courses starting before 1 January 2028.

Family members of UK nationals living in the UK

Family members of UK nationals resident in the UK will qualify for home fee status and tuition fee support from Student Finance England on the basis of 3 years ordinary residence in the UK and the Islands. They must also be undertaking a designated course in England.

Children of Swiss nationals

The children of Swiss nationals covered by the Swiss Citizens' Rights Agreement will generally be eligible for home fee status, tuition fee and maintenance support after 3 years' residency in the UK, Gibraltar, EEA and Switzerland (unless that residence was wholly or mainly for the purpose of education).

Children of Turkish Workers

Children of Turkish workers are not covered by the Withdrawal Agreements, but if they and their parent are living in the UK by the 31 December 2020 and the parent's period of leave to remain continues to be valid, they will be eligible for home fee status and student support after 3 years' residency in the UK, Gibraltar, EEA, Switzerland and Turkey.

The Common Travel Area arrangement with Ireland

The UK Government is firmly committed to maintaining rights of Irish citizens to access higher and further education courses on a reciprocal basis. This includes rights to home fee status, tuition fee loans and maintenance support subject to meeting the eligibility criteria on the same basis as UK nationals.

Irish citizens resident in the UK, Islands or Ireland for three years before the start of their course and undertaking a course in England will be eligible for home fee status, tuition fee loans and Advanced Learner Loans from Student Finance England on the same basis as UK nationals.

Additionally, Irish citizens will be eligible for maintenance support in England if they have lived in the UK and Islands for three years before the start of the course.

UK and EU nationals resident in Gibraltar

UK nationals and their family members resident in Gibraltar, and EU nationals and their family members who have a right to reside there arising from the Withdrawal Agreement, will continue to be eligible in England for home fee status, on the basis of 3 years' residency in the UK, Gibraltar, EEA and Switzerland. They will be eligible for fee support for courses starting before 1 January 2028.

UK nationals resident in the other British Overseas Territories

UK nationals living in the other British Overseas Territories and their family members will be eligible for home fee status when studying in England, on the basis of 3 years' residency in the British Overseas Territories, UK and the Islands, before the start of the course.

Students living in the Crown Dependencies

From the 2021/22 academic year new and continuing students living in the Crown Dependencies (the 'Islands'), who come to England solely for the purposes of higher or further education study, will be eligible for home fee status, on the basis of 3 years' residency in the UK or the Islands.

Currently, only students from the Crown Dependencies who move to the UK for purposes other than undertaking a course are considered to be ordinarily resident in England on the first day of their course, and are eligible for home fee status.



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