



Student Finance After Brexit Webinar **Q & A Booklet**



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Introduction

The UK's exit from the EU has seen significant changes to the rules and regulations surrounding EU citizens and their family members right to live, work or study in the UK.

As a result, student support regulations for EU, EEA and Swiss Nationals studying in the UK from Academic Year 2021/22 are being amended.

To help explain and promote understanding of student eligibility and what these will mean to prospective students and supporting IAG practitioners, the Student Loans Company (SLC) Funding Information Services Team hosted a webinar covering the fundamental aspects of the new policy.

The webinar outlined information needed for IAG practitioners to support students and covered the following:

- Student funding eligibility rules for EU/EEA and Swiss Nationals
- Provide examples of the new rules in practice
- Provide early SLC key messages and a high-level overview of student application and evidence requirements for AY 2021/22

If you did not have a chance to register for this webinar, please click [here](#) to view the webinar recording complete with live Q&A sessions.



EUSS & New Student Eligibility

Q. Would you confirm if EU students starting in September 2021 would be eligible for home fee status and student finance if they started living in the UK before December 31st and have applied for the EU Settlement Scheme before end of June 2021?

A. Provided that students met all the other eligibility criteria, then yes. Depending on the result of the EU Settlement Scheme application (and the domicile in which they reside) they would be entitled to fee support or full support based on that information.

Q. We have an EU student who by the time they start university will have lived in the country for 3.5 years. They want to apply for a maintenance loan, however, from the research I have conducted, it states that they will need to have lived in the country for 5 years in order to apply for the maintenance loan is this right?

A. Generally speaking, students need to be resident in the UK for 5 years in order to gain Settled Status through the EUSS. There is the provision for students with less than 5 years residency (who would be awarded Pre-Settled Status) but qualify as a Migrant Worker to access full support.

But fundamentally, EUSS Settled Status is needed for fee and maintenance funding for courses in England.

Q. If a student's application to the EUSS is rejected and they have appealed the decision with the Home Office, how will their status in the UK be viewed and will this affect their eligibility for student support?

A. Where any applicant to the EUSS has had their application rejected and has an ongoing appeal with the Home Office, they are considered to retain their Citizens' Rights until the case is concluded. This may also be the case where the Home Office has not reached a determination on an application.

Q. Apart from if an individual is joining their family member in the UK at a later date, will the Home Office accept any applications to the EUSS made after the 30th June 2021 closing date?

A. Where an application to the EUSS is made after 30th June 2021, the Home Office may use their discretion and still process the application. Any period of residence (even unlawful) in the UK from 1st July 2021 until the date of award of Pre-Settled or Settled Status can be disregarded for the purposes of considering 3 year ordinary residence requirements.

In effect, SLC will treat the period as lawful residence in the UK and it can therefore form part of the required 3 year lawful residence period.

The Home Office can also use its discretion to accept applications after the Pre-Settled Status expiry date and any period of unlawful residence in the UK following the date of expiry of Pre-Settled Status until the date of award of Settled Status can be disregarded.

Q. EUSS Pre-Settled Status is valid for 5 years from the date granted. What will happen to a student's eligibility for support if the status expires in this time and they have not changed or cannot change to Settled Status?

A. Where a student has Pre-Settled Status and this status expires during an AY of the course, they will not be eligible for support for the following course year. This is the case unless they can evidence that they have been granted EUSS Settled Status.

Where they do not obtain Settled Status (and do not qualify on any other basis), they will be ineligible for support for future Academic Years.

This does not apply where the student is in receipt of either PG Master's or PG Doctoral Loan funding for England/Wales or Advanced Learner Loan funding in England. Students applying for these funding types are assessed once and awarded funding for the whole course rather than per AY.

Q. If a student starts a course in Academic Year 2020/21 but takes a break in study and returns to a new course does their eligibility change?

A. Students who are continuing in Academic Year 2021/22 will be on the same period of eligibility as at the start of their course. They will remain eligible under the regulatory residency category in which they were originally assessed. This applies to those students who transfer or suspend their studies within existing SLC guidelines.

Students that are deemed to be 'new' will be required to undergo a new post AY 2021/22 eligibility check and will be assessed under new residency rules. This would apply to those students progressing from FE to HE, starting a new FE learning aim, topping up an UG course, starting a second UG qualification or applying for the first time having withdrawn or abandoned a previous course.

Q. What happens if an EU or EEA national has applied in 2020 for deferred entry? Are they still going to be supported with fees?

A. Students can defer with agreement from the institution. However, the new regulations have come into force for all EU, EEA and Swiss nationals who start a course in AY 2021/22 or later.

A deferring student would be subject to the new eligibility criteria once they begin their course, but as an EU/EEA/Swiss national or a family member they would still need to complete the EU Settlement Scheme application in order to gain a status and remain lawfully resident in the UK.

Q. Can you confirm that those who have Pre-Settled Status and living in England can only apply for tuition fees and not Maintenance Loans?

A. Unless they are recognised as Migrant Workers, then yes. Students with Pre-Settled Status with 3 years residency in the UK and Islands can apply for fee support if studying in England, or full support if studying in Wales or Northern Ireland.

EU Nationals and their family members that have 3 years residency in the EU but have gained Pre-Settled Status after the end of the transition period will also be eligible for fee support.

Q. We have been asked a question from a potential student of ours who wishes to know. I would like to apply for TF & ML for September 2021. When I start in Sept 2021 it will have been 5 years and 2 months since I came to England. I will have a Settled Status at this time. Will I get both student loans?

A. Provided that students met all the other eligibility criteria, then yes. Providing they could evidence Settled Status, 3 years ordinary UK residency and were resident in the relevant home domicile, they would be entitled to full support based on that information.

Q. If an EU national has Pre-Settled Status but less than 3 years residency in the UK (prior to their UK residence they lived in the EU) are they eligible for UK fee status?

A. EU nationals with Pre-Settled Status and three years residency in the UK, Gibraltar, EEA or Switzerland will be eligible for home fee status and tuition fee support.

Q. Can you confirm key points for a student with Settled Status from EU settlement scheme, leaves the UK and lives in EU for a year before returning to take up a course?

A. In this instance, the student with Settled Status is entitled to leave the UK for up to 5 years without losing that status. The Settled Status would still be valid on their return and upon their application for student finance.

However, we would also need to recognise that in order to access support, students must be ordinarily resident in the UK for 3 years prior to the start of the course. So we would need to investigate if the reason for the absence was permanent, and demonstrated that they were now ordinarily resident in the EU. If so, then they would be a student with an eligible status and 3 years ordinary residence in the UK, Gibraltar, EEA and Switzerland and entitled to fee support only.

Q. If an EU student moved to the UK in 2009 with his EU parents and has lived in UK since then, applies to an HEP Sept 2021 he must have applied and been granted Settled Status under EUSS to receive full support?

A. Yes. Based on this information the student has been in the UK for more than 5 years and as such would be awarded Settled Status via EUSS. They have been ordinarily resident in the UK and Islands for three years prior to the start of the course, so provided all standard eligibility criteria were met, this student could access full support.

Q. Please explain the scenario where a student can leave the country for 5 years without losing Settled Status and if it affects their eligibility for funding. In addition, please explain this with a Pre-Settled, 2 year absence.

A. The student with Settled Status is entitled to leave the UK for up to 5 years without losing that status (and for 2 years if they have been awarded Pre-Settled Status). The Settled Status would still be valid on their return and upon their application for student finance. However, we would also need to recognise that in order to access support, students must also be ordinarily resident in the UK for 3 years prior to the start of the course. We would need to investigate if the reason for the absence was permanent, and demonstrated that they were now ordinarily resident in the EU. If so, then they would be a student with an eligible status and 3 years ordinary residence in the UK, Gibraltar, EEA and Switzerland and entitled to fee support only.

Q. Regarding EU students with Pre-Settled Status, if they are applying for an Initial Teacher Training starting next year (2021-2022) will they have to pay home or international fees?

A. Students on ITT courses are treated the same as other students for the purposes of eligibility and assessment. As such, any EU nationals would need to provide evidence of a status from EUSS and meet existing criteria for support.

Q. How many days could someone leave the UK before they are classed as no longer having continuous residence? Say if they went to stay with family abroad over the summer holidays?

A. We would need to be satisfied that the student remained ordinary resident in the UK in order for funding to follow. If there is an indication that there was a permanent move from the UK - a move that meant somewhere else was where the student was ordinarily resident - then we could not confirm ordinary UK residency.

Temporary absence cases are viewed on their own individual merit. But by way of an example, a 6 month touring holiday could be deemed as temporary absence but 'moving home to live' could not.

Q. Presumably, SLC will not provide loans to cover international fees, so we will need to establish which EU students have settled or Pre-Settled Status to determine if we should charge them home fees, is that correct?

A. That is correct. SLC will only provide support to eligible students. 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;

- (i) 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
- (ii) continue to live in the UK after 31 December 2020. Such persons must apply 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.

Q. Can you confirm that EU nationals with Pre-Settled Status can only get tuition fee support in England, and would need to have 3 years residency in the UK as well?

A. Usually yes, unless they meet the criteria as a Migrant Worker (in which case they could have Pre-Settled Status, less than 3 years ordinary UK residency and access full support). The three-year residence area for fees only for EU nationals and their family members is the UK, Gibraltar, EEA and Switzerland.

Q. Are students with Pre-Settled Status entitled to additional support such as DSA or childcare grants?

A. EU nationals and their family members with Pre-Settled Status are usually entitled to fee support only. DSA and Dependents Grants come under the umbrella term of maintenance assistance and so students will need to have full Settled Status (or Pre-Settled Status but qualify for full support as a Migrant Worker) before being considered for these additional grants.

Q. If a student is given Pre-Settled Status, are they only eligible for tuition fee support until they have been residence for three years? After the three years, are they eligible for full support, or do they need to have Settled Status?

A. Generally yes. Fee support is usually available for EU nationals and their family members where they have Pre-Settled Status. However, potential Migrant Workers will usually arrive in the UK and be awarded Pre-Settled Status. This will attract fee support - but once Migrant Worker status is proved, then this can be upgraded to the full support package.

Q. Can you confirm key points for a student with Settled Status from EU settlement scheme, leaves the UK and lives in EU for a year before returning to take up a course?

A. We would need to investigate whether they were ordinarily resident in the UK and Islands for the 3 years before the start of the course – if the absence was considered temporary, they could still get full fee and maintenance support.

Q. If a student is granted settled/Pre-Settled Status this year and gets SFE support for a course, will they retain that support if they change to a different course and/or institution while studying?

A. Students who are continuing in Academic Year 2021/22 will be on the same period of eligibility as at the start of their course. They will remain eligible under the regulatory residency category in which they were originally assessed. This applies to those students who transfer or suspend their studies within existing SLC guidelines.

Students that are deemed to be 'new' will be required to undergo a new post AY 2021/22 eligibility check and will be assessed under new residency rules. This would apply to those students progressing from FE to HE, starting a new FE learning aim, topping up an UG course, starting a second UG qualification or applying for the first time having withdrawn or abandoned a previous course.

Q. If a student has Pre-Settled Status but has returned to their home country to complete their education, will they fall fowl of qualifying for TFL as they have left the UK for more than 6 months? Also what evidence will students need to provide to prove where they have been living for the past 3 years?

A. If a student has been awarded 'Pre-Settled' status, this entitles them to leave the UK for up to 2 years without losing that status. Upon their return to the UK, they could apply for support for fees. What the student would need to consider is that whilst they can maintain their status, if they move home to the EU this may mean that they cannot demonstrate 5 years continuous residency (when they come to apply to the Home Office for 'Settled Status') or 3 years ordinary residency in the UK and Islands (when they come to apply to SLC for student support).

Q. Do students currently in year 12 have to apply for Settled Status before the 30th June too, even though they are not going to university until 2022?

A. EU, EEA and Swiss nationals (and their family members) who have Citizens' Rights must apply for a status under the Home Office's EU Settlement Scheme (EUSS) before 30th June 2021 if they wish to remain living in the UK. As well as being able to remain living in the UK, a status under the EU Settlement Scheme will be required to work in the UK, access free healthcare through the NHS, enrol in education or continue studying, access public funds such as benefits and pensions and travel in and out of the UK.

Q. How long does the process take to apply for Pre-Settled Status?

A. According to the Home Office who own and operate the EU Settlement Scheme, it usually takes around 5 working days for complete applications to be processed if no further information is required. It can potentially take up to a month in some instances when additional evidence is required.

Q. Does 'Full support' in reference to the students with Pre-Settled Status studying in Wales or NI mean they're getting tuition fee loans and maintenance loans?

A. Yes. Students studying in Wales and Northern Ireland are eligible for tuition and maintenance support if they have Pre-Settled Status and three years of ordinary residence in the UK and Islands before the start of the course (students in England usually require Settled Status for full support).

Q. Do students with Pre-Settled Status and 3 years residency in the UK prior to first day of first AY of their course not receive maintenance support, only a tuition fee loan, if they study in England?

A. Unless they are recognised as Migrant Workers, then yes. Students with Pre-Settled Status with 3 years residency in UK and Islands can apply for fee support if studying in England, or full support if studying in Wales or Northern Ireland. EU Nationals and their family members who have 3 years residency in the UK, Gibraltar, EEA and Switzerland that gain Pre-Settled Status after the end of transition period will also be eligible for fee support.

Q. An EEA national who has Pre-Settled Status, lives in England, and applies to SFE for funding for a course starting September 2021 and has remained in the UK throughout (so don't have to consider temporary absence) but not yet eligible for full Settled Status. If they have been in the UK for over 3 years as at 1 September 2021 will they NOT be eligible for Home student funding, but can take out the fee loan only?

A. Nationals of the Norway, Iceland and Liechtenstein are not EU nationals. These 3 countries are in the EEA - but not the EU. Currently, as such, students from these countries cannot access tuition fees only support. They are able to access full support with Migrant Worker status.

New Regulations from 2021 state that in a similar way, these individuals can only access full support once they have been awarded Settled Status (5 years in the UK) and lived in the UK and Islands for 3 years prior to the start of course. As they are not EU nationals or their family members, unless they are eligible under any of the other provisions, they will not be able to access fee support with Pre-Settled Status. Students from these 3 countries with Pre-Settled Status would need to be recognised as an EEA Migrant Worker and could then access full support.

Q. If a student has been growing up in France but has British grandparents in the UK, could the student be eligible for support if they want to study HE in September 2021?

A. If the student was a UK national who moved to France prior to the end of the transition period, then they could access full support upon their return - provided the student starts a course in the UK within 7 years of the 31 December 2000. If the student is a UK national that has never lived in the UK, provided they lived in the EU/EEA at the end of transition then they too could access full support if they returned to the UK and started a course within the same 7 year period. Otherwise, if they are a French national it is likely that they will be eligible for fee support only - provided that they were living in the UK by 31 December 2020 and applied to the EU Settlement Scheme.

Q. Will there ever be a time when tuition fee only support is phased out, as everyone who would've been eligible for it becomes eligible for full support instead e.g. anyone who had Pre-Settled Status passes the 5 year residency mark and is now eligible for full support?

A. It is true than in some instances, students with Pre-Settled Status (and fee support) will be able to upgrade to full support once they have reached 5 years continuous residency and have gained Settled Status. Fee support will be available to certain groups, including:

- 1) students who reach 5 years of residency and gain Settled Status - but were not ordinarily resident in UK for 3 years prior to the start of their course
- 2) EU nationals joining their family members in the UK after transition and awarded Pre-Settled Status
- 3) Irish Nationals resident in the Common Travel Area
- 4) family members of People of Northern Ireland
- 5) family members of UK nationals, where the family member was resident in the UK and Islands for three years, and
- 6) people eligible with Gibraltar residency

Q. For those where you are paying the home fees but not maintenance due to not having 3 years residency are you expecting HEI's to charge Home Fees as opposed to International?

We have been assuming that 3 years residency in the UK, EEA and Gibraltar is needed along with the Pre-Settled Status in order to grant Home Fee Status, otherwise International fees are charged which means the students needs to pay the difference themselves.

A. The student needs to meet the eligibility requirements of one of the home fee status categories in the regulations - if they do, international fees do not apply. For EU nationals and their family members who have Pre-Settled Status and three years ordinary residency in the UK, Gibraltar, the EEA and Switzerland, home fee status (and fee loans are available).

Q. For Swiss Nationals, living in Switzerland there is a government trade agreement that seemed to suggest that Swiss Nationals are entitled to fee support - even without any UK residency / passport links, can you confirm?

A. Similar to Norway, Iceland and Liechtenstein (in EEA but not EU) Switzerland is not an EU country. Separate arrangements exist between the EU and Switzerland. Previously, the children of Swiss Nationals were permitted to access full support, provided that they were aged under 21 and had 3 years residency in UK, EU/EEA or Switzerland.

Under the new regulations for AY 2021/22, the Swiss national parent must have been granted Pre-Settled or Settled Status and was resident in the UK prior to the end of the transition period. The child of the Swiss national must have Pre-Settled Status, which can be gained if they come to the UK after the end of the transition period. Existing rules about residency and age will be maintained.

Q. Do these EU students (or their eligible family members) have to get the EUSS status on the first day at the start of their course, for example 01 September 2021?

What if their status is granted after 01 September 2021?

A. Yes, they would need to be Pre-Settled or settled on the first day of the course in order to access support (or have an appeal or pending application ongoing with the Home Office).

Where Settled Status is awarded after the start of the course, the student may be considered eligible from that point onwards under the 'events' regulations.

Q. Would a student receive support while their appeal is ongoing until the outcome of the appeal is known?

A. Where any applicant to the EUSS has had their application rejected and has an ongoing appeal with the Home Office, or where their application is still being considered by the Home Office, they are considered to retain their Citizens' Rights until the case is concluded. Support may be awarded where this is the case at the start of the first academic year of the course.

Q. As Head of Year 13, I have just finished the UCAS application process with my students, there is some uncertainty amongst students around EU students' eligibility for finance. If a student lives full time in the UK and their parents work in the UK, are they eligible for student finance from AY 2021/22 onwards where they only have EU passports?

A. Yes, providing that the students go through the EU Settlement Scheme and are awarded Pre-Settled or Settled Status, then support (either fee only or full support) should follow. Under these circumstances, they may qualify for additional maintenance support as the child of a Migrant Worker.

Q. If a student is waiting for their Settled Status documentation to arrive after applying, are they still classed as having Pre-Settled Status even though they have been in the UK over 5 years?

A. This is a question that would need to be directed to the Home Office, whose guidelines govern the EU Settlement Scheme. Generally speaking, students are deemed to be Pre-Settled for five years from the issue date of that status. They should apply for Settled Status before their Pre-Settled Status expires. If there is a gap between the expiration of Pre-Settled Status and the award of Settled Status, although this period is unlawful it would not be counted against the student when assessing their ordinary UK residency.

Q. If an EU student defers for a year, for example because of COVID-19, but had made an application for 2020/21 for finance would they still be eligible in AY 2021/22 or would they fall into the new rules?

A. Students can defer with agreement from the institution. The new regulations have come into force for all those starting a course in AY 2021/22. Deferring students would be subject to the new eligibility criteria once they begin their course and apply in AY 2021/22, but as an EU national they would still need to apply to the EU Settlement Scheme in order to gain a status and remain lawfully resident in the UK in the same way as any other EU national.

Q. If a new EU student holds a Student Visa would this mean they cannot get any student support because they hold this visa? Or, if they meet any of the relevant eligibility criteria, holding this visa will not exclude them?

A. Student visa's are issued in order to permit foreign nationals to reside in the UK in order to study. This is different to the criteria that permits students to access student support in terms of fees and/or maintenance. SFE, SFW and SFNI award funding to eligible students from the UK, eligible students from the EU or students from the rest of the world that meet the criteria of one of the residency categories in the regulations. Regulations in all of these scenarios sit outside any student visa considerations.

Q. What happens to students who want to study in the EU - can they carry their student finance to an EU university? and if they are lucky enough to have dual citizenship so both British and EU?

A. UK government funding is not available for UK nationals (with single or dual nationality) studying in the EU. If the student is a dual or an EU national they should consult the relevant authorities in their home country.

Q. If an EU national has Settled Status under the EUSS, has been ordinarily resident in England for the required time, but wants to study at a HEI in another domicile, will they still get funding to do this?

A. Students need to demonstrate 3 years ordinary residency in the UK and Islands in order to access support. This can be anywhere in the UK, but when it comes to applying for support, they will be funded based on the area that they are ordinary resident at the start of the first academic year of the course. So if a student has lived in England for 2 years and moves to Wales for 1 year prior to beginning a course, they would be eligible with 3 years UK residency and apply to SFW.

Q. A Spanish national who came to boarding school in England in September 2020 and will be here for education until July 2022 (returning home for holidays), aiming to start university in England in September 2022. Can he apply for Pre-Settled Status and then qualify for home fees and fee support?

A. EU nationals resident in the UK (including those in boarding schools) by 31 December 2020 can apply for Pre-Settled Status. They can qualify for home fee status and fee support with Pre-Settled Status and three years of residency in the UK, Gibraltar, the EEA and Switzerland. If they were in the UK for the purposes of education, this would be taken into account for the three-year residency requirement, but as they are EU nationals it may be safe to assume their home address is in the EU so would still count as within the UK, Gibraltar, the EEA and Switzerland.

Q. Can you set out the definition of children of EU nationals for eligibility purposes?

A. EU nationals can utilise family member's citizen's rights. The definition of 'family member' for this category is:

- (1) the person's spouse or civil partner
- (2) direct descendants of the person, person's spouse or civil partner who are
 - i) under the age of 21 or
 - ii) dependants of the person or the person's spouse or civil partner
- (3) dependant ascending line relatives of the person, person's spouse or civil partner

Q. Could we get more information about the change in support for EEA students when they moved from Pre-Settled to settled?

A. If they are already studying here and have Pre-Settled Status under the EUSS they may not have been entitled to any support. If they are later granted Settled Status, then we may be able to reassess this change as an 'Event'.

This can be done when the student has 3 years ordinary resident in the UK prior to the start of the course - and now has Settled Status. This would mean that they will be reassessed and become eligible for full funding, including maintenance loan funding from the following Academic Quarter.

Q. What constitutes Temporary absence and how is that lost?

A. We would need to be satisfied that the student remained ordinarily resident in the UK or relevant area for the regulatory category in order for funding to follow. If there is an indication that there was a permanent move away from that area - a move that meant somewhere else was where the student was ordinarily resident - then we could not confirm ordinary UK residency.

Temporary absence cases are viewed on their own individual merit. For example, a 6 month touring holiday could be deemed as temporary absence, but 'moving home to live' could not. In the latter case, ordinary residency would be deemed to be in the EU - and as such only fee support would be available.

Q. The non-UK national (and non EU/EEA/Swiss) adult child (under 21) of a UK national joins their parent in the UK.

The parent has lived in the UK for 5+ year; the child has been living, for example in Ghana. When would the child become eligible for full support? After three years residency?

A. If they were living in Ghana for the three years prior to the start of the first Academic Year, they would not be eligible until they had indefinite leave to remain in the UK and three years of residence in the UK and Islands, unless they qualify under one of the other residency categories.

Q. We've had a number of students attending international schools in Europe (& living in the EU) who are UK passport holders. They have received offers, which have stated international (and some EU fee status) for UK universities. What is the best route of appeal?

A. UK nationals who have exercised a right to reside in the EU prior to the end of transition cannot be penalised for exercising that right - providing that they have been in the UK, Gibraltar, the EEA and Switzerland for the 3 years prior to the start of their course.

Upon return to the UK, these UK nationals will be entitled to full support - and home fee status.

Appeals should be taken up directly with the institution. Similarly, other EEA and Swiss nationals, and their family members are covered by the Withdrawal Agreement and will continue to have access to home fee status and student financial support on broadly the same basis as now.

Q. Is the best thing to do if students ask about their status to simply direct them to the Gov website / contact the Home Office?

A. Yes. The EU Settlement Scheme is operated by the Home Office and any questions about the scheme should be directed to them via the information pages on www.gov.uk

EUSS enquiries from inside the UK

Telephone: 0300 123 7379

Monday to Friday (excluding bank holidays), 8am to 8pm

Saturday and Sunday, 9:30am to 4:30pm

EUSS enquiries from outside the UK

Telephone: +44 (0)203 080 0010

Monday to Friday (excluding bank holidays), 8am to 8pm

Saturday and Sunday, 9:30am to 4:30pm

If you're from an organisation helping others to apply to the EUSS

Telephone: 0300 790 0566

Monday to Friday (excluding bank holidays), 8am to 8pm

Saturday and Sunday, 9:30am to 4:30pm

EUSS & New Student Eligibility - Case Study

Q. If a Greek student came to the UK before December 2020 and is given Pre-Settled Status and then went back to Greece. As long as they make another visit to the UK within 6 months for a holiday (but returns to Greece) then returns to the UK to start a course in September 2021, they would be granted tuition fee support only?

However, if they stayed in Greece and did not make a visit until they came back for the course in September 2021, they would not be granted fee support?

A. If an EU national was living in the UK prior to the end of the Transition Period following the UK exit from the EU on 31st December 2020 then they would have gained Citizens' Rights and would have until the set closing date of 30th June 2021 to apply for and be granted a status (Pre-Settled or settled) through the EU Settlement Scheme, which allows them to continue to lawfully live, work and study in the UK.

As the student in this example has been granted EUSS Pre-Settled Status, this allows them to spend up to 2 years in a row outside the UK without losing this overall status. However, those with Pre-Settled Status will need to maintain their continuous residency in the UK if they want to qualify for Settled Status at a later date, usually after 5 years continuous residency in the UK (for 5 years in a row they've been in the UK, the Channel Islands or the Isle of Man for at least 6 months in any 12-month period).

Those with Pre-Settled Status can spend up to 6 months in any 12-month period, (or one period of up to 12 months for an important reason, for example, childbirth, serious illness) outside of the UK without breaking their continuous UK residency and potentially affecting their ability to later switch to Settled Status, but that would be a Home Office and not an SLC decision to make.

Further details: www.gov.uk/settled-status-eu-citizens-families/what-settled-and-presettled-status-means

For student finance purposes, providing the student has Citizens' Rights, EUSS Pre-Settled Status and adheres to the other Home Office guidelines then yes, in this scenario they should be able to apply for and access Tuition Fee Loan support, or full support if they could qualify under a Migrant Worker category.

What we would be looking at here is the student having been ordinarily resident in the UK, Gibraltar, EEA and Switzerland for the 3-year period prior to the first day of the first AY of their course and on submitting their application we would also be requesting a valid EUSS Share Code, their status letter and asking the usual questions about previous study etc to establish their eligibility for support.

EUSS Pre-Settled Status and ordinary residency in the UK, Gibraltar, EEA and Switzerland for the 3-year period prior to the first day of the first AY of their course would also allow eligible students to apply for and access Postgraduate Loans and Advanced Learner Loans (SFE).

While Pre-Settled Status can also allow access to full support from SFW or SFNI, this relies on the student being ordinarily resident in Wales or Northern Ireland on the first day of the first AY of their course and to have been ordinarily resident in the UK and Islands for the 3 years prior to the first day of the first AY of their course.



Continuing Students

Q. Will all continuing AY 2021/2022 EU students remain eligible for support throughout the full duration of their current course despite the post-Brexit residency regulation changes?

A. Students who are continuing in Academic Year 2021/22 will be on the same period of eligibility as at the start of their course. They will remain eligible under the regulatory residency category in which they were originally assessed. This applies to those students who transfer or suspend their studies within existing SLC guidelines.

DfE introduced a regulatory rule for England which states that a continuing student who started pre Academic Year 2021/22 can transfer once in Academic Year 2021/22 or later and retain their existing eligible status. If they transfer again, they would need to have their eligibility checked again under the new residency rules. Students that are deemed to be 'new' will be required to undergo a new post AY 2021/22 eligibility check and will be assessed under new residency rules. This would apply to those students progressing from FE to HE, starting a new FE learning aim, topping up an UG course, starting a second UG qualification, a change in mode of study or applying for the first time having withdrawn or abandoned a previous course.

Q. Will current EU students who have suspended studies for a year/2 years be affected (student finance wise) when they return in any way?

A. Students who are continuing in Academic Year 2021/22 will be on the same period of eligibility as at the start of their course. They will remain eligible under the regulatory residency category in which they were originally assessed. This applies to those students who transfer or suspend their studies within existing SLC guidelines. Students that are deemed to be 'new' will be required to undergo a new post AY 2021/22 eligibility check and will be assessed under new residency rules. This would apply to those students progressing from FE to HE, starting a new FE learning aim, topping up an UG course, starting a second UG qualification, a change in mode of study or applying for the first time having withdrawn or abandoned a previous course.

Q. We will have EU citizens with Settled Status who are deciding whether to start their PhD part time this September or in the future. Are their fees at risk of being increased to International fees if they start it in future years if they already have the Settled or Pre-Settled Status?

A. Any student wishing to study a Masters or PhD postgraduate qualification will need to go through the EU Settlement Scheme and be awarded either Pre-Settled or Settled Status. Other existing eligibility checks will be carried out but subject to approval, they will be eligible for PG loans as long as we are satisfied that the student meets the ordinary residency requirements.

Q. Students who do not have EUSS or PSS so require a visa but do start a course and are in the UK prior to 31st July 2021, will they receive student finance support?

A. If the person arrived in the UK on 1st January 2021 or later (after the end of the transition period) they will not be eligible for the EU Settlement Scheme and so wouldn't therefore be eligible for student support.

Q. If someone hits residency criteria in for example, Year 2 or Year 3 of their course, would they then qualify for SLC support for the remainder of their studies?

A. Students would need to have a minimum of Pre-Settled Status at the start of their course in order to become eligible for funding once they gain Settled Status. We class a progression of 'Pre-Settled' fees funding to 'settled' full funding as an 'Event'. Students are not able to become eligible after being deemed ineligible at the start of the course (the exception to this would be EEA nationals that are eligible for full support once they reached Settled Status (5 years) and 3 years ordinary residency in the UK and Islands).

Q. Can I confirm that EU continuing students will not need to apply for EUSS to qualify for UK fee levels? And if so, will they still need to apply for EUSS in order to physically carry out their studies within the UK in person (as opposed to distance learning)?

A. SLC will only be doing EUSS checks on new students. Continuing students do not need to provide an EUSS as part of their eligibility on their PR applications. However, they are advised to go through the EUSS anyway, as they need a status to legally remain in the UK. So the EUSS result is important for other essential reasons - it is essential for legality reasons over and above just Student Support.

Q. If an Undergraduate EU student who started study in AY 2020/21 changes mode of study in AY 2021/22, would this affect their eligibility for funding? These students usually have to complete a new funding application, and have their residency reassessed.

A. Students who are continuing in Academic Year 2021/22 will be on the same period of eligibility as at the start of their course. They will remain eligible under the regulatory residency category in which they were originally assessed. This applies to those students who transfer or suspend their studies within existing SLC guidelines. Students that are deemed to be 'new' will be required to undergo a new post AY 2021/22 eligibility check and will be assessed under new residency rules. This would apply to those students progressing from FE to HE, starting a new FE learning aim, topping up an UG course, starting a second UG qualification, a change in mode of study or applying for the first time having withdrawn or abandoned a previous course.

Q. An EU student currently on BA is applying for MA for September 2021. They have been in the UK since 2018 and have Pre-Settled Status. Are they eligible for PG Loan?

A. This student would need to apply to the EU Settlement Scheme and be awarded Pre-Settled or Settled Status. Subject to the usual eligibility checks, they will be eligible for PG loans as long as we are satisfied that the student's ordinary residency in the UK, EEA, Gibraltar or Switzerland for the 3 years prior to that start of the course was not solely for the purpose of receiving education.

Q. What happens to their funding assessment if students are going from an Access to HE course to a Degree course?

A. Students who are continuing in Academic Year 2021/22 will be on the same period of eligibility as at the start of their course. They will remain eligible under the regulatory residency category in which they were originally assessed.

This applies to those students who transfer or suspend their studies within existing SLC guidelines. Students that are deemed to be 'new' will be required to undergo a new post AY 2021/22 eligibility check and will be assessed under new residency rules. This would apply to those students progressing from FE to HE, starting a new FE learning aim, topping up an UG course, starting a second UG qualification, a change in mode of study or applying for the first time having withdrawn or abandoned a previous course.

Q. For students with EUSS Pre-Settled Status who later obtain 5 year Settled Status and can obtain a maintenance loan in the quarter following obtaining this status. What would happen if this student gained British Citizenship instead of Settled Status?

A. Becoming a British national is not an event in the regulations, an individual with Pre-Settled Status would need to acquire Settled Status under the EUSS to be considered eligible as an 'Event'.

Q. Will EU students who graduate in July 2020 and return to take a Postgraduate course in September 2021 be entitled to PG funding, assuming that the students will return home over the summer?

A. Any student wishing to study a Masters or PhD postgraduate qualification will need to go through the EU Settlement Scheme and be awarded either Pre-Settled or Settled Status. Other existing eligibility checks will be carried out but subject to approval, they will be eligible for PG loans as long as we are satisfied that the student meets the ordinary residence requirements.

Q. If an EU student came to Wales in August 2018, undertook a 3 year degree and graduated June 2021 and has applied for Settled Status, would they be granted settled/pre Settled Status if the main reason for their stay was education?

If they are granted settled/Pre-Settled Status, would they then be eligible for SFW PG funding or would the main reason for their stay being education rule them out?

A. Any student wishing to study a Masters or PhD postgraduate qualification will need to go through the EU Settlement Scheme and be awarded either Pre-Settled or Settled Status. They will be able to apply for status under the EUSS regardless of the reason for their stay. Other existing eligibility checks will be carried out but subject to approval, they will be eligible for PG loans as long as we are satisfied that the student meets the ordinary residency requirements.

Q. The DfE document from Dec 2020 mentioned that Pre-Settled Status students are entitled to Home fees and tuition fee loans provided they have been ordinarily resident in UK, Gibraltar, EEA or Switzerland for 3 years prior to start of study (unless that residence was for purpose of education).

Does this mean this has been dropped? Would a current UG student from the EU who has Pre-Settled Status qualify for home fees and PG loan support for a Masters programme starting in September 2021?

A. EU, other EEA and Swiss nationals, and their family members are covered by the Withdrawal Agreement and 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:

- I. (i) 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
- I. (ii) 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.

The application of ordinary residence rules where an individual has been in the UK solely for the purposes of education are not changing, however, in the example you provide, an EU national would be eligible for the second course provided we were satisfied they had been ordinarily resident in the UK, Gibraltar, the EEA and Switzerland for the three years prior to their original course (which SFE would check as part of that original application).

Q. Are existing EU students in receipt of financial support not required to have Pre-Settled/Settled Status and require 30 day code for renewing their application? The information given today applies to new applicants applying from September 2021.

A. SLC will only be doing EUSS checks on new students. Continuing students do not need to provide an EUSS as part of their eligibility on their PR applications. However, they are advised to go through the EUSS anyway, as they need a status to legally remain in the UK. The EUSS result is important for other essential reasons - it is essential for legality reasons over and above just Student Support.

Q. If an EU student who have arrived in the UK and started an UG degree in September 2020, interrupts for some reason and returns fully in September 2021, will it affect his support package?

A. Students who are continuing in Academic Year 2021/22 will be on the same period of eligibility as at the start of their course. They will remain eligible under the regulatory residency category in which they were originally assessed. This applies to those students who transfer or suspend their studies within existing SLC guidelines. Students that are deemed to be 'new' will be required to undergo a new post AY 2021/22 eligibility check and will be assessed under new residency rules. This would apply to those students progressing from FE to HE, starting a new FE learning aim, topping up an UG course, starting a second UG qualification, a change in mode of study or applying for the first time having withdrawn or abandoned a previous course.

Q. Do EU students currently studying in the UK, having started their course prior to AY 2021/22 count as being 'resident in the UK' for the period during which they have been studying?

A. For students coming from abroad, generally any years spent on a current course are not counted towards ordinary UK residency. That said if an EU student were to complete, withdraw or abandon their current course and begin a new course, then under current regulations, years spent on the previous course can be counted as ordinary UK residency. If they were living in a place for the purposes of education we would look to where they are ordinarily resident.

Q. Will EU students starting a new top-up 1 year course starting Sept 2021 after completing a 2 year Foundation Degree in June maintain continuing student status?

A. Students who are continuing in Academic Year 2021/22 will be on the same period of eligibility as at the start of their course. They will remain eligible under the regulatory residency category in which they were originally assessed. This applies to those students who transfer or suspend their studies within existing SLC guidelines. Students that are deemed to be 'new' will be required to undergo a new post AY 2021/22 eligibility check and will be assessed under new residency rules. This would apply to those students progressing from FE to HE, starting a new FE learning aim, topping up an UG course, starting a second UG qualification, a change in mode of study or applying for the first time having withdrawn or abandoned a previous course.

Q. Should we be encouraging existing EU students who have been resident in the UK for 5 years now - but had not been resident in the UK for 5 years prior to the start of their current course - to apply for Settled Status and then they can apply for an EVENT to unlock maintenance support for the coming academic year for their ongoing course please?

A. Usually, this would be the case however under the exceptions of anything deemed to be classed as 'an event' by the Regulations (which includes progressing from Pre-Settled to Settled Status) a reassessment of eligibility and entitlement can occur after the start of the course. In this instance the student would need to satisfy the requirement of 3 years UK and Islands residency prior to the start of the course.

Q. Do both new and continuing students from the EU need to apply for the EU Settlement Scheme before the end of June and be awarded pre settled or Settled Status. Does this mean that SLC will be doing residency checks on continuing students in the AY 2021/22 academic year?

A. SLC will only be doing EUSS checks on new students. Continuing students do not need to provide an EUSS as part of their eligibility on their PR applications. However, they are advised to go through the EUSS anyway, as they need a status to legally remain in the UK. So the EUSS result is important for other essential reasons - it is essential for legality reasons over and above just Student Support.

Q. What happens with returning students who don't apply for settled or Pre-Settled Status, will you be advising them provided their application is prior to the deadline in the summer? Will you be doing the home office checks?

A. EU Settlement Status checks will be carried out by the Home Office. It is important to emphasise that this scheme is for many reasons - not simply for the purpose of accessing student support. Therefore SLC will not be doing any checks or reminders with regards to the EU Settlement Scheme. The scheme has been open since 2019 and is open until June 2021 - so it is hoped that all EU nationals wishing to remain in the UK would go through the settlement scheme within this time frame.

Q. If an EU student started their full-time course in September 2020 and then change their mode of study in September 2021 will the new eligibility rules apply i.e. the student needs to have settled or Pre-Settled Status?

A. Students who are continuing in Academic Year 2021/22 will be on the same period of eligibility as at the start of their course. They will remain eligible under the regulatory residency category in which they were originally assessed. This applies to those students who transfer or suspend their studies within existing SLC guidelines.

Students that are deemed to be 'new' will be required to undergo a new post AY 2021/22 eligibility check and will be assessed under new residency rules. This would apply to those students progressing from FE to HE, starting a new FE learning aim, topping up a UG course, starting a second UG qualification, a change in mode of study or applying for the first time having withdrawn or abandoned a previous course.

Q. What is the requirement of continuing students to apply through the EUSS to maintain their eligibility to continuing student support. If a continuing EU national doesn't apply to the EUSS for settled or Pre-Settled Status, will they NOT be eligible for support?

A. SLC will only be doing EUSS checks on new students. Continuing students do not need to provide an EUSS as part of their eligibility on their PR applications. However, they are advised to go through the EUSS anyway, as they need a status to legally remain in the UK. So the EUSS result is important for other essential reasons - it is essential for legality reasons over and above just Student Support. New students from the AY 2021/22 onward who are awarded funding based on having been awarded Pre-Settled Status will have their eligibility checked again by SLC if that status expires during their course, as is done currently for other forms of limited leave to remain.

Q. Is there a maximum period of time that someone could suspend their studies without it affecting their eligibility?

A. Suspension is arranged/agreed between the student and the institution. Suspension periods can vary, and so can the reasons for suspension. SLC has rules to assist students that need to suspend, but the maximum period a student can suspend before being considered a new student on their return to study is 2 years.

Q. Would an EU student who has completed their Degree and then decides to do a Masters course be classed as a continuing EU student so eligible for a Masters Loan?

A. Students who are continuing in Academic Year 2021/22 will be on the same period of eligibility as at the start of their course. They will remain eligible under the regulatory residency category in which they were originally assessed.

This applies to those students who transfer or suspend their studies within existing SLC guidelines. Students that are deemed to be 'new' will be required to undergo a new post AY 2021/22 eligibility check and will be assessed under new residency rules. This would apply to those students progressing from FE to HE, starting a new FE learning aim, topping up an UG course, starting a second UG qualification, a change in mode of study or applying for the first time having withdrawn or abandoned a previous course.

Q. What happens to continuing students that do not apply to the Settlement Scheme before the June 21 deadline? Can they still get funding for their 2nd/3rd years?

A. SLC will only be doing EUSS checks on new students. Continuing students do not need to provide an EUSS as part of their eligibility on their PR applications. However, they are advised to go through the EUSS anyway, as they need a status to legally remain in the UK. So the EUSS result is important for other essential reasons - it is essential for legality reasons over and above just Student Support.

Where a student has Pre-Settled Status, starts a course in the AY 2021/22 or after and this status expires during an Academic Year of the course, they will not be eligible for support for the following course year. This is the case unless they can evidence that they have been granted EUSS Settled Status.

Where they do not obtain a status prior to the end of June 2021, then they may not be able to access the EUSS and will be ineligible for student support - and can be charged as an international student. However, if they do not have a status from the EUSS, they cannot be deemed to be legally resident in the UK. And as such, all EU nationals are encouraged to go through the EUSS for many reasons, not solely for student support.

Q. For continuing learners who need to ensure they also apply to the EUSS before end June 2021; will the SLC be responsible for checking that continuing learners have acquired a Settled Status?

A. SLC will only be doing EUSS checks on new students and continuing students do not need to provide an EUSS as part of their eligibility on their PR applications. However, they are advised to go through the EUSS anyway, as they need a status to legally remain in the UK.

The EUSS result is important for other essential reasons - it is essential for legality reasons over and above just Student Support. SLC are not responsible for the promotion, operation or results of any applications to the EUSS.

Q. If a student has a break in study through suspension but it is for longer than 2 years, will they be classified as continuing or new?

A. Suspension is arranged and agreed between the student and the institution. Suspension periods can vary, and so too can the reasons for suspension. SLC has rules to assist students that need to suspend, but ultimately the decision makers for this example would not be SLC. If the student has not made contact with SLC for 2 academic years and no suspension has been agreed with the institution, the student is deemed to have abandoned their course, and will be assessed as a new student upon their return.

Q. Will the cohort year of an EU student who suspends UG study to do a PhD then returns to UG study be affected? E.g. Medical Students who complete pre-med, then undertake a PhD then return to complete Clinical Medicine study be subject to EUSS when they complete Undergraduate Medical Degree?

A. Intercalated courses are treated as single courses in the regulations, this also applies where the intercalated year is a PG course.

Students may be ineligible for support on their return to the to their UG course if they obtained a PG qualification for the intercalated year, however SLC would not check their eligibility again either at the start of the PG course or their return to the UG course.

From Academic Year 2021/22, the funding level will depend on their circumstances and whether they have Pre-Settled or Settled Status. Students could also go from fee to full support if they become settled during the course, although they still need to meet the requirements of being ordinarily resident in England for 3 years prior to the first day of the course.

Q. We have a current UG student who wants to start a PGT course in September 2021. The student will not be able to obtain settled or Pre-Settled Status, as they have only been in the UK for the purpose of education. Does this mean they will not meet the eligibility criteria for PG Masters Loan?

A. The reason for their being in the UK will not affect their ability to be awarded status under the EUSS. SLC would need to be satisfied that the student meets the ordinary residence requirements and have status under the EUSS.

Q. We have an EU student who completed year one of his course in 19/20. He is on a period of suspension for health reasons. He was not in the UK on 31 December 2020 and does not have settled or pre Settled Status. He was in receipt of the tuition fee loan for 19/20. When he returns to his course will he be able to get tuition fee funding?

A. The decision to allow this student to return to the UK and lawfully reside would rest with the Home Office, and may form part of their exceptional cases panel - as the student may have been in the UK and able to access to EUSS had they not been ill. For the purposes of student finance, we will be treating the student as a continuing student upon resumption of their course, and as such we will not require an EUSS Share Code as part of their application process.

But this student may need to enquire with the Home Office as to whether they can access the EUSS in order to confirm legality of status in the UK.

Q. In regards to an application being reassessed due to an event such as change to Settled Status, is this change awarded in the next term of the students current academic year or the students next academic year?

A. If they are already studying here and have Pre-Settled Status under the EUSS and are later granted Settled Status, then we may be able to reassess this change as an 'Event'.

This can be done when they student has 3 years ordinary resident in the UK prior to the start of the course - and now has Settled Status. This would mean that they will be reassessed and become eligible for Maintenance Loan funding from the following Academic Quarter.



EEA & Migrant Workers

Q. If an EU student was awarded full support under a EEA MW in AY 2020 then does not apply for EEA MW in 2021 AY but only for tuition fee support, then in 2022 decides to go back to full support as EEA MW, how will this be processed?

A. All EU and EEA Migrant Workers will be required to have a status from the EU Settlement Scheme where they become a Migrant Worker in AY 2021/22 or later. Additional Migrant Worker funding can be 'picked up' or 'lost' during the course, based on the ongoing checks carried out by SLC to confirm continued employment. This could, in some instances, result in some pro-rata maintenance funding during the Academic Year.

Q. How does a student apply for Migrant Worker status please and what criteria is it based on?

A. The criteria to meet Migrant Worker status (and the existing evidence requirements) are still in place. In addition to those, applicants will be asked for proof of an EU Settlement Status from the students - and possibly the family member. Current requirements that need to be evidenced include lawful and legitimate work, correct residency evidence and (if the child of Migrant Worker) evidence of link between student and family member, family members employment evidence.

Q. Is there a minimum working hours required to be assessed as a Migrant Worker?

A. There is no pre-determined number of hours stated in regulation that states how many hours a student must work in order to meet Migrant Worker status. Each case is judged on its own individual merit, but any work "must be effective, genuine and not of a scale which would be considered marginal or ancillary".

Q. Will Migrant Worker funding still be available for those on Pre-Settled Status?

A. Yes. Potential Migrant Workers will usually arrive in the UK and be awarded Pre-Settled Status. This will attract fee support. Once Migrant Worker status is proved, then this can be upgraded to full support package.

Q. Is there fluidity in their funding status? If an EU student qualifies for fee support for September 2021 only based on the new rules as stated, can they then in September 2022 qualify as a Migrant Worker?

A. Yes. Additional Migrant Worker funding can be 'picked up' or 'lost' during the course, based on the ongoing checks carried out by SLC to confirm continued employment. This could, in some instances, result in some pro-rata maintenance funding during the Academic Year.

Q. For a child of a Migrant Worker, what kind of roles count as Migrant Worker? If the child of a Migrant Worker with Pre-Settled Status wants to study in England will they only receive fee support?

A. There is no pre-determined job roles set out in regulations. Each case is judged on its own individual merit, but any work "must be effective, genuine and not of a scale which would be considered marginal or ancillary". Anyone recognised as a Migrant Worker can access full support regardless of having Pre-Settled or Settled Status.

Q. Can a student apply as a Migrant Worker with retained MW status if he was made redundant one month before the start of the course? He has worked for 3 years prior to losing his job?

A. Each case is viewed on its own individual merit, but if a Migrant Worker loses their job through no fault of their own, and is actively seeking re-employment then it is possible to maintain Migrant Worker status during this period of unemployment.

Q. Would a current Migrant Worker who lost their Migrant Worker status due to job loss, and has Pre-Settled Status be able to get their Migrant Worker status reinstated once they gain employment?

A. Yes. Additional Migrant Worker funding can be 'picked up' or 'lost' during the course, based on the ongoing checks carried out by SLC to confirm continued employment.

This could, in some instances, result in some pro-rata maintenance funding during the Academic Year.

Q. Is there a minimum working hours required to be assessed as a migrant worker?

A. There is no pre-determined number of hours stated in regulation that states how many hours a student must work in order to meet Migrant Worker status.

Each case is judged on its own individual merit, but any work "must be effective, genuine and not of a scale which would be considered marginal or ancillary".



Common Travel Area & Irish Nationals

Q. For students who can prove Irish nationality or Irish students who can prove residency in the UK for more than 3 years and can obtain student finance, would this be fee support only or can they also obtain maintenance support?

A. The Common Travel Area Agreement allows Irish and British Nationals who are free to travel between UK and Islands and Ireland. Therefore, Irish Nationals with 3 years residency in the UK and Islands can access full student support. Irish Nationals with 3 years residency mixed between UK, Islands and Ireland can access fee support and Irish Nationals with 3 years in Ireland can also access fees. Irish Nationals are not required to go through the EUSS. If applying to SFNI for fee support, they must be resident in the UK, Gibraltar, EEA and Switzerland.

Q. Are all dual UK/EU nationals automatically included when referring to 'UK Nationals'?

A. There is no difference. Students with dual UK/EU nationality are treated the same as standard UK nationality. They are eligible and can apply using the UK element of their dual nationality.

Q. If a UK national has been living in France but want to start a course in September 2021 in the UK are they eligible for full funding or do they have to be living in the UK/Ireland for three years?

A. If the student was a UK national who moved to France prior to the end of the transition period, then they could access full support upon their return - provided the course starts within 7 years of the December 2020. If the student is a UK national that has never lived in the UK, provided they lived in the EU/EEA at the end of transition period then they too could access full support if they returned to the UK within the same 7 year period. Otherwise, if they are a French national it is likely that they will be eligible for fee support only - provided that they could access the EU Settlement Scheme and gain a status (they would need to utilise a family member's Citizen's Rights, however it should be reminded that grandparents do not count as family members for the purposes of this regulation).

Q. Can I ask whether Irish national will be able to get Migrant Worker status and therefore full funding?

A. Yes. Any Irish national that does not have 3 years residency in the UK and Islands may want to apply as a Migrant Worker in order to access additional maintenance support.

Q. If someone has a French and UK passport would they be covered under the UK nationals in the EU category? So would be eligible for home fee status and full finance support?

A. There is no difference. Students with dual UK/EU nationality are treated the same as standard UK nationality. They are eligible and can apply using the UK element of their dual nationality.

Q. Please explain the difference between Irish students who don't have to apply for Settled Status, and northern Irish students - do they have to apply for Pre-Settled or Settled Status?

A. Neither Irish Nationals nor People of Northern Ireland are required to go through the EU Settlement Scheme in order to maintain lawful residency in the UK.

Q. For student's with family members living in Europe, if their parent holds a UK passport & has lived in France for 18 years (has retained their UK citizenship & passport), their sibling also lived in France but holds a French passport, could the student apply for full fee status?

A. As the parent was a UK national who moved to France prior to the end of the transition period, then they could access full support upon their return - provided they start the course within 7 years of the December 2020. As the student is the non-UK national child of a UK national that has never lived in the UK, provided they lived in the EEA/Switzerland at the end of transition then they too could access full support if they returned to the UK within the same 7 year period.

Q. Can a UK National who does not have residency i.e. spent last 5 years in Spain, now access full support?

A. If the student was a UK national who moved to Spain prior to the end of the transition period, then they could access full support upon their return - provided it within 7 years of December 2020. If the student is a UK national that has never lived in the UK, provided they lived in the EU/EEA at the end of transition then they too could access full support if they returned to the UK within the same 7 year period.

Q. If I am a UK national who has lived on a UK military base for the last 15 years (Cyprus) would I be eligible for full support? Will this be impacted by the 7 year rule (i.e. students in this situation applying for SFE in 27/28)?

A. As a UK national (or the family member of) on active service abroad, students are deemed to be resident in the UK for the purposes of student support.

There is no time limit to this provision, and as such whenever they decided to apply for support, we would deem them 'ordinarily resident' in the UK.

This differs from UK nationals that are not abroad on active service - if the student was a UK national who exercised their right to free movement prior to the end of the transition period, then they could access full support upon their return - provided it is within 7 years of December 2000.

Q. Does any of this effect students who are Ordinarily Resident in the UK but reside outside of the UK/EEA?

A. We would need to determine where the student was ordinarily resident; in the UK or EU. If there is an indication that there was a permanent move from the UK - a move that meant somewhere else was where the student was ordinarily resident - then we could not confirm ordinary UK residency.

Temporary absence cases are viewed on the own individual merit. By way of an example, a 6 month touring holiday could be deemed as temporary absence, but 'moving home to live' could not. This case would depend on (a) students nationality - is it UK or EU and (b) where they were classed as being ordinarily resident - is it UK or EU?

Q. Will an Irish national without a Settled Status, who has been resident in the EEA (not UK or Ireland) for the last 3 or 5 years be ineligible for any funding?

A. If an Irish national has been resident in the EEA for three years, they would be eligible for fee support when studying in Northern Ireland, England or Wales. Although not resident in the Common Travel Area (UK and Island and Ireland) they can still be eligible as an EU national (with 3 years EEA residency) for fee support.

Q. For a Non UK family member that has not got Settled or Pre-Settled Status but are eligible for a TFL, what immigration status will they have?

A. There will be instances where non-UK family members of a UK national are nationals of countries from outside the EU and not subject to these new regulations or requirements.

There are a number of immigration statuses which attract full support for non-UK nationals.

For Academic Year 2021/22 these include rest of the world nationals with Indefinite Leave to Remain/Enter (ILR/ILE), Refugee Status and Humanitarian Protection, Calais Leave, Section 67 Leave, Stateless Persons, ILR as a Victim of Domestic Violence, ILR as a Bereaved Partner and those with Limited, Discretionary or Exceptional Leave eligible under the UK Long Residency rules.

Q. Where a non UK family member of a UK national can receive support is this the case even if the family member has limited leave (e.g. spouse visa) and a NRPF restriction?

A. There will be instances where non-UK family members of a UK national are nationals of countries from outside the EU and not subject to these new regulations or requirements.

There are a number of immigration statuses which attract full support for non-UK nationals.

For Academic Year 2021/22 these include rest of the world nationals with Indefinite Leave to Remain/Enter (ILR/ILE), Refugee Status and Humanitarian Protection, Calais Leave, Section 67 Leave, Stateless Persons, ILR as a Victim of Domestic Violence, ILR as a Bereaved Partner and those with Limited, Discretionary or Exceptional Leave eligible under the UK Long Residency rules.



Applications

Q. What evidence will applicants need to provide to prove their settled or Pre-Settled Status?

A. Applicants with Settled Status will select "Settled" on the Residency Section on the online application form to tell us they're settled under the EU settlement scheme. Then, when moving through the application form, they'll be asked to provide their 3-year UK address history, ID evidence. They will then be contacted by email after submitting their form during the interim process to digitally upload a valid EUSS Share Code and their initial EUSS status award letter/email from the Home Office. Any student applying on paper (which all fees-only applicants will do) will be asked for their share code on the application form.

Q. We still have Erasmus funding available for AY 2021/22 and have been allowed to run it on for 1 more year, we are concerned that SFE will remove the Erasmus questions from the application forms for AY 2021/22?

A. Erasmus funding is changing from AY 2021/22; funding levels for students who are still in receipt of Erasmus funding in AY 2021/22 will not change. Erasmus+ funding in respect of Academic Year 2021/22 may still be available if approved on or before 31st December 2020. The question will remain on the PN or PR application form. Moving forward, the funding may be provided from Academic Year 2021/22 under a UK domestic alternative arrangement known as the 'Turing Scheme' announced by the government in December 2020. As such, our application form questions will be updated to take into account the Turing Scheme while also referencing Erasmus e.g. 'Have you been accepted onto the Turing Scheme or Erasmus+ exchange programme?'

Q. In reference to the EU share code that will need to be provided by the student, verified with the Home Office and the application then completely assessed all within 30 days. Is this timescale realistic?

A. It will not take a full 30 days to validate a Share Code with Home Office. All we require is for the code to be valid at the point of verification with the Home Office. Usual processing timescales will be in place prior to and subsequent to that check. We do not require a Share Code to be valid for a full 30 days. We will validate Share Codes within established SLAs with no effect on overall assessment timescales.

Q. How will you ensure students know that they can now access full support as no longer need 5 years. Will the EU Team be picking them out so they do not end up with fee loans only?

A. EU nationals generally do need 5 years residency in the UK to gain Settled Status from the Home Office. As such they will generally be entitled access full support. However there are exceptions, for example some students may have less than 5 years residency and be awarded Pre-Settled Status but could access full support if they are recognised as a Migrant Worker.

Q. Will you be showing their status on SIS as Pre-Settled or Settled and will the EURS codes disappear if they are now classed as Home Fees?

A. SIS is not impacted by these changes and as such will not show whether the student has Pre-Settled or Settled Status.

Q. In regards to the share code to confirm pre settled or Settled Status and its 30 day expiry date, will assessors confirm the students status as a priority in the application stage to ensure its looked at before the share code expires?

A. SLC will validate EU Share Codes with the Home Office. It will not take a full 30 days to validate this. The code only needs to be valid at the point of validation, and can expire subsequent to the check with no ill effect on the overall application process. Usual processing timescales will be in place prior to and subsequent to that check. We do not require a Share Code to be valid for a full 30 days.

Q. Is the application process similar to previous years? (some online and some paper based)

A. EU Nationals (and EEA-EFTA, Swiss and their family members) with full Settled Status (and therefore eligible for full support) can apply online. Those with Pre-Settled Status who are eligible for fee support only, (EU form to apply for fee support only) Migrant Workers and the children of Swiss nationals directed to a paper form (Paper PN1 to apply for full support).

Applicants with Settled Status will select "Settled" on the Residency Section on the online application form to tell us they're Settled under the EU settlement scheme. Then, when moving through the application form, they'll be asked to provide their 3-year UK address history, ID evidence. They will then be contacted by email after submitting their form during the interim process to digitally upload a valid EUSS Share Code and their initial EUSS status award letter/email from the Home Office.

Students who are Pre-Settled under the EUSS will select "Pre-Settled" from the Residency section on the online application. There are a few different categories these students can fall into, but for SFE students they will all need to apply using a paper form.

If they are a Migrant Worker or Child of a Swiss National, they'll be directed to a paper PN1 form, otherwise they'll be directed to the Fees Only Paper Form which will be available when regulations have been signed off across all domiciles. The paper forms will allow for provision of the EUSS Share Code upon submission.

There is a different process for SFW and SFNI applicants. If the student is an EU national with Pre-Settled Status we'll ask when they moved to the UK and those who have lived in the UK for more than 3 years will continue through the online application as they're entitled to full support. If they've got less than 3 years residency, they'll be redirected to the fees only form.

Q. When do students receive their EUSS share code? Is it when they've applied to the EUSS? If so, then it's likely the share code will have expired when applying for their loans?

A. Students will go through the EUSS and be given instruction on how to generate an EU Share Code. This code is valid for 30 days, after which they will need to generate a new Share Code using the link on the www.gov.uk website. The Share Code only needs to be valid at the point in time that SLC validate it with the Home Office - not necessarily for the full 30 days. But yes, there will be instances where we do need to contact the student for a new Share Code if the existing one has expired on the day we try to validate with the Home Office.

Q. Will new EU students be able to apply to SFE for the purpose of being assessed for a household income assessed bursary if they are not eligible for a fee loan?

A. Students from the EU that have been made eligible to receive fee or full support will still have a Student Support Number and any Household Income assessments will pull through to the HEBSS Portal in the usual way.

Q. Is the share code processed by the residency team in pre-assessment and so will be processed within 30 days, and then put into the normal work flow which can take up to 6 weeks? (which would be the concerning time frame if the code only lasts for 30 days)

A. SLC will validate EU share codes with the Home Office. It will not take a full 30 days to validate this. The code only needs to be valid at the point of validation, and can expire subsequent to the check with no ill effect on the overall application process. Usual processing timescales will be in place prior to and subsequent to that check. We do not require a share code to be valid for a full 30 days.

Q. Are students best to wait until they receive their status before applying for their funding?

A. A valid EU Share Code and proof of their status award is a fundamental part of their application. It is only those whose EUSS application is still with (or is subject to appeal) the Home Office that could apply without it. In this instance, we would need to see proof that an application for status had been made in order to progress their application. An application to SFE, SFW or SFNI as soon as an EU share code is generated would be recommended.

Q. Is it the same application process for students with Pre-Settled and Settled status?

A. EU Nationals (and EEA-EFTA, Swiss and their family members) with full Settled Status (and therefore eligible for full support) can apply online. Those with Pre-Settled Status who are eligible for fee support only, Migrant Workers and the children of Swiss nationals are directed to a paper form.

Applicants with Settled Status will select "Settled" on the Residency Section on the online application form to tell us they're Settled under the EU settlement scheme. Then, when moving through the application form, they'll be asked to provide their 3-year UK address history, ID evidence. They will then be contacted by email after submitting their form during the interim process to digitally upload a valid EUSS Share Code and their initial EUSS status award letter/email from the Home Office.

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There is a different process for SFW and SFNI applicants. If the student is an EU national with Pre-Settled Status we'll ask when they moved to the UK and those who have lived in the UK and Islands for more than 3 years will continue through the online application as they're entitled to full support. If they've got less than 3 years residency, they'll be redirected to the fees only form.

Q. A British Citizen just has to confirm the 3 years ordinary residency and not provide evidence but will a student with Settled Status via EUSS have to physically prove the 3 years with evidence?

A. Applicants with Settled or Pre-Settled Status will select "Settled" or "Pre Settled" on the Residency Section on the online or paper application form. Then, when moving through the application form, they'll be asked to provide their 3-year UK address history and ID evidence. As with current processes, address history is mainly self declaration, but is subject to SLC auditing.



Contact Us

For further information on any of the topics included within Student Finance After Brexit webinar, please contact:

Practitioners' Helpline

The Practitioners' Helpline is available for detailed information about policy, regulations or for help with more complex assessments, eligibility or circumstantial questions.

Email: ssin_queries@slc.co.uk or, Telephone: 0300 100 0618

Funding Information Services

The FIS Account Managers are the SLC experts for student finance IAG, and work with careers advisors, outreach and recruitment staff, and other IAG professionals to incorporate student finance into further, higher and postgraduate, delivering Matrix Standard accredited student funding information and support.

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