
Lifelong Learning Entitlement in England

Residency - 2026/27

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Purpose

This document sets out guidance on the eligible regulatory categories and the residency requirements that students must meet to be eligible for funding under the Lifelong Learning Entitlement (“LLE”) service.

This document is to be considered in conjunction with the other LLE Policy Guidance Chapters:

- LLE Courses guidance chapter
- LLE Personal Eligibility guidance chapter
- LLE Fee Limits guidance chapter
- LLE Tuition Fee Loan Entitlement guidance chapter
- LLE Loans for Living Costs guidance chapter
- LLE Grants for Dependants guidance chapter
- LLE Travel Grant guidance chapter
- LLE Income Assessment guidance chapter
- LLE Administration guidance chapter

Regulation References

References to “the Regulations” in this document mean the Lifelong Learning (Student Support) (Amendment of Fees and Awards etc.) Regulations 2026

Disclaimer

This guidance is designed to assist with the interpretation of the regulations, and it does not cover every aspect of funding administered under the LLE, nor does it constitute legal advice or a definitive statement of the law.

Whilst every endeavour has been made to ensure the information contained in this guidance is correct at the time of its publication, no liability is accepted with regard to the contents, and the regulations remain the legal basis of funding arrangements under the LLE.

In the event of anomalies between this guidance and the regulations, the regulations prevail. The regulations are subject to amendment.

Contacts

Any queries on the contents of this guidance should be addressed to the Student Loans Company Limited (SLC) using the following contact: SSIN_queries@slc.co.uk

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1 Table of Abbreviations

Abbreviation	Term in Full	Abbreviation	Term in Full
ARAP	Afghan Relocations and Assistance Policy	EFTA	European Free Trade Association
ARR	Afghanistan Response Route	EU	European Union
ACRS	Afghan Citizens Resettlement Scheme	EUSS	European Union Settlement Scheme
AY	Academic year	FT	Full-time
BDTC	British Dependent Territories Citizen	HE	Higher education
BIOT	British Indian Ocean Territory	HESF	Higher Education Student Finance
BOT	British Overseas Territory	ILE	Indefinite Leave to Enter
BOTC	British Overseas Territories Citizen	ILR	Indefinite Leave to Remain
CTA	Common Travel Area	LLE	Lifelong Learning Entitlement
DfE	Department for Education	OR	Ordinarily resident
DSA	Disabled Students' Allowance	OTs	Overseas Territories
DVILE	Domestic Violence Indefinite Leave to Enter	ROI	Republic of Ireland
DVILR	Domestic Violence Indefinite Leave to Remain	SLC	Student Loans Company
EEA	European Economic Area		

2 Summary

To be able to qualify as eligible for student support under the LLE a student must satisfy residency requirements, as set out in the regulations, in connection with the course they are undertaking. Residency rules for the purpose of determining eligibility for student support are reflective of, and underpinned by, wider UK Government immigration policy.

This guidance sets out the core regulatory rules as well as detailing the key concepts that apply in determining whether a student satisfies residency requirements to be able to qualify as an eligible LLE student.

The focus of this guidance is on the conserved principles of “residency” which must be met in order for a student to be able to receive any support under the LLE. It does not cover more general personal eligibility criteria, detail of which is set out in the [LLE Personal Eligibility guidance chapter](#).

3 Core residency rules and key concepts

The regulatory residency requirements under the LLE broadly mirror those that are established in the Higher Education Student Finance (HESF) regulations.

This section sets out detail of the core residency rules and key concepts that underpin the application of residency policy when assessing a student’s application for support.

The information set out in this section represents the understanding of the Department of Education (DfE) on matters of residency requirements in the context of wider immigration law. The Department expects that SLC will ensure it is satisfied that it has understood, and correctly applied, the current law and practice in relation to residency when undertaking assessment of a student’s eligibility for LLE support.

3.1 Core residency rule

To be deemed to be eligible for support in connection with their designated course a student must fall within one of the defined residency categories set out in Part 2 of Schedule 2 of the regulations.

Regulatory residency rules are required to be met in respect of a specific date (“the relevant day”). Under the LLE, depending on the regulatory category that the student is applying under the relevant day will be either:

- the first day of the first course year of the course, or
- the course start date.

To be an eligible LLE student, the person must:

- hold a relevant eligible residence status; and

- satisfy the ordinary residence rules in relation to the relevant residence status held:
 - be ordinarily resident (OR) in England on the relevant day, or be undertaking study while living in England, and
 - have been OR in the relevant territory for the required period prior to the relevant day.

‘Course year’ for the purpose of LLE is defined as:

- the period of twelve months beginning with the first day of the calendar month in which the course begins (‘the first course year’), and
- each subsequent period of twelve calendar months in which part of the course is undertaken.

Example:

John begins a three-year degree course that starts on 15 February 2027. The first course year of John’s degree course begins on 1 February 2027 (the first day of the calendar month in which the course started) and ends on 31 January 2028.

The second course year in relation to the degree course begins on 1 February 2028 and ends on 31 January 2029. The final year of John’s course begins on 1 February 2029 and ends on 1 January 2030.

A course year is set in relation to a single course. Therefore, where a student is studying on more than once course concurrently each course will have a distinct, separate course year(s).

3.2 Ordinary lawful residence

The Lifelong Learning (Student Support) (Amendment of Fees and Awards etc.) Regulations 2026 the ‘Regulations’, do not define the meaning of OR. However, in keeping with HESF, OR will continue to be interpreted as lawful, habitual and normal residence from choice and for a settled purpose throughout the prescribed period, apart from temporary or occasional absences. The judgement of Lord Scarman in the case of *Shah vs Barnet London Borough Council* will still represent useful case law to refer to on matters of temporary and occasional absence. Relevant extracts from this judgement can be found in [Annex B](#).

As outlined in paragraph 1(3)(a) of Schedule 2 of the regulations, to be considered ordinarily resident in a place, a student must have lawfully resided in that place during the relevant period. Where a student has not been lawfully resident in the relevant residency area for the required time period which applies to the residency category they are applying under prior to the first day of the first course year of the course (or prior to the course start date for certain residency categories) this cannot be treated as ordinary residence.

Example:

Leoni's one-year Higher National Certificate (HNC) course starts on the 14 January 2027. Leoni's course year starts on 1 January 2027 (the first day of the calendar month in which the course started).

The residency category Leoni is applying under will determine the relevant period and date by reference to which ordinary residence must be assessed, which may be the first day of the first course year (1 January 2027) or the course start date (14 January 2027).

Given the above, it is generally expected that a student will hold a valid status throughout the period of ordinary residence required by when establishing their eligibility for student support under the LLE. There are exceptions to this in the form of students under certain residency categories who qualify for support via a protected category event.

Where a protected category event occurs (Regulation 5(7) and 5(8)), for the purposes of determining that the ordinary residence requirements are met, a student is to be treated as if they were lawfully resident in the place they were residing on that date, even if they did not hold an immigration status at that time. More information on protected category events can be found in [section 4.27.1](#).

3.3 Students who move to England from elsewhere

Under paragraph 1(3)(b) of Schedule 2, where a student has moved to England from Scotland, Northern Ireland, Wales, the Channel Islands, or the Isle of Man for the purpose of undertaking study, they should be regarded as being OR in the place from which they have moved. To apply for support, the student should contact the responsible authority in the area they moved from, as they are assessed for support under the rules that apply there. Generally, students who are OR in England would qualify as eligible for support under the LLE. However, some residency categories require the student to be undertaking the course in England to be funded by the LLE, rather than being ordinarily resident in England.

3.4 Temporary or occasional absences

When establishing whether a student meets the requirements of ordinary residence throughout the relevant period preceding the start of the first course year of a course (or course start date for certain categories), temporary or occasional absences may have to be considered.

Each absence should be reviewed in the context of the person's period of residence, with decisions on whether an absence affects a student's ordinary residence being made on a case-by-case basis. SLC should not rely on general assumptions in determining a temporary or occasional absence. The student's place of birth or nationality should not be considered. Additionally, whilst the duration of the absence must be taken into account, it must not be the only factor evaluated. SLC should consider whether it would be confident that their decision would be upheld if it were challenged in court.

3.4.1 Gap years

Students taking a gap year before starting a higher education course do not break their ordinary residence in the UK and Islands (or the relevant residence area, as applicable).

SLC will need to satisfy themselves that the student has maintained a residence in the UK and Islands (or the relevant residence area, as applicable) during the relevant period and will return to England (or the UK and Islands, or the relevant residence area, as applicable) other than solely for the purpose of completing the relevant course.

Students on a gap year immediately prior to starting their course can be considered to meet the requirement to be ordinarily resident in England on the first day of the first course year of the course (or on the course start date for certain residency categories), even if they are still abroad. The student must be able to evidence that they will return to the UK prior to the first day of the course.

Students with pre-settled status taking a gap year should seek advice from the Home Office on whether that would break the period of five years of continuous residence required for European Union Settlement Scheme (EUSS) settled status.

3.4.2 Emigrants

Absence from the UK because of emigration should generally not be considered a temporary absence, though each case should be considered on its own merits.

3.5 Temporary employment outside of the relevant residence area

Where a student has established ordinary residence in a relevant territory they may continue to be treated as being, or having been, OR in that territory if they would have been resident there but for the fact that they have moved outside that territory for the purposes of temporary employment.

Paragraph 1(3)(c) of Schedule 2 outlines that a person is to be treated as OR in an area if they would have been so resident but for the fact that:

- the student,
- their spouse or civil partner,
- their parent, or
- in the case of a dependent direct relative in the ascending line, their child or child's spouse or civil partner

is or was temporarily employed outside the area in question.

Periods of service in the armed forces, regardless of length, are classed as periods of temporary employment outside of the relevant territory.

Paragraph 1(4) of Schedule 2 states that states that members of the regular naval, military or air forces of:

- the Crown (UK),
- a specified British Overseas Territory (BOT),
- the Republic of Ireland (ROI),
- an EEA State, or Switzerland,
- Turkey, or
- an EU overseas territory

who serve any period outside the relevant areas are considered to be temporarily employed overseas for any such period. The effect of this is that a person may be treated as being or having been ordinarily resident in England, the UK and Islands (or the relevant residence area, as applicable) if they would have been so resident but for the fact that they, their spouse or civil partner, their parent, or, in the case of a dependent relative, their child or child's spouse or civil partner, was serving overseas or in another country within the UK. This group of people are in a special situation because of the unique nature of their employment; they are bound by military law to accept overseas postings. The provision is only intended for service personnel's families who follow them on postings. A student who has been living overseas but not with the parent who is on active service, would not be able to take advantage of this provision.

For more information on Armed Forces personnel refer to [section 3.9](#).

3.6 Children living in England, the UK and Islands (or the relevant residence area, as applicable) whose parents are temporarily employed outside these areas

Children whose parents are temporarily employed outside England, the UK and Islands (or the relevant residence area, as applicable) but who remain in the applicable area, will normally retain the relevant connection with these areas and therefore be eligible for support. DfE is of the view that, for the purposes of the Regulations, the relevant period of their residence should not be regarded as being wholly or mainly for the purposes of receiving full-time (FT) education simply because they are still here and receiving education while their parents are temporarily employed abroad.

Paragraph 2(2) of Schedule 2, which states that the three-year residence in the UK and Islands was not wholly or mainly for the purpose of receiving FT education, does not apply to a person who is treated as ordinarily resident in the UK and Islands in accordance with paragraph 1(3)(c) of Schedule 2.

A person who has come to the UK to study or be schooled may initially be ordinarily resident here primarily for educational purposes, but the purpose of residence may subsequently change. For example, they may set up normal habitual residence in the UK. As always, however, in such cases SLC should make a decision based on the particular facts.

3.7 Considerations when establishing temporary employment

When determining if a break in ordinary residence is a result of temporary employment abroad, SLC should be satisfied that the period abroad arises from employment. They should then assess whether the absence is temporary and whether, except for the temporary employment of the student (or parents or spouse/civil partner etc.), the student would have been OR in the relevant place.

In making their decision, SLC may consider among other things:

- the nature of the posting
- the terms of any contact or employer's letter
- the period of time spent abroad
- the time spent in the UK
- whether a residence has been maintained, for the purposes of the Regulations, in England or the UK and Islands (or the relevant residence area, as applicable).

The onus is on the student to provide evidence that:

- their absence was due to employment abroad,
- the employment was temporary, and
- were it not for temporary employment abroad, they would be ordinarily resident in England or the UK and Islands (or the relevant residence area, as applicable).

In determining whether the absence was for purposes of employment in circumstances where the student was not in employment immediately after moving overseas, SLC may wish to consider:

- whether the student had applied for jobs prior to their departure
- the length of the time spent overseas before obtaining work
- whether the student resided in the same overseas country before and after obtaining a job
- what the student was doing prior to obtaining a job, or between jobs

Holding temporary residency visas and/or temporary employment contracts are insufficient grounds on their own, as different countries have different immigration systems. In determining whether the employment was temporary or permanent, SLC should consider:

- if the contract included liability for UK and Islands tax on the earnings and/or National Insurance contributions (or tax in the relevant residence area, as applicable)
- if the posting was for a specified period (or if it is for an unspecified period, what is the reason for this)
- how long the contractual period was
- if the contract is renewable, has it been renewed or is it one of a succession of contracts abroad
- if the contract conveys automatic rights of return to the UK from time to time

- how long the employee has already been resident abroad
- the nature of the work:
 - is it normal for the nature of the trade or profession to be mobile?
 - is mobility a condition of service?
- a right of return:
 - does the student (or parent, spouse/civil partner etc.) have an automatic right of return to work in their organisation (or a related one) in their home country on completion of the duty abroad?
- periods between overseas posting:
 - have such periods been spent in the UK (or the relevant residence area, as applicable)?

SLC should consider domestic employment case law. Industrial tribunals have ruled that a succession of similar temporary contracts can be construed as permanent employment; they may indicate a long-term posting with the contract being renewed as a matter of formality rather than a real review. Conversely, a series of short contracts may be the result of a genuine temporary posting that is kept under review.

The list within section 3.7 is not exhaustive, nor will all the questions apply in every case. It emphasises that each case must be dealt with individually. Decisions on whether employment abroad is permanent or temporary must not be made solely on the length of period spent abroad, but in conjunction with the nature of the work and the employment pattern of the student. SLC should consider whether it would be confident that its decision would be upheld if it were challenged in court.

3.8 Determining dual residence

In determining ordinary residence, it may be necessary to consider if the student has been dually resident in the UK and Islands (or the relevant residence area, as applicable) and another overseas state outside of the UK and Islands (or the relevant residence area, as applicable).

DfE is of the view that it is possible for a person to be OR in two countries at the same time. Evidence must be provided to enable SLC to make a judgment if there are significant and continued ties to the UK. SLC must consider the following factors alongside the evidence:

- was the student settled in the UK prior to leaving?
- does the student or their family maintain or own property? However, maintaining a property in the UK will not necessarily mean that somebody is ordinarily resident. For example, a property may be an investment or a future retirement home
- has the student or their family retained UK citizenship and valid UK passports and documents?
- has the student or their family retained temporary status in the other state despite having the option to become citizens?
- was the student a minor when the family left the UK?
- has the student (or their parent/guardian) maintained UK bank accounts and/or paid UK taxes?

- has the student or their family-maintained business, work and/or social connections in the UK?
- have regular visits been made to the UK during their absence, not just for the purposes of holidays and visiting relatives?

3.9 Armed Forces personnel

For the purposes of student support and this guidance “UK Armed Forces personnel” includes active service members of the British Royal Navy, Army and Royal Air Force.

UK Armed Forces personnel is defined, as per paragraph 1(3)(c) of Schedule 2 of the Regulations, as a person who is:

- a serving member of the UK Armed Forces
- the spouse or civil partner living with a serving member of the UK Armed Forces
- the child, step-child or adoptive child of a person who is a serving member of the armed forces
- a dependent direct relative in the ascending line of their child who is a serving member of the UK Armed Forces or their child’s spouse or civil partner who is a serving member of the UK Armed Forces

To ensure student finance applications from members and former members of the UK Armed Forces personnel and their family members are processed by the appropriate administration in the UK, all administrations apply a consistent approach to determine the responsibility of processing such applications:

- UK Armed Forces personnel who were OR in England when they enlisted will be considered as domiciled in England and they or their family members may be eligible for support under LLE (subject to satisfying the other criteria). The exception to this rule would be where the student or their family member has established ordinary residence outside of England since enlistment
- UK Armed Forces personnel who have not established a permanent residence in England and are living overseas or in England on a posting, SLC will check where in the UK the member of the UK Armed Forces was ordinarily resident when they enlisted. If this is deemed to be in Northern Ireland, Scotland or Wales, then the student must apply to the relevant UK administration for student support

Under the Regulations, students undertaking a distance learning course provided by a UK institution must be undertaking the designated course in England on the first day of the first course year to qualify for tuition fee loan support and, where applicable, Disabled Students’ Allowance (DSA) for their course. However, as in HESF, UK Armed Forces personnel, and their family members, who are domiciled in England are not subject to this requirement where the reason they are not in England is related to a posting outside of England.

3.10 Derivative rights of residence (Zambrano, Chen and Ibrahim/Teixeira cases)

Individuals may hold, or have held, an EEA family permit (issued prior to entry to the UK), a derivative residence card (issued after entry) or pre-settled status or settled status (issued under the EUSS prior to August 2023) if they have a 'derivative right of residence' as the:

- primary carer of an EEA child in the UK who is financially independent (Chen)
- child of an EEA former worker and are currently in education in the UK (Ibrahim/Teixeira)
- primary carer of a child of an EEA former worker and the child is currently in education in the UK (Ibrahim/Teixeira)
- primary carer of a British child (Zambrano)
- primary carer of a British dependent adult (Zambrano), or
- the child of a primary carer who qualifies through one of these categories

Individuals holding Zambrano derivative rights are not covered by the provisions of the Withdrawal Agreements. They were eligible to apply to the European Union Settlement Scheme (EUSS) until August 2023, when this route to settlement closed. Therefore, whilst those individuals are unable to demonstrate a right of permanent residence under the Withdrawal Agreements, some may hold settled status under the EUSS. Individuals with derivative rights based on Chen or Ibrahim/Teixeira are covered by the Withdrawal Agreements and can apply to the EUSS.

Holding a derivative right of residence does not confer an automatic eligibility for student support in its own right, but it may mean that an individual holds an immigration status and lawful period of residency which would enable them to satisfy the requirements of the regulations. A student will still need to meet the necessary criteria set out in one of the eligibility categories.

Links to further details on Zambrano, Chen and Ibrahim/Teixeira cases can be found on Gov.uk: <https://www.gov.uk/derivative-right-residence>

SLC will validate the award of an immigration status based on a derivative right of residence via the Home Office.

3.11 Impact of the UK's exit from the EU

The UK's exit from the EU took place on 31 January 2020. A transition period following the UK's exit from the EU ended on 31 December 2020, after which free movement ended and post-EU exit immigration rules apply. The withdrawal of the UK from the EU is referred to as 'EU exit' in this document.

3.11.1 Citizens' rights and 'protected' rights

EU, EEA and Swiss nationals and their family members who have exercised their right to reside in the UK by the end of the transition period (31 December 2020) and

continue to reside in the UK thereafter have citizens' rights under the EU Withdrawal Agreement (and the similar EEA-European Free Trade Association (EFTA) (Iceland, Liechtenstein and Norway) Separation Agreement and Swiss Citizens' Rights Agreement). Those with citizens' rights have the right to continue to legally reside in the UK and enjoy associated rights. The rights of those who move to the UK after the end of the transition period (unless they have citizens' rights as a family member of a person already in the UK) will be subject to the points-based immigration system.

A family member of a person of Northern Ireland only has citizens' rights under the EU Withdrawal Agreement if the person of Northern Ireland (who they are a family member of) is solely an Irish national. Therefore, specific provision is made in the regulations for a family member of a person of Northern Ireland who doesn't have citizens' rights to be able to access home fee status and student support on the same basis as a family member of an EU national.

Those with citizens' rights, as well as family members of persons of Northern Ireland, are referred to as having 'protected rights'. Those with 'protected rights' are defined in the regulations under paragraph 1, Schedule 1, Part 1 as follows:

"person with protected rights" means—

- a person within the personal scope of the citizens' rights provisions who—
 - has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules,
 - is an Irish citizen who, pursuant to section 3ZA of the Immigration Act 1971, does not require leave to enter or remain in the United Kingdom,
 - is an applicant for the purposes of regulation 4 of the 2020 Citizens' Rights Regulations where the relevant period has not expired, or
 - otherwise has rights deemed to apply by virtue of any citizens' rights provisions; or
- a family member of a relevant person of Northern Ireland for the purposes of residence scheme immigration rules, where that family member has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules.

Citizens' rights provisions are deemed to apply in certain circumstances by the following provisions regarding issuance of residence documents:

- Article 18(2) and (3) of the EU withdrawal agreement,
- Article 17(2) and (3) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020), or
- Article 16(2) and (3) of the Swiss citizens' rights agreement

3.11.2 Persons of Northern Ireland

The definition of "persons of Northern Ireland" is taken from the residence scheme immigration rules as defined by section 17(1) of the European Union (Withdrawal Agreement) Act 2020 and refers to people born in Northern Ireland to a parent who was a British citizen, Irish citizen or dual British and Irish citizen at the time of the birth.

A person of Northern Ireland must be British, Irish or have dual citizenship at the time of their family member's application to the EUSS.

3.11.3 EU/EEA nationals with protected rights who acquire British citizenship

EU/EEA nationals residing in the UK with protected rights may subsequently go on to acquire British citizenship. From the date of their naturalisation, their British citizenship confers an unlimited right to reside in the UK and they will no longer need to hold status under the EUSS. However, as they previously resided in the UK exercising free movement rights, they will continue to be covered by the Withdrawal Agreement and will retain protected rights.

Example:

Jimmy is an Australian national who is married to a German national. Jimmy moved to the UK from Germany in January 2025 to join their German spouse who was already working and living in the UK. Jimmy holds pre-settled status granted under the EUSS. Jimmy's spouse held settled status under the EUSS before being naturalised as a British citizen in August 2026.

Jimmy starts a designated LLE course in September 2027. Jimmy's spouse continues to work in the UK. Although Jimmy can qualify for fee support only under paragraph 19 as the family member of a settled person, Jimmy may also qualify for living costs support under paragraph 12, as Jimmy's spouse has protected rights under the Withdrawal Agreement and is therefore an EEA migrant worker.

3.11.4 The EU Settlement Scheme (EUSS)

Those who have protected rights could apply for a status under the EUSS. They had until 30 June 2021 to apply and any discretion to extend this date was considered on a case-by-case basis by the Home Office. In certain circumstances, family members can join an EEA or Swiss national in the UK after 31 December 2020 and apply to the EUSS once they are here.

Family members of EEA/Swiss nationals arriving in the UK after 1 April 2021 have three months to apply to the EUSS from the date they arrive in the UK. They will have temporary protection and therefore will be treated as having citizens' rights for the purposes of eligibility for home fee status and student support during those three months, and pending the outcome of any EUSS application made during that period (and of any appeal).

Applicants to the EUSS will initially be given a Certificate of Application once their application has been validated by the Home Office, and can ultimately be awarded:

- settled status (indefinite leave to enter or remain) if they have the requisite minimum of five years of continuous lawful residence in the UK. In order to demonstrate the required period of continuous residence, individuals need to have been resident for at least 30 out of the last 60 months on aggregate, or

- pre-settled status (limited leave to enter or remain) if they have a shorter period of UK residence (any period of lawful residence of less than five continuous years). After five years of continuous lawful residence in the UK this should be automatically converted to settled status without any action required by the leave holder.

3.11.5 Demonstrating settled or pre-settled status granted under the EUSS

SLC will check the student's settled or pre-settled status under the EUSS directly with the Home Office. All successful applicants to the EUSS are also able to demonstrate their status digitally via the Home Office's Digital Status Checker, the 'View and Prove' eVisa system. The individual generates a share code which remains valid for 90 days and which allows external parties such as the SLC to check the individual's eVisa status. To generate the code, the individual must select that they wish to demonstrate their immigration status, manually enter their national identity card number, date of birth and verify their account by text or email. The verifying individual or organisation will require the individual's share code and date of birth to check the status. SLC may request the share code from the relevant student as part of the student finance application process.

3.11.6 EUSS outstanding applications and ongoing appeals

The closing date for applications to the EUSS was 30 June 2021, other than in the case of joining family members.

EU, EEA and Swiss nationals and their family members applying for designated LLE courses starting in AY 26/27 will generally be awarded student support only if they have been granted settled or pre-settled status under the EUSS and they meet the other requirements of one of the eligibility categories in the Regulations.

However, there may be students applying for student finance for AY 26/27 and beyond who have reasonable grounds for making a late application to the EUSS. There may also be some students who have made an in-time EUSS application but are still waiting a final decision on their status from the Home Office, including those that have requested an administrative review, or lodged an appeal. Once a valid application has been made to the EUSS (evidenced by receipt of a Certificate of Application), the student will have temporary protection and citizens' rights, pending the outcome of that application.

A Certificate of Application does not provide an automatic right to support. A student will still need to meet the criteria set out in one of the eligibility categories. If SLC are made aware of a student's Certificate of Application being based on derivative rights, for example as a Zambrano carer, then SLC must consider each student on a case-by-case basis to ensure they meet the requirements of an eligibility category.

3.11.7 Expiry of pre-settled status

Since 21 December 2022, those who have been granted pre-settled status and who have five years of continuous lawful residence in the UK in line with the residence

requirements of the Withdrawal Agreement or the EEA/EFTA Separation Agreement, will acquire the right of permanent residence, without having to apply to the EUSS for settled status.

The Home Office has extended the expiry dates of pre-settled status by five years and removed the pre-settled status expiry dates from their systems. The Home Office is reviewing and converting pre-settled status to settled status for those who are eligible, without the need for a second EUSS application. Pre-settled status will not expire; it will only be removed if the Home Office cancels or curtails it. Consequently, SLC will not verify pre-settled status expiry dates.

3.11.8 Settled and pre-settled status granted by the Crown Dependencies

Persons who hold settled or pre-settled status awarded by the Crown Dependencies may use this as evidence to support their application for student finance on the same basis as those with settled or pre-settled status awarded under the EUSS, subject to meeting residency requirements. Pre-settled or settled status granted by the Crown Dependencies cannot be checked via the EUSS eVisa system, or via a Home Office check. SLC must check paper evidence from the student or other status holder to determine eligibility.

Students who come from the Crown Dependencies to the UK wholly or mainly for the purposes of study are not eligible for student support. They are, however, eligible for home fee status. If they come to the UK for purposes other than study, and then subsequently start a course, they will qualify for student support as long as they satisfy the other eligibility conditions including required residency criteria.

4 Residency categories

To be determined as eligible for student support it must be established that a student satisfies the residence rules as set out under the Regulations. Part 2 of Schedule 2 of the Regulations describes the categories under which a student can be eligible for support. The residency requirements and other conditions that must be met are set out under each category.

A student's eligibility is not solely derived from satisfying the requirements of one of the categories; they must meet the other conditions as prescribed under regulation 7.

Further information on regulation 7 can be found in the [Personal Eligibility guidance chapter](#).

4.1 Persons who are settled in the UK (except those who hold EU settled status or have right of permanent residence in the UK under the EU Withdrawal Agreement)

To fall within paragraph 2 of Schedule 2, and qualify for full support, the student must:

- be settled in the UK (except for those who hold European Union (EU Settlement Scheme (EUSS) settled status or a have a right of permanent residence in the UK under the EU Withdrawal Agreement),
- be ordinarily resident (OR) in England on the first day of the first course year of the course, and
- have been OR in the UK and Islands for the three-year period preceding the first day of the first course year of the course. Any period of residence in the UK and Islands in the three-year period which was wholly or mainly for the purpose of receiving full-time (FT) education is discounted.

The Department for Education (DfE) are of the view that a student should not be prevented from qualifying for support because they have been receiving FT education during some or all of the three-year prescribed period. For example, the child or spouse/civil partner of a foreign businessperson or diplomat ordinarily resident in the UK and Islands may be receiving FT education but may be here mainly to be with their parent or spouse/civil partner (and not wholly or mainly for the purpose of receiving FT education) and so be entitled to support if the time requirements are met.

SLC should determine on a case-by-case basis whether a student has been resident in the UK and Islands wholly or mainly for the purposes of receiving FT education.

Paragraph 2(2) stipulates that the requirement for a student to be OR in the UK and Islands for the three-year period preceding the first day of the first course year of the course, not for the purposes receiving FT education does not apply to someone who is treated as being ordinarily resident in the UK and Islands for on account of temporary employment outside the area (paragraph 1(3)(c) of Schedule 2).

For more information on temporary employment refer to [section 3.5](#) for information on temporary employment.

4.1.1 Settled status

Settled has the meaning given by section 33(2A) of the Immigration Act 1971. In practice, this means a person is considered settled where they are ordinarily resident in the UK and are free from any restriction, under the immigration laws, on the length of time they may remain in the country.

Therefore, a person is considered settled in the UK if:

- they are a British citizen (evidence of British citizenship may be established by a British passport),
- they are a person who has been granted indefinite leave to enter or remain (Indefinite Leave to Enter (ILE)/Indefinite Leave to Remain (ILR). This includes settled status under the EUSS but refer to [section 4.3](#) for more information on settled status under the European Union Settlement Scheme (EUSS),
- they are exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 (they are a member of UK Armed Forces),
- they have the right of abode, or
- they are an Irish citizen.

A person with the right of abode is free from UK immigration control and students with this status should have a 'certificate of entitlement to the right of abode' confirming this.

4.1.2 British citizen by descent

The British Nationality Act 1981 (section 2) provides that a child born outside the UK will be a British citizen by descent if either parent was a British citizen 'otherwise than by descent'.

A person who is a British citizen has the right of abode in the UK and are not subject to immigration control, therefore these students meet the settled status requirement. Depending on when the child was born 'parent' means:

- For children born before 1 July 2006:
 - the mother, if the child was born on or after 1 January 1983 (before 1983, women were not able to pass on citizenship to their children), or
 - the father (but only if he was married to the mother).

If the parents were not married when the child was born, but subsequently get married, the marriage might legitimise the child's birth. If it does, the child would become a British citizen (and would be regarded as having been one from birth) if the father was a British citizen (or settled) when the child was born. Children of a void marriage may also, in some circumstances, be treated as legitimate.

- For children born on or after 1 July 2006:
 - the mother (the woman who gives birth to the child), or
 - the father if:
 - they are married to the mother at the time of the birth,
 - they are treated as the father under section 28 of the Human Fertilisation and Embryology Act 1990, or
 - (if neither (1) nor (2) apply) they can satisfy certain requirements as regards proof of paternity – they are named as the father on a birth certificate issued within one year of the child's birth or they can satisfy the Home Secretary that they are the father of the child (by means of DNA test results, court orders, or other relevant evidence).

4.1.3 British Overseas Territories (BOTs)

The British Overseas Territories Act 2002 renamed the previously known "British Dependent Territories" (BDT) as "British Overseas Territories" (BOTs). A further change took place on 21 May 2002; if a person was a BOT citizen (BOTC), except by virtue of a connection only with the Sovereign Base Areas of Akrotiri and Dhekelia, immediately before 21 May 2002, they automatically became a British citizen on that date.

Students from a BOT may also be a British citizen if they were born on or after 21 May 2002 in a BOT or born outside of a BOT to a parent who is a British citizen as detailed in [section 4.1.2](#):

- any BOTC entering the UK from the relevant countries (provided they have not renounced or acquired their BOTC status by naturalisation as a BOTC in an overseas territory after 21 May 2002) will be doing so as a British citizen and will not be subject to immigration control
- holders of British Dependant Territories Citizen (BDTC)/BOTC passports were allowed to present their BDTC/BOTC documents as evidence of right of abode in the UK prior to obtaining full British citizen passports until 21 May 2002

These students still have to meet the ordinary residence criteria of the applicable residency category. Students from the BOTs may be asked to provide proof that they have settled status when applying for places at colleges and universities in England, Wales and Northern Ireland or student support under the LLE. Acceptable evidence might be:

- a British citizen passport or passport number,
- a BOTC passport or BDTC passport issued before 21 May 2002, or
- a BOTC passport issued after 21 May 2002, with evidence that the person or their parent was born in an overseas territory or registered or naturalised as a citizen before that date.

With the exception of Gibraltar, BOTs were not previously part of the European Economic Area (EEA), and the main body of EU law did not apply to them.

The list of UK territories that make up the specified BOTs is:

- Anguilla
- Bermuda
- British Antarctic Territory
- British Virgin Islands
- Cayman Islands
- Falkland Islands
- Gibraltar
- Montserrat
- Pitcairn
- Henderson
- Ducie and Oeno Islands
- South Georgia and the South Sandwich Islands
- Saint Helena
- Ascension and Tristan da Cunha
- Turks and Caicos Islands

Persons settled in the UK may be eligible for support under paragraph 18 where they have been resident in the specified BOT for part of the three-year period before the first day of the first course year of the course. Further details on this category are in [section 4.17](#).

4.1.4 EU Overseas Territories

EU nationals and their family members, and the family members of persons of Northern Ireland who are persons with protected rights, may be eligible for fee support where they have been resident in the EU overseas territories as well as the BOTs. For further information, [refer to section 4.14](#).

The list of EU overseas territories is:

- The Caribbean part of the Kingdom of the Netherlands (Aruba, Bonaire, Curaçao, Saba, Sint Eustatius, Sint Maarten)
- The Faroe Islands
- French Polynesia
- The French Southern and Antarctic Territories
- Mayotte
- Greenland
- Montserrat
- Saint Barthélemy
- Saint Pierre et Miquelon
- The territory of New Caledonia and Dependencies
- Wallis and Futuna

EU nationals and their family members previously eligible as a result of their resident status in Gibraltar may be eligible for fee support if they have been resident in the EU overseas territories including the BOTs. For further information, refer to [section 4.19](#).

Fee support only will also be available to students in the following categories who have been ordinarily resident for all or part of the three-year period in an overseas territory. If that overseas territory is Gibraltar, the student will continue to be eligible for full support. See the corresponding section in this chapter for each category for details:

- workers, employed persons, self-employed and their family members ([paragraph 12](#))
- children of former workers ([paragraph 13](#))
- children of Swiss nationals ([paragraph 22](#))
- children of Turkish workers ([paragraph 23](#))

Fee support only will also be available to students in the following categories where residence in the UK and Islands during the three-year period has been wholly or mainly for the purpose of study, and residence prior to that period was in an overseas territory. If that overseas territory is Gibraltar, the student will continue to be eligible for full support in the first of these categories, and postgraduate Disabled Students' Allowance (DSA) in the second:

- EU settled status or right of permanent residence in the UK under the EU Withdrawal Agreement ([paragraph 4](#))
- EU nationals in the UK and Islands ([paragraph 21](#))

4.1.5 Gibraltar

Gibraltar is the only BOT that was historically part of the EEA. It was not part of the Customs Union and was not a member of the EU in its own right. Since the end of the transition period, Gibraltar is no longer part of the EEA or subject to EU law, but it remains part of the free-travel Schengen area.

UK nationals and their family members with resident status in Gibraltar granted by the Government of Gibraltar continue to be eligible in England for home fee status and fee support for courses starting before 1 January 2028, on the basis of three years of residence in the UK, Gibraltar, EEA and Switzerland.

EU nationals and their family members who have a right to reside in Gibraltar arising from the Withdrawal Agreement will be eligible in England for home fee status and fee support for courses starting before 1 January 2028, on the basis of three years of residence in the UK, EEA, Switzerland and the overseas territories.

For more information see the following sections:

- persons settled in the UK who move to Gibraltar then return before the first day of the first course year ([Section 4.13](#));
- UK nationals, EU nationals and their family members in Gibraltar ([Section 4.19](#)).

4.2 Settled in the UK with three years ordinary residence in the Common Travel Area

Under paragraph 3, fee support will be available to settled persons who have been OR in the Common Travel Area (the UK, Islands and the Republic of Ireland (ROI)) for the three years prior to the first day of the first course year of the course, with at least part of that time resident in the ROI. The student must also be attending or undertaking the course in England. A person who moves to England from the Islands (Channel Islands and the Isle of Man) for the purposes of undertaking the course is not eligible for fee support under paragraph 3.

Examples:

Caelan is an Irish citizen who was OR in the ROI they arrived in the UK in January 2027. Caelan starts a designated Lifelong Learning Entitlement (LLE) course in England in February 2027.

Caelan is eligible for fee support only as they were OR in the UK, Islands and the ROI for the three-year period prior to the first day of the first course year of the course (1 February 2024 – 31 January 2027) and have spent at least part of this period in the ROI.

Shea is a British citizen who moved from the UK to the ROI in September 2025. In April 2027, they return to the UK to start a course in England in the same month. Shea's residence in the ROI is not deemed to be a temporary absence; therefore, they don't qualify for full support under paragraph 2.

However, Shea can qualify for fee support only under paragraph 3 as they have been OR in the UK, Islands and the ROI (with time spent in the ROI) for three years prior to the first day of the first course year of the course (1 April 2024 – 31 March 2027).

4.3 Settled status or right of permanent residence in the UK under the EU Withdrawal Agreement (“EUSS”)

Paragraph 4 applies to those with a right of permanent residence. To qualify under paragraph 4, a student must be able to satisfy the following conditions:

- hold EUSS settled status or have a right of permanent residence in the UK under the EU Withdrawal or EEA-EFTA Separation Agreement,
- be OR in England on the first day of the first course year of the course, and
- have been OR in the UK and Islands throughout the three-year period preceding the first day of the first course year of the course*

* Where the three-year residence period referred to above was wholly or mainly for the purpose of receiving FT education, and they have been ordinarily resident in the territory comprising the UK, Gibraltar, EEA and Switzerland immediately prior to the start of that period of residence will receive full support. Those who were resident in an overseas territory (other than Gibraltar) immediately prior to the start of that period of residence will be eligible for fee support only.

While the main focus of paragraph 4 is on those persons granted settled status under the EUSS, which was established in line with the Withdrawal Agreement, EEA-EFTA Separation Agreement and the Swiss Citizens’ Rights Agreement, it also covers Irish citizens and family members of relevant persons of Northern Ireland where the family member holds settled status under the EUSS.

In the majority of cases, a person will demonstrate their right of permanent residence by the grant of settled status under the EUSS. However, it is possible that a person might decline to demonstrate permanent residence via the EUSS and instead choose to demonstrate permanent residence under the stricter criteria in the Withdrawal Agreement or EEA-EFTA Separation Agreement. This approach does not apply to those covered by the Swiss Citizens’ Right Agreement.

Those who want to demonstrate their permanent residence under the Withdrawal Agreement or the EEA-EFTA Separation Agreement must prove they resided continuously in the UK for five years as either:

- a worker,
- a self-employed person,
- a self-sufficient person with comprehensive sickness insurance,
- a student with comprehensive sickness insurance, or
- a family member of such a person.

Five years of continuous residence means that for five years in a row the person has been in the UK, the Channel Islands or the Isle of Man for at least six months in any 12-month period. The exceptions are:

- one period of up to 12 months for an important reason (for example, childbirth, serious illness, study, vocational training or an overseas work posting)
- compulsory military service of any length
- time spent abroad as a Crown servant, or as the family member of a Crown servant
- time spent abroad in the armed forces, or as the family member of someone in the armed forces

In practice, SLC expect that the majority of students will obtain settled status via the EUSS, demonstrated by providing a share code, which can then be checked through the Digital Status Checker. However, any student who applies for support on the grounds of having acquired permanent residence under the Withdrawal Agreement or EEA-EFTA Separation Agreement will need to be assessed on a case-by-case basis. Where SLC are unable to verify status, they may revert to the relevant Department in order to assist in establishing the student's residence status.

Examples:

Albin is a Polish national who arrived in the UK in July 2018. They apply for and are granted pre-settled status in July 2020. In July 2023, Albin is eligible for settled status.

Albin applies for full funding as a person with settled status and three years of ordinary residence in the UK and Islands for a course starting in January 2027. Despite being awarded settled status from the EUSS by the Home Office from July 2023, Albin declines to demonstrate permanent residence via the EUSS.

Albin can be assessed as eligible for full funding with permanent residence under the Withdrawal Agreement, but they will need to evidence that they have five years of continuous lawful residence in the UK and exercising their rights under the terms of the Withdrawal Agreement.

Annika is a Kazakh national who arrived in the UK in July 2018 and became the spouse of a Spanish national in June 2013.

Annika was granted a right of permanent residence in July 2018 as the family member of an EEA national who was exercising their treaty rights under directive 2004/38. In October 2020, Annika was granted settled status under the EUSS. Annika starts a course in January 2027.

Annika is eligible for full support as they:

- have settled status in the UK by virtue of having obtained settled status under the EUSS,
- are OR in England on the first day of the first course year of the course, and

- have three years of ordinary residence in the UK and Islands prior to that date.

4.4 Refugees and their family members

Schedule 1, part 1, regulation 1, defines a refugee as a person who is recognised by His Majesty's government as a refugee within the meaning of the United Nations Convention relating to the Status of Refugees at Geneva on 28th July 1951 as extended by the Protocol thereto which entered into force on 4th October 1967.

Under paragraph 5, those granted refugee status by the Home Office and their family members claiming student support under this category must satisfy the following criteria to be considered for full support.

The student must be either:

- a refugee who is:
 - OR in the UK and Islands and has not ceased to be OR since they were recognised as a refugee, and
 - is OR in England on the course start date; or
 - the spouse or civil partner of a refugee who:
 - on the date that the refugee made their application for asylum in the UK was:
 - the spouse of the refugee or the civil partner of the refugee, and
 - is OR in the UK and Islands and has not ceased to be OR since they were granted leave to enter or remain in the UK, and
 - is OR in England on the course start date; or
- the child of a refugee or the child of the spouse or civil partner of a refugee who:
 - on the date which the refugee made their application for asylum in the UK was:
 - the child of a refugee, or
 - the child of a person who was the spouse/civil partner of the refugee on that date, and
 - on the date on which the refugee made their application for asylum in the UK was under the age of 18, and
 - is OR in the UK and Islands and has not ceased to be OR since they were granted leave to enter or remain in the UK, and
 - is OR in England on the course start date.

Schedule 2, part 1, 1(1), provides a definition of parent which includes a parent, guardian or any other person having parental responsibility for a child, and "child" is to be construed accordingly. In this context, a child is defined as any individual who is under the care or responsibility of a biological or adoptive parent, a legal guardian or any other person who has parental responsibility for the child's care and welfare.

In cases where the spouse, civil partner or child arrived after the date refugee status was awarded, they must have leave to enter or remain or have been granted leave in line with their parent or partner.

People who are recognised as refugees are granted five years of limited leave to enter or remain in the UK. At the end of this five-year period, people with refugee status are entitled to apply for indefinite leave to remain.

Examples:

Cassim is granted refugee status in September 2025. Since being recognised as a refugee, Cassim has remained OR in the UK and Islands. Cassim applies for a designated LLE course beginning in March 2027. Cassim is eligible under paragraph 5(1) as they:

- are a recognised refugee,
- have remained OR in the UK and Islands since being granted refugee status, and
- are OR in England on the course start date.

Lina was granted refugee status in January 2025. Their son, **Daniel**, was aged 16 at the time Lina made their application for asylum and was still abroad. In August 2025, Daniel was granted leave to enter the UK and joined Lina. Daniel has remained OR in the UK and Islands since his arrival.

Daniel applies for a designated LLE course beginning in January 2027.

Daniel qualifies under paragraph 5(3) of Schedule 2 as:

- they are the child of a refugee,
- on the date Lina made their application for asylum, they were their child and under the age of 18,
- they have remained OR in the UK and Islands since being granted leave to enter, and
- they are OR in England on the course start date.

4.5 Persons granted stateless leave and their family members

Persons granted stateless leave by the Home Office because they have no right of residence in their country of former habitual residence or any other country may qualify as an eligible LLE student under paragraph 6 of Schedule 2 of the Regulations.

The regulations stipulate that to be eligible for full support under this category, a student must:

- have been a person granted leave to remain in the UK as a stateless person,
- be OR in the UK and Islands and has not ceased to be OR since they were granted leave to remain in the UK*, and
- be OR in England on the course start date.

*This period of ordinary residence refers to the period subsequent to the student's most recent grant of their stateless leave status. Where a student has had to renew their stateless leave, there is only a requirement for the student to have been OR from the date of the renewal onwards.

Family members of persons granted stateless leave may also be eligible for support. The definition of family members for stateless persons mirrors that of those who have been granted refugee status.

This means if the student is applying as the:

- spouse or civil partner, or
- the child of a person granted stateless leave or the child of the spouse or civil partner of a person granted stateless leave

they must have had this relationship status on the date the person granted stateless leave made their application to remain in the UK to the Home Office. A child of the person granted stateless leave or a child of their spouse or civil partner must have been under 18 on the date the valid application was made to the Home Office. In addition, family members are also required to be:

- OR in the UK and Islands since they were granted leave to enter or remain in the UK, and
- OR in England on the course start date.

Example:

In March 2025, **Kareem** applied to remain in the United Kingdom as a stateless person under the Immigration Rules. Their application was successful, and they were granted stateless leave.

At the time Kareem made their stateless leave application, they were married to **Sara**, who was living abroad at the time.

In October 2025, Sara was granted leave to enter the UK as Kareem's spouse and joined them in the UK. Since their arrival Sara has remained OR in the UK and Islands.

Sara applies for a designated LLE course beginning July 2027. Sara qualifies full support under paragraph 6 as:

- they are the spouse of a person granted stateless leave,
- they were the spouse of the person granted stateless leave on the date they made their application,
- they are OR in the UK and Islands and has not ceased to be so since they were granted leave to enter, and
- they are OR in England on the course start date.

4.6 Persons granted section 67 leave

Section 67 of the Immigration Act 2016 requires the Government to relocate to the UK and support a specified number of unaccompanied asylum-seeking children from Europe.

Under paragraph 7 of Schedule 2, a person granted section 67 leave may qualify for full support if they meet the following conditions:

- They have been:
 - been granted leave to remain under section 67 of the Immigration Act 2016, or
 - granted 'leave in line' as a dependent child* of a person granted leave to remain in the UK under section 67 of the Immigration Act 2016;
- are OR in the UK and Islands and has not ceased to be so since they were granted section 67 leave. (Where the student has been granted leave to enter the UK (leave is granted either prior to arrival in the UK or at the UK border), the leave start date should be taken as the date of arrival in the UK), and
- are OR in England on the course start date.

Dependent children of those granted leave to remain under Section 67 will be granted leave to remain for the same duration as their parent, provided that the requirements specified in the Immigration Rules are met. Under the Immigration Rules, a 'child' means an individual who is under 18 years of age on the date the application was made and for whom the person granted Section 67 leave has parental responsibility.

*The period of ordinary residence refers to the period subsequent to the student's most recent grant of section 67 leave status. Where a student has had to renew their section 67 leave, there is only a requirement for the student to have been OR from the date of the renewal onwards.

Example:

Frank arrived in the UK as an unaccompanied child in October 2025 and was later granted section 67 leave under section 67 of the Immigration Act 2016. Since receiving section 67 leave, Frank has remained ordinarily resident in the UK and Islands.

Frank applies for a designated LLE course beginning in October 2027.

Frank qualifies for full support under paragraph 7 of Schedule 2, because:

- they have been granted section 67 leave under the Immigration Act 2016.
- they have remained OR in the UK and Islands since the date that leave was granted.
- they are OR in England on the course start date.

4.7 Persons granted stateless leave and their family members

The Home Office grants indefinite leave to remain to victims of domestic violence or abuse who are in the UK by virtue of a partner visa or sponsorship by a British citizen or settled person. Where an individual's relationship has broken down with their partner/sponsor as a result of domestic violence or domestic abuse they can be granted the immigration status of indefinite leave to remain, even if they have only been in the UK for a short period of time and do not have existing leave.

From 2024, the Home Office can also grant indefinite leave to enter the UK to victims of domestic violence or abuse who have been living outside of the UK and are victims of transnational marriage abandonment. Students who are granted indefinite leave to enter or indefinite leave to remain under any of the following provisions of the Immigration Rules will be eligible for full support under this category:

- paragraph VDA 9.1 of the Appendix Victim of Domestic Abuse; or
- where such leave was granted before the coming into force of the Appendix Victim of Domestic Abuse, paragraph 289B (victims of domestic violence), paragraph D-DVILR.1.1. of Appendix FM (victims of domestic abuse) or paragraph 40 of Appendix Armed Forces (victims of domestic violence: partners of members of the armed forces).

A person who has been granted indefinite leave to enter or remain by the Home Office as a victim of domestic violence or abuse is eligible for student support without being required to demonstrate three years of ordinary residence in the UK prior to the first day of the first course year of the course.

To qualify for full support under paragraph 8 the student must be:

- a person who has been granted indefinite leave to enter or remain in the UK as a victim of domestic violence or domestic abuse,
- is OR in the UK and Islands and has not ceased to be OR since they were granted such leave, and
- is OR in England on the course start date.

Children of those granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse may be eligible for funding under this category without any requirement for the student to have been granted leave in line.

The child will need to show:

- they are the child of a person who has been granted indefinite leave to enter or remain as a victim of domestic violence or abuse,
- on the date the person applied for indefinite leave to enter or remain as a victim of domestic violence or domestic abuse, they were the child of the person,
- they were under the age of 18 on the date the person applied for indefinite leave to enter or remain as a victim of domestic violence or domestic abuse,
- they have been OR in the UK and Islands since they were granted leave to enter or remain in the UK, and

- they are OR in England on the course start date.

There is no requirement for the child to be under 18 when applying for funding under LLE. In addition, there is no requirement that the student is dependent on the parent granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse on the date they apply for funding.

Example:

Farah's mother, **Amina**, is granted indefinite leave to remain as a victim of domestic violence in March 2026. At the leave application date Farah was 16 years old. As Amina's dependent child, Farah was granted indefinite leave to remain in line.

Farah has remained OR in the UK and Islands since their leave was granted and applies for a designated LLE course beginning in March 2027.

Farah qualifies under paragraph 8(2) of Schedule 2 as:

- they are the child of a person granted indefinite leave to remain as a victim of domestic violence,
- on the leave application date, they were the child of the person (**Amina**) granted indefinite leave to remain as a victim of domestic violence and under 18,
- they have remained OR in the UK and Islands since being granted leave in line, and
- they are OR in England on the course start date.

4.8 Persons granted Calais leave

Calais leave status is awarded to a person who transferred to the UK as part of the Calais camp clearance between October 2016 and July 2017 as an unaccompanied child who was to be reunited with qualifying family.

Students who hold this leave to remain status are eligible for student support in England. This is also extended to dependent children of a person who holds Calais leave status who have been granted "leave in line" with their parent.

Under paragraph 9 of Schedule 2, to qualify for support as a person granted Calais leave a student must:

- have been:
 - granted Calais leave under the relevant immigration rules, or
 - granted leave in line as a dependent child of a person granted Calais leave under the relevant immigration rules;
- have been OR in the UK and Islands and not ceased to be OR since being granted Calais leave; and
- be OR in England on the course start date.

When the Calais leave route was introduced into the Immigration Rules, the policy intention was to provide eligible individuals with a route to settlement after 10-years on the route. The route to settlement changed in 2024 with eligible individuals qualifying for settlement after 5-years of continuous Calais leave. Therefore, it is unlikely that any students will be applying under the Calais leave route for LLE.

4.9 Persons granted indefinite leave to enter or remain as a bereaved partner and their children

Full support is available to persons granted indefinite leave to enter or remain as a bereaved partner under paragraph 10 of Schedule 2 (Part 2).

A person granted indefinite leave to enter or remain in the UK as a bereaved partner includes those granted their status under any of the following provisions of the Immigration Rules:

- paragraph BP 11.1 of Appendix Bereaved Partner of the Immigration Rules;
- where such leave was granted before the coming into force of Appendix Bereaved Partner, under any of the following provisions of the immigration rules:
 - paragraph 288, as a person in relation to whom the requirements in paragraph 287(b) of those rules were met (bereaved partners);
 - paragraph 295N, as a person in relation to whom the requirements in paragraph 295M of those rules were met (bereaved partners);
 - paragraph D-BPILR.1.1 of Appendix FM (bereaved partners); or
 - paragraph 36 of Appendix Armed Forces (bereaved partner of a member of HM Forces);
- under paragraph AF (GHK) 14.1 of Appendix GHK of the immigration rules, as a bereaved partner; or
- where such leave was granted prior to 5th October 2023, outside the immigration rules, on the basis that the person was a bereaved partner of a Gurkha discharged before 1st July 1997.

To qualify for full support under paragraph 10, a student must:

- have been granted indefinite leave to enter or indefinite leave to remain in the UK under the relevant immigration rules as a bereaved partner,
- be OR in the UK and Islands and has not ceased to be OR since they were granted indefinite leave to enter or remain in the UK, or
- be OR in England on the course start date.

Children of those granted indefinite leave to enter or remain as a bereaved partner may also be eligible for support under paragraph 10, provided they can demonstrate that:

- they are the child of a person who has been granted indefinite leave to remain as a bereaved partner,

- on the date on which the person granted indefinite leave as a bereaved partner made their application to remain in the UK on those grounds under the immigration rules, they were their child,
- they were under 18 on the date on which the person granted indefinite leave as a bereaved partner made their application to remain in the UK,
- they have remained OR in the UK and Islands since they were granted indefinite leave in the UK, and
- they are OR in England on the course start date.

There is no requirement that the child is under the age of 18 when applying for student funding.

In addition, there is no requirement for SLC to check that the student is dependent on the parent granted indefinite leave to remain as a bereaved partner on the date they apply for student funding to qualify under this category.

Example:

Maria lived in the UK with their partner, David, who held limited leave under the family route. David passed away in April 2023. Maria applied to remain as a bereaved partner, and the Home Office granted Maria indefinite leave to remain (ILR) in October 2023.

Maria has a son, **Leo**, who was 15 years old at the time Maria made their bereaved-partner application. Leo was included as Maria's dependent child.

Leo was granted leave in line with their mother's ILR and has remained OR in the UK and Islands since that date.

Leo applies for a designated LLE course beginning in September 2027.

Leo qualifies under paragraph 10(2) as:

- they are the child of a person granted ILR as a bereaved partner and on the leave application date they were Maria's child,
- they were under 18 on the leave application date,
- they have remained OR in the UK and Islands since being granted leave in line, and
- they are OR in England on the course start date.

4.10 Persons granted humanitarian protection and their family members

Full support is available to persons granted humanitarian protection in the UK and their family members under paragraph 11 of Schedule 2 (Part 2).

Humanitarian protection is granted to persons who do not qualify for asylum, but who are nevertheless recognised as requiring protection due to the risk of persecution if

they return to their home country. Regulation 1(1) Schedule 1 (Part 1) provides a full definition of a person granted humanitarian protection.

People qualifying for leave on grounds of humanitarian protection are granted leave to enter or remain, as appropriate, for five years in the first instance, with the possibility ILR thereafter.

To qualify for full support under paragraph 11, a student must:

- have been granted leave to remain in the UK on the grounds of humanitarian protection under the relevant immigration rules,
- be OR in the UK and Islands and have not ceased to be OR since they were granted leave to remain in the UK on the grounds of humanitarian protection.
- be OR in England on the course start date.

Under paragraph 11, the family member of a person granted humanitarian protection, which includes the spouse, civil partner and child, can also qualify for full support. To qualify they must demonstrate that:

- they are the spouse, civil partner, child of a person granted humanitarian protection or the child of the spouse or civil partner of a person granted humanitarian protection,
- on the date the person granted humanitarian protection made their application for asylum they held this relationship status,
- they have remained OR in the UK and Islands since they were granted leave to enter or remain in the UK, and
- they are OR in England on the course start date.

In the case of a child of a person granted humanitarian protection or the child of the spouse or civil partner of a person granted humanitarian protection, they also need to be under 18 on the date on which the person granted humanitarian protection made their application for asylum in the UK.

Example:

Samira applied for asylum in February 2024. Their asylum claim was refused, but they were granted humanitarian protection in October 2024.

Samira has continued to live in the UK since that date and is OR in England.

Samira applies for a designated LLE course beginning in January 2027.

Samira qualifies for support under paragraph 11(1) because:

- they have been granted humanitarian protection,
- they have been OR in the UK and Islands since that grant of humanitarian protection, and
- they are OR in England on the course start date.

4.11 Workers, employed persons, self-employed persons and their family members

Workers, employed persons, self-employed persons and their family members who are covered by the Withdrawal Agreements and generally who have been granted a status under the EUSS can access student finance under paragraph 12.

Frontier workers (workers who are resident outside the UK while working in the UK) cannot apply to the EUSS and will instead be awarded a frontier worker permit as evidence of their frontier worker status under the Withdrawal Agreements. Irish citizens do not need this permit to work in the UK. The permit is only available to those who were working in the UK by 31 December 2020. Family members of frontier workers who were living in the UK by 31 December 2020 can apply to the EUSS, even though the frontier worker is resident elsewhere.

The requirement to have EUSS status or a frontier worker permit does not apply to Irish citizens. Irish citizens are eligible under this category if they have citizens' rights (generally if they were resident in the UK by 31 December 2020 (migrant workers) or working in the UK by 31 December 2020 (frontier workers)).

A student can provide alternative evidence of their frontier worker status, as a frontier worker permit is not mandatory for the purposes of a student support application.

A relevant person of Northern Ireland who is a UK national is to be treated as an EEA migrant worker or an EEA self-employed person if that relevant person would otherwise be treated as such if they were an EEA national or (in the case of a dual national) solely an EEA national.

To fall within paragraph 12 of Schedule 2 (part 2), as well as having pre-settled or settled status, the student must be able to satisfy the following requirements. They must:

- be either:
 - an EEA migrant worker or an EEA self-employed person, or
 - a Swiss employed person or Swiss self-employed person;
- have been OR for the three-year period immediately preceding the first day of the first course year of the course in either:
 - the territory comprising of the UK, Gibraltar, the EEA and Switzerland, or
 - the territory comprising of the UK, the EEA, Switzerland and the Overseas Territories (where at least part of the ordinary residence was in the overseas territories); and
- be OR in England on the first day of the first course year of the course.

A student can also qualify under paragraph 12 if they:

- are either:
 - an EEA frontier worker or an EEA frontier self-employed person, or

- a Swiss frontier employed person or a Swiss frontier self-employed person;
- have been OR for the three-year period immediately preceding the first day of the first course year of the course in either:
 - the territory comprising of the UK, Gibraltar, the EEA and Switzerland, or
 - the territory comprising of the UK, the EEA, Switzerland and the overseas territories (where at least part of the ordinary residence was in the overseas territories).

As per above, EEA frontier workers, EEA frontier self-employed persons, Swiss frontier employed persons and Swiss frontier self-employed persons are not required to be OR in England on the first day of the first course year of the course.

4.11.1 Assessing eligibility of family members

Family members of an EEA or Swiss migrant worker or employed person, frontier worker or self-employed person are also potentially eligible for support, with the same entitlements as the worker. Family members must not only meet the definition of family member set out below but must also satisfy the residency and eligibility requirements applicable to workers, employed persons or self-employed persons under the Regulations. The nationality of the family member is not relevant, as long as they are a 'person with protected rights' and fulfil relevant residency requirements within the Regulations. The definition of 'family member' varies according to the category of person in question.

For an EEA migrant worker, an EEA self-employed person, an EEA frontier worker or an EEA frontier self-employed person the definition of a family member is:

- the spouse or civil partner of an EEA migrant worker ("worker")/ EEA self-employed person ("self-employed person");
- the direct descendent of a worker or self-employed person who is:
 - under the age of 21, or
 - dependent on the worker or self-employed person;
- the direct descendent of the spouse/civil partner of a worker/self-employed person who is:
 - under the age of 21, or
 - dependent on the worker or self-employed person or the spouse or civil partner of the worker or self-employed person; or
- the dependent direct relative in the ascending line of the worker or self-employed person or the spouse or civil partner of the worker or self-employed person.

For a Swiss employed person, a Swiss self-employed person, a Swiss frontier employed person or a Swiss frontier self-employed person the definition of family member is:

- the spouse or civil partner of a Swiss frontier worker or Swiss frontier self-employed person; or

- the child of:
 - a worker or self-employed person or
 - the spouse or civil partner of a worker or self-employed person.

For EEA workers/Swiss workers and their spouses/civil partners:

- 'child' refers to:
 - a child of which they are a guardian, or a child of which they have parental responsibility (this includes stepchild).
- 'parent' refers to:
 - a parent, guardian or any other person having parental responsibility for a child (this includes step-parents).

In either case, the parent must have established migrant worker status in this country and the child must meet the residence conditions in the Regulations.

Where a student is applying for support as a family member of an EEA worker, both the student and family member must provide evidence of their status, whether that be evidence of a status awarded under the EUSS or of an outstanding determination, or a frontier worker permit or alternative evidence of frontier working.

4.11.2 Dependent direct relative in the ascending line

When establishing the eligibility of persons who may come within scope of a dependent direct relative in the ascending line of an EEA migrant worker, an EEA self-employed person, EEA frontier worker or EEA frontier self-employed person, 'dependent' will often mean financially dependent.

In order to determine financial dependency, SLC may consider whether the student can meet all of their essential needs (such as food, utilities and accommodation) with or without their family's support. If they would not be able to meet all of their essential needs without the financial support, they are dependent. Dependency for other reasons, such as health, will also be considered. Dependency must be over a sustained period.

4.11.3 Fee support where previously resident in the overseas territories

Under paragraph 12, fee support only will be available to students in this category where they have been OR in the territory comprising the UK, the EEA, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first course year of the course, and where at least part of that ordinary residence was in an overseas territory other than Gibraltar.

4.11.4 Effective and genuine versus marginal and ancillary employment

The number of hours worked is only one of the factors to be considered in determining whether the work is genuine and effective. SLC will consider the principles set out below including the remuneration received and whether the work is lawful.

DfE has set an indicative threshold of 10 hours of paid work per week either in term time or during holidays. Where a student works 10 or more hours per week and is paid for that work under an employment contract, that is a strong indicator the student is a worker. Where this threshold is not met, a person may still qualify as a worker. Consequently, all individual circumstances must be considered by SLC.

Self-employed persons are in a slightly different position to other workers. It is common for self-employed workers to have periods where no work is carried out. Irregular or intermittent work will not preclude a person from being properly regarded as self-employed (or as a worker). SLC will consider whether the person is experiencing a temporary lull in work or whether the change in their working patterns means that they are no longer in continuing self-employment. It would be reasonable to consider a period of at least three months.

Work is marginal if it is minimal, negligible or insignificant. In *Raulin* (*Raulin V Minister Van Onderwijs en Wetenschappen Case 352/89 1992 I-ECR 1054*), it was suggested that work may be marginal where it was on such a small scale that it did not allow the person to become acquainted with the work or had little or no economic value for the employer. It is reasonable to use the minimum wage as an indicator when calculating what is a reasonable reimbursement, although individual cases need to be considered on their merits.

Ancillary employment involves something additional or subsidiary to the primary activities or functions of the person. Work will be ancillary if it is done pursuant to some other relationship between the person providing the services and the person receiving the benefit of those services, such as where a lodger performs a small task for his landlord as part of the terms of their tenancy (*Barry v Southwark* [2008] EWCA Civ 1440).

4.11.5 Principles from EU case law

In order to decide whether an EEA national can be classed as a migrant/frontier worker or a Swiss national employed in the UK, SLC should continue to consider the previous case law of the European Court of Justice which has established the following principles:

- freedom of movement of workers was one of the fundamental freedoms guaranteed by the UK's prior membership in the EU, therefore the term 'worker', which determined the scope of application of that freedom, must be interpreted broadly and not restrictively.
- the essential characteristics of an employment relationship are that for a period of time a person performs services for and under the direction of another person in return for which they receive remuneration.
- to qualify as a worker, the activity performed by the person must nevertheless be effective and genuine, to the exclusion of activities of such a small scale as to be regarded as purely marginal and ancillary.

- person is not precluded from being classified as a 'worker' where their work is part-time (Levin v Secretary of State for Justice case 53/81 [1982]), low wage (Lawrie-Blum v Land Baden-Wurtemberg case 66/85 [1986] ECR 2121 [16]), below the minimum subsistence wage (Levin), on-call (Raulin), or short term (Brown v Secretary of State for Scotland [1988] ECR 3205). In particular, a person is not required to complete a minimum period of employment before being able to attain the status of a worker (Brown [22]). The irregular nature and limited duration of the services provided are however factors which may be taken into account when assessing whether the work is effective and genuine or purely marginal and ancillary (Raulin). Depending on the circumstances of the individual case, multiple short-term contracts may be satisfactory where these show that an individual has, in total, worked a more than a negligible number of hours per week for the period being assessed.
- the services performed by the person must have some economic value and form part of the normal labour market. As a result, where work is performed solely as a volunteer without payment as a means of social rehabilitation or reintegration, it is unlikely to be regarded as real and genuine economic activity (Trojani v CPAS Case C456/02 [2004] 3 CMLR 38 [18]).
- the person's subjective intentions or motives in carrying out or seeking work or in applying for entry to or residence in the UK are irrelevant and must not be taken into account. What matters is that the person is performing genuine and effective work in paid employment (Levin). It follows that a person who enters the UK with the principal intention of pursuing a course of study, but who also pursues effective and genuine employment activities in the UK, is not precluded from having the status of a worker (Styrelsen Case C-46/12 [2013] ICR 715 [39]).
- the person, however, is not entitled to be classified as a migrant worker at the start of a course year for student support purposes, where the person has arrived in the UK and is not working or is actively seeking employment but has not yet worked here (Collins v SSWP [2005] QB 145).
- where a person has ceased work either before undertaking their higher education studies or has ceased work during their higher education studies, the person will be able to retain their status as a worker (and be eligible to receive the same benefits as UK national workers), provided there is a link or connection between the previous work activities performed in the host Member State, or prior Member State in the case of individuals with protected rights working in the UK, and the course of study they have undertaken (Lair V University of Hanover Case 39/86 1988 ECR 3161 [24] [28]) (Raulin). As an exception, such a connection may not be required where the person has involuntarily become unemployed and is obliged by labour market conditions to undertake occupational retraining in another field of activity (Lair) (Raulin). It is not necessary however to show any link or connection where the person works at the same time as studying.
- a person's work history with a particular employer could be one of the objective factors to which a decision maker can have regard in determining a person's worker status, particularly if there are questions about whether the work is genuine and effective or marginal and ancillary. It is probably unnecessary to do so in most cases. Where a student has demonstrated consistent work for an employer over several years but only for a few hours a week, this could indicate they were a worker.

Examples:

Mateo is an Italian national who moved to the UK in October 2020 and was granted pre-settled status under the EU Settlement Scheme. Between April 2022 and January 2023, they returned to Italy and broke their continuous residence for the purpose of applying for settled status under the EU Settlement Scheme.

Mateo returned to the UK in January 2023 for work and has continued to work since then.

Mateo starts a designated LLE course in September 2027 and is eligible for full support under paragraph 12 because:

- they are an EEA migrant worker whose work continues during the course,
- they have pre-settled status in the UK,
- they have been OR in the UK, Gibraltar, the EEA and Switzerland for the three years prior to the first day of the first course year of the course, and
- they are OR in England on the first day of the first course year of the course.

Lukas is a German national who works in England and returns to their home in Germany at weekends. Lukas is awarded a frontier worker permit under the Withdrawal Agreement as they were working in the UK by 31 December 2020. Lukas starts a course in September 2027 and continues to work while studying.

Lukas is eligible for full support as:

- they are a frontier worker whose work continues during their course, and
- they were OR in the UK, Gibraltar, the EEA and Switzerland for the three years prior to the first day of the first academic year of the course.

As a frontier worker, Lukas is not required to be OR in England on the first day of the first course year of the course.

4.12 Children of former workers

Paragraph 13 students are persons who are entitled to support by virtue of Article 10 of Council Regulation 492/2011 on the freedom of movement as workers as it had effect immediately before IP completion day, as extended by the EEA Agreement as it had effect immediately before IP completion day, and who now have citizens' rights under the Withdrawal Agreement and are awarded pre-settled status under the EUSS.

Article 10 states that "The children of a national of a Member State who is or has been employed in the territory of another Member State shall be admitted to that State's

general educational, apprenticeship and vocational training courses under the same conditions as the nationals of that State, if such children are residing in its territory. Member States shall encourage all efforts to enable such children to attend these courses under the best possible conditions”.

To be eligible for support under this paragraph a student must be covered by the Withdrawal Agreements, have been granted pre-settled status under the EUSS (unless they are an Irish Citizen who are covered without having to demonstrate so by applying for status under the EUSS), be the child of someone who was an EEA migrant worker in the UK and have remained in this country in order to complete their studies. To consider eligibility under paragraph 13, it would be reasonable to require that the child had studied here (at a level below HE) while they were dependent or under 21. Once eligibility is established under this paragraph, it will continue, whether the parent remains in the UK or not. Eligibility for the child of a migrant worker will also continue for the duration of the course in cases where the migrant worker dies.

To fall within paragraph 13, as well as being covered by the Withdrawal Agreements, a person must meet the requirements of Article 10 of Council Regulation 492/2011 and meet the following ordinary residence requirements:

- was resident in the UK with the former worker and continues to remain in the UK;
- has been OR throughout the three-year period preceding the first day of the first course of the course either in:
 - the territory comprising the UK, Gibraltar, the EEA and Switzerland, or
 - the territory comprising the UK, the EEA, Switzerland and the overseas territories where at least part of the period of ordinary residence was in the overseas territories*; and
- is OR in England on the first day of the first course year of the course.

*Where students have resided in the overseas territories (other than Gibraltar) for at least part of the three-year period preceding the first day of the first course year, they will be eligible for fee support only.

This provision may apply to the children of EEA workers in the UK where that worker is no longer a worker here and where the child has protected rights under the Withdrawal Agreement as demonstrated via the award of pre-settled status under the EUSS. The migrant worker parent does not need to have status.

Example:

Maja is a Polish national who has lived in the UK since 2020. Maja’s father was employed in England from 2020 to 2025 before returning to Poland. Maja was granted pre-settled status under the EU Settlement Scheme and has remained in the UK to complete their education.

Maja applied for a designated LLE course in September 2027 and qualifies for full support under paragraph 13 because:

- they were resident in the UK with the former worker and continue to remain in the UK,
- they have pre-settled status under the EU Settlement Scheme,
- they have been ordinarily throughout the three-year period preceding the first day of the first course of the course in the territory comprising of the UK, Gibraltar, the EEA and Switzerland, and
- they are OR in England on the first day of the first course year of the course.

4.13 Persons who are settled in the UK and have exercised a right of residence elsewhere

Paragraph 14 provides full support where the student was OR in England and settled in the UK immediately before leaving the UK and who has exercised a right of residence in the EEA and Switzerland by the end of the transition period and where, on 31 December 2020, the student was OR either:

- in the EEA, Switzerland or Gibraltar, or
- in the UK, having moved back to the UK from the EEA, Switzerland, Gibraltar on or after 1 January 2018.

The student must also be:

- OR in the UK on the course start date,
- OR in the territory comprising the UK, Gibraltar, the EEA and Switzerland for the three-year period preceding the first day of the first course year of the course, and
- where the three-year residence period referred to above was wholly or mainly for the purpose of receiving FT education, has been OR in the UK, Gibraltar, EEA and Switzerland immediately before that period of residence.

Eligibility for student support under this category (and home fee status) will only be available for courses starting up to seven years from the last day of the transition period (courses starting on 31 December 2027 at the latest).

Example:

Fred is a UK national who lived in England until March 2016 when they accompanied their parents to Spain as part of their work.

Fred returned to the UK in July 2026 and starts a designated LLE course in September 2027.

Fred is eligible for full funding under paragraph 14 as:

- they were OR in England before exercising a right of residence,
- they were OR in the EEA and Switzerland before the end of the transition period (before 31/12/2020),

- they are OR in the UK on the course start date,
- they were OR in the UK, Gibraltar, the EEA and Switzerland for the three-year period preceding the first day of the first academic year of the course and has remained there since the end of the transition period, and
- their course start date is within the seven-year time limit starting from the last day of the transition period.

Students who are settled in the UK and exercised a right of residence anywhere in the EEA or Switzerland prior to the end of the transition period for a period in excess of three months, then return to the UK and apply for support within three years of their return, should apply to the UK domicile that they were resident in before they left the UK, regardless of the domicile they are resident in once returned to the UK.

4.14 EU nationals and their family members with protected rights

Under paragraph 15, the following can apply for fee support:

- EU nationals and their family members with protected rights (demonstrated by pre-settled or settled status under the EU Settlement Scheme)
- Irish nationals who are living in the UK by 31 December 2020 (who have protected rights but are not required to apply to the EUSS), and
- family members of persons of Northern Ireland living in the UK by 31 December 2020 who have status under the EUSS.

They must also be:

- attending or undertaking the course in England, and
- OR in the territory comprising the UK, the EEA, Switzerland and the overseas territories for the three-year period preceding the first day of the first course year of the course.

The applicable period of ordinary residence cannot have been wholly or mainly for the purposes of receiving FT education, unless the person was being treated as being OR in the UK, the EEA, Switzerland and the overseas territories for the purposes of temporary employment.

Those who have settled status under the EUSS should apply for full support under Paragraph 4 of the Regulations as a settled person if they have three years of residence in the UK and Islands. However, where the settled person is an EU national with protected rights who does not have three years of ordinary residence in the UK and Islands but does have three years of ordinary residence in the UK, the EEA, Switzerland and the overseas territories, they can also be eligible for fee support only under this category.

4.14.1 Family member definition

Family member in the case of an EU national who previously fell within Article 7(1)(c) of Directive 2004/38 and has protected rights (not self-sufficient), a family member is defined as:

- the person's spouse or civil partner, or
- a direct descendant of the person or of the person's spouse or civil partner who is:
 - under the age of 21, or
 - a dependant of the person or the person's spouse or civil partner.

In the case of an EU national who previously fell within Article 7(1)(b) of Directive 2004/38, has protected rights and who is self-sufficient, a family member is defined as:

- the person's spouse or civil partner; or
- a direct descendant of the person or of the person's spouse or civil partner who is:
 - under the age of 21, or
 - a dependant of the person or the person's spouse or civil partner; or
- a dependent direct relative in the person's ascending line or that of the person's spouse or civil partner.

Although 'self-sufficient' is not a term used in the Regulations, this term refers to article 7(1)(b) of Directive 2004/38. This provides that a person has a right to reside in a host Member State, including the UK, up until 31 December 2020, if the person has sufficient resources for himself/herself and family members not to become a burden on the social assistance system of the host Member State during their period of residence and have comprehensive sickness insurance cover in the host Member State.

It is not appropriate to say that someone does not have sufficient resources if their resources are higher than the level at which social security benefits or the social security pension is paid. A means test is not necessary to establish self-sufficiency, and SLC must remain flexible in their assessment.

Examples:

Louise is an Irish citizen who arrived in the UK in November 2020. Prior to that they lived in the ROI. Louise has citizens' rights but does not need to apply to the EUSS to have the right to remain in the UK as they automatically have settled status as an Irish citizen. Louise returns to the Republic of Ireland for six months from January to June 2025. They start a course in March 2027.

Louise is eligible for fee support as:

- they were resident in the UK prior to the end of the transition period,
- they have three years of ordinary residence in the UK, the EEA, Switzerland and the overseas territories prior to the first day of the first academic year of the course, and
- they are attending a course in England.

Antonia is an Italian national who arrived in the UK in October 2020. Prior to that they lived in Italy. Antonia applies for and is granted pre-settled status under the EUSS in October 2020. Antonia moves to Germany to live in February 2024 and returns to the UK in June 2025. Antonia starts a course in September 2027.

Antonia is eligible for fee support only as they:

- have pre-settled status on the first day of the first academic year of the course,
- have three years of ordinary residence in the UK, the EEA, Switzerland and the overseas territories prior to the first day of the first academic year of the course, and
- are attending a course in England.

4.15 UK nationals and their family members

Paragraph 16 makes full support available to UK nationals who were:

- a UK national on the first day of the first course year of the course;
- OR immediately before 31 December 2020 in either:
 - the territory comprising of the EEA and Switzerland, or
 - the UK, where the period of ordinary residence in the UK began after 31 December 2017 immediately following a period of ordinary residence in the territory comprising of the EEA and Switzerland;
- OR in the territory comprising of the UK, Gibraltar, the EEA and Switzerland through the period beginning on 31 December 2020 until the day before the first day of the first course year of the course; and
- attending or undertaking a designated course in England.

Full support will also be available to non-UK national family members of UK nationals, where both the UK national and the family member meet the above requirements. The family member must be:

- the person's spouse or civil partner; or
- a direct descendant of the person or of the person's spouse or civil partner who is:
 - under the age of 21, or
 - a dependant of the person or the person's spouse or civil partner.

For both UK nationals and their non-UK national family members, the student should apply for support from the UK territory where they are undertaking the course. Ordinary residence in that territory on the first day of the first academic year of the course is not required.

Eligibility on these grounds will only be available for courses starting up to seven years from the last day of the transition period (courses starting on 31 December 2027 at the latest).

Examples:

Stuart is a UK national who has never lived in the UK. (Stuart's UK national parents left the UK to permanently reside in Spain prior to Stuart's birth.) Stuart is resident in Spain until they arrive in the UK in February 2026.

Stuart starts a course in England in October 2027. Stuart is eligible for full support as they were:

- resident in the EEA or Switzerland at the end of the transition period,
- OR in the UK, Gibraltar, the EEA and Switzerland for the three years prior to the first day of the first course year of the course (1 October 2024 – 30 September 2027), and
- attending a course in England.

Lana is a Spanish national whose mother is a UK national. They both live in Spain. Lana comes to the UK in June 2026 and starts a designated LLE course in England in September 2027. Lana is under 21 on the first day of the first course year of the course.

Lana is not eligible for pre-settled or settled status as they did not arrive in the UK by the end of the transition period. Lana is eligible for full support as:

- they are the non-UK family member of a UK national,
- they and their UK national parent were living in the EEA or Switzerland on 31 December 2020, and
- they and their UK national parent were OR in the UK, Gibraltar, the EEA and Switzerland for three years prior to the first day of the first course year of the course.

4.16 Irish citizens who were ordinarily resident in the EEA and Switzerland before the end of the transition period

Under paragraph 17, fee support will be available to Irish citizens undertaking a course in England and were:

- OR immediately before 31 December 2020 in either the territory comprising the EEA and Switzerland or the UK, where the period of ordinary residence in the began after 31 December 2017 immediately following a period of ordinary residence in the EEA or Switzerland,
- OR in the territory comprising of the UK, Gibraltar, the EEA and Switzerland through the period beginning on 31 December 2020 until the day before the first day of the first course year of the course,
- OR in the territory comprising of the UK, Gibraltar, the EEA and Switzerland for the three-year period preceding the first day of the first course year of the course, and
- ordinary residence, has not, at any point during the three-year period, been wholly or mainly for the purposes of receiving FT education (unless the person

was being treated as being OR in the UK, Gibraltar, the EEA and Switzerland for the purposes of temporary employment).

Eligibility for student support under this category (and home fee status) will only be available for courses starting up to seven years from the last day of the transition period (courses starting on 31 December 2027 at the latest).

Example:

David is an Irish citizen who arrived in the UK in July 2025. Prior to that David lived in Spain, having moved to Spain from Ireland in July 2021. They start a designated LLE course in England on 10 September 2027.

David is eligible for fee support as they:

- were resident in the EEA and Switzerland at the end of the transition period,
- remained OR in the UK, Gibraltar, the EEA and Switzerland through the period beginning on 31 December 2020 until the day before the first day of the first course year of the course, and
- have three years of ordinary residence in the UK, Gibraltar, the EEA and Switzerland prior to the first day of the first course year of the course.

4.17 Persons settled in the UK with three years of ordinary residence in the UK, Islands and British Overseas Territories (“BOTs”)

Under paragraph 18, fee support is available to students:

- who are settled in the UK,
- who are attending or undertaking a designated course in England,
- who have been OR in the territory comprising the UK, the Islands and the specified BOTs throughout the three-year period preceding the first day of the first course year of the course where at least part of the three-year ordinary residence period has been in the specified BOTs,
- whose ordinary residence has not, at any point during the three-year period, been wholly or mainly for the purposes of receiving full-time education (unless the person was being treated as being OR in the UK, Islands and BOTs),
- who did not move to England from the Islands for the purpose of undertaking the current course or for the purpose of undertaking a course immediately prior to the current course (disregarding the intervening vacation).

Example:

George has full British citizenship and has been resident in Gibraltar since birth. George moved to Bermuda in November 2020 before moving to England in August 2026 and starting a degree course there in September 2027.

George is eligible for fee support only under paragraph 18 as they:

- are settled in the UK,
- have been undertaking a designated course in England, and
- have been OR in the UK, Islands and the specified BOTs for the three-year period prior to the first day of the first course year of the course.

4.17.1 Chagossians with British citizenship

The term 'Chagossians' refers to a group of people who were evicted between 1968 and 1971 by the UK Government from the Chagos Islands and their direct descendants. From 1965, the Chagos Islands were known as the British Indian Ocean Territory (BIOT). The UK government have agreed a deal to transfer sovereignty of the islands to Mauritius.

Under paragraph 18, fee support is available to British citizens who were:

- born on or after 9 November 1965 in the British Indian Ocean Territory or is a direct descendant of such a person, or
- born prior to 8 November 1965 in islands designated as the BIOT on that date or is a direct descendant of such a person.

They must also be:

- attending or undertaking the course in England,
- OR in the territory comprising the UK, the Islands and the specified BOTs throughout the three-year period preceding the first day of the first course year of the course, and
- OR in the specified BOTs for at least part of the three-year period preceding the first day of the first course year of the course*

* For the purposes of this category a person is treated as OR in the BIOT (which is a specified BOT) during any period they are not OR in the UK and Islands, regardless of where they are actually resident during that period.

The following are excluded from the term 'Chagossian':

- step-children and other descendants who are related by marriage, and
- any other family members who are not direct descendants of a person who was born in the BIOT

Chagossians, either by birth or descent, may not have a specific evidence item issued by the Home Office or other government department that states they are Chagossians. However, a student will need to demonstrate that they are Chagossians with British citizenship. Existing operational checks on British citizenship will be undertaken by SLC.

A certificate of registration as a BOTC which indicates the registration was carried out under section 17H of the British Nationality Act 1981 will be sufficient evidence that a person is a Chagossian (but will not prove they are a British citizen). Where this is not available, it may be necessary for SLC to check the birth certificate of the student (and of their direct ascendant(s), as required) to confirm that the student, their parent and other direct ascendants as relevant were born in the BIOT.

Examples:

Martha is a British citizen. Martha's parents were born in the BIOT, but the family was OR in Mauritius until arriving in the UK in August 2025. Martha starts a designated LLE course in England in September 2027.

Martha is eligible for fee support as a British citizen who is a descendant of a person born in the BIOT.

Steve is a British citizen who was born in the BIOT and has been OR in the UK since 2002. Steve starts a designated LLE course in England in January 2027.

Steve is eligible for full support as a British citizen with settled status in the UK who has been OR in the UK for the three-year period prior to the first day of the course. Steve does not, therefore, need to be considered as eligible for fee support only under paragraph 18.

4.18 Family member of a person who is settled in the UK

Fee support will be available to non-settled family members of persons settled in the UK, under paragraph 19, where the family member was OR in the UK and Islands for the three years prior to the first day of the first course year of the course.

To be considered as 'settled' in the UK, the settled person must be OR in the UK on the first day of the first course year of the course.

The eligible LLE student must also:

- attend or undertake the course in England,
- not have been OR at any point during the three-year period wholly or mainly for the purpose of full-time education (unless the person was being treated as being OR in the UK and Islands for the purposes of temporary employment),
- not have moved to England from the Islands for the purpose of undertaking the current course or for the purpose of undertaking a course immediately prior to the current course (disregarding the intervening vacation).

The family member must be:

- the person's spouse or civil partner; or
- a direct descendant of the person or of the person's spouse or civil partner who is:

- under the age of 21, or
- a dependant of the person or the person's spouse or civil partner.

Example:

Hector is a Costa Rican national who is married to a person settled in the UK and has been living in the UK since 1 August 2024. Prior to that, Hector lived in Costa Rica. Hector starts a designated LLE course in England in September 2027.

Hector is eligible for fee support only as they:

- are the family member of a person who is settled in the UK on the first day of the first course year of the course,
- are attending a course in England, and
- have been OR in the UK United Kingdom and Islands throughout the three-year period preceding the first day of the first course year of the course.

4.19 Persons resident in Gibraltar

Paragraph 20 makes fee support only available to:

- UK nationals and their family members who in either case have resident status in Gibraltar granted by the Government of Gibraltar, and
- EU nationals and their family members who in either case have a right of residence in Gibraltar arising under the EU Withdrawal Agreement.

The student must also be:

- attending or undertaking a designated course in England,
- in the case of UK nationals and their family members, OR in the UK, Gibraltar, the EEA and Switzerland for the three-year period before the first day of the first academic year of the course (other than for the purposes of education), or
- in the case of EU nationals and their family members, OR in the UK, the EEA, Switzerland and the overseas territories for the three-year period before the first day of the first academic year of the course (other than for the purposes of education)

In both cases, the person must not, at any point during the three-year period, have been wholly or mainly OR in the relevant area for the purpose of receiving full-time education. The only exception is where they were treated as OR in:

- the UK, EEA or Switzerland (for UK nationals and their family members), or
- the UK, the EEA, Switzerland or the overseas territories (for EU nationals and their family members) because of temporary employment.

EU nationals and their family members must evidence their right of residence in Gibraltar under the Withdrawal Agreement. Currently the immigration status system operated by the Government of Gibraltar is as follows:

- the 'red card' is only for Gibraltarians and other UK nationals who have been resident for over five years.
- the 'blue card' is for all EU, EEA-EFTA and Swiss nationals, regardless of whether they hold permanent residence (UK nationals who are yet to accumulate five years continuous residence also receive this card).
- the 'green card' is for third-country nationals.

EU nationals and their family members who arrived in Gibraltar before the end of the transition period are awarded a 'blue card', which is the evidence that SLC will require to prove the eligibility of an EU national resident in Gibraltar.

Examples:

Ben is a UK national who has been OR in Gibraltar since January 2012. Prior to that, Ben lived in the UK. Ben moves to England to start a designated LLE course in September 2027.

Ben is eligible for fee support only under paragraph 20 because:

- they are a UK national with resident status in Gibraltar, and are undertaking a designated course in England,
- they have been OR in the UK, Gibraltar, the EEA and Switzerland throughout the three-year period preceding the first day of the first course year,
- their ordinary residence during this period was not wholly or mainly for the purposes of full-time education.

Lars is a Swedish national who has been OR in Gibraltar since February 2020. Prior to that, Lars lived in the UK for two years. Lars starts a designated LLE course in September 2027.

Lars is eligible for fee support only under paragraph 20 because:

- they are an EU national with a right to reside in Gibraltar under the Withdrawal Agreement, and are undertaking a designated course in England,
- they have been OR in the UK, Gibraltar, the EEA, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first course year, and
- their ordinary residence during this period was not wholly or mainly for the purposes of full-time education.

Eligibility on these grounds will only be available for courses starting up to seven years from the last day of the transition period (courses starting on 31 December 2027 at the latest).

4.20 EU nationals with three years ordinary residence in the UK and Islands

EU nationals with EUSS pre-settled status or protected rights under the Withdrawal Agreement, who have a 'genuine link' with the UK may be eligible for fee support if on the first day of the first academic year of the course they satisfy the following:

- have been OR in the UK and Islands England for the three-year period immediately preceding the first day of the first course year of the course,
- are OR in England on the first day of the first course year of the course, and
- are an EU national on the first day of the first course year of the course

Where the ordinary residence was wholly or mainly for the purposes of receiving FT education, the person was OR immediately prior to the three-year period in either the UK, Gibraltar, the European Economic Area and Switzerland or the overseas territories.

Example:

Elodie is a French national whose mother has settled status under the EUSS. Her mother lived in the UK before 31 December 2020, so Elodie is eligible to apply to the EUSS as a joining family member. Elodie moved to the UK in August 2024 to live with her mother and was granted pre-settled status as her family member.

Elodie has lived with her mother since August 2024 and applies for a designated LLE course beginning in September 2027. Elodie qualifies for fee support only under paragraph 21 because:

- they are an EU national on the first day of the first course year,
- they have been OR in the UK and Islands for the three-year period before the first course year, and
- they are OR in England on the first day of the first course year of the course.

4.21 Child of a Swiss national

A student may qualify for full support under paragraph 22 provided they are the child of a Swiss national who is entitled to support in the UK under the Swiss citizens' rights agreement.

They must also be:

- OR in England on the first day of the first course year of the course,
- OR in the UK, Gibraltar, the EEA and Switzerland throughout the three-year period preceding the first day of the first course year of the course, or

- OR in the UK, Gibraltar, the EEA, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first course year of the course.

Where the three-year ordinary residence period referred to above was wholly or mainly for the purpose of receiving full-time education, the person was OR in the UK, Gibraltar, the EEA, Switzerland or overseas territories immediately preceding this period.

If the student has been OR for all or part of the three-year period in an overseas territory other than Gibraltar, they may be eligible for fee support only.

Evidence should be requested that both the child and their Swiss national parent have an award of either pre-settled status or settled status under the EUSS.

Example:

Sara is the child of a Swiss national. Sara arrives in the UK to join their Swiss mother on 12 December 2025. Prior to that, Sara was resident in Switzerland. Sara applies for and is granted pre-settled status and starts a designated LLE course in September 2027.

Sara is eligible for full support as:

- they are the child of Swiss national who arrived prior to the transition period and they have protected rights,
- they have EUSS pre-settled status,
- they have been OR in the UK, Gibraltar, the EEA and Switzerland throughout the three-year period preceding the first day of the first course year of the course, and
- they are OR in England on the first day of the first course year of the course.

4.22 Child of a Turkish worker

A student may qualify for full support under paragraph 23 where:

- they are the child of a Turkish worker, and the Turkish worker was OR in the UK immediately before 31 December 2020,
- before the 31 December 2020 they were the child of the Turkish worker,
- they were OR in the UK immediately before 31 December 2020,
- they were OR in England on the first day of the first course year of the course,
- they have been OR throughout the three-year period preceding the first day of the first course year of the course in either:
 - the territory comprising of the UK, Gibraltar, the EEA, Switzerland and Turkey, or
 - the territory comprising of the UK, the EEA, Switzerland, Turkey and the overseas territories (where at least part of the OR was in the overseas territories).

If the student has been OR in the overseas territories for all or part of the three-year period in an overseas territory, other than Gibraltar, they may be eligible for fee support only.

Example:

Emin is a Turkish national and the child of a Turkish worker. Both Emin and their parent arrived in the UK by the end of the transition period (31 December 2020). The Turkish worker (Emin's parent) is given leave to remain by the Home Office. Emin starts a designated LLE course in September 2027.

Emin is eligible for full support as:

- they and their Turkish worker parent both arrived in the UK by the end of the transition period, and
- they were OR in the UK, Gibraltar, the EEA, Switzerland and Turkey for the three-year period prior to the first day of the first academic year of the course.

4.23 Long residence

Under paragraph 24, those with long residence in the UK may be eligible for full support. To qualify under the long residence category, the student must be:

- under the age of 18 on the course start date and have lived in the UK throughout the seven-year period preceding the first day of the first course year of the course; or
- aged 18 or above on the first day of the first course year of the course and has either:
 - lived in the UK for half of their life in the period preceding the first day of the first course year of the course, or
 - lived in the UK for a period of twenty years in the period preceding the first day of the first course year of the course.

They must also be:

- OR in England on the first day of the first course year of the course, and
- OR in the UK and Islands throughout the three-year period preceding the first day of the first course year of the course.

The ordinary residence, at any point during the three-year period, cannot have been wholly or mainly for the purposes of receiving FT education.

Ordinary residence means lawful residence and the student must hold some form of leave to remain issued by the Home Office (limited leave or discretionary leave to remain or another form of leave).

If a student has moved from one period of leave to another during the three years preceding the first day of the first course year, their leave must run concurrently (such as the application for the second period of leave was made in time before the first period elapsed). A break in leave will mean that the student was here unlawfully, and they will not satisfy the ordinary residence requirement. However, SLC relies on information from the Home Office in relation to residency matters, and the Home Office does have the power to disregard a period of overstaying.

The onus is on the student to demonstrate that they meet the long residence requirements. Whilst only a confirmed entry date from Immigration Control and verified by the Home Office would be evidence of entry to the UK, the student may provide evidence to SLC that they have been living in the UK. This evidence is considered on a case-by-case basis and may include (but is not limited to):

- a school letter and records on headed paper, signed by someone in authority (Deputy Head, Head etc.) within the school, stating the dates each year the student was in attendance.
- a letter from a General Practitioner.
- confirmation of university / college attendance.
- a council tax bill.
- wage slips / P60 / P45 / Self-Assessment Tax Return.
- a confirmation of employment from employer on company headed paper signed by a senior member of staff with contact details provided.

This evidence can also be considered when a Home Office check or documentation does not provide a definitive date of entry into the UK.

A valid entry clearance visa, such as a visitor visa, is not in itself confirmation the student entered the UK at that time. Individuals usually receive an entry clearance for a six-month period.

SLC should establish the student's three-year ordinary residence period in the UK and Islands preceding the first day of the first course year before requesting evidence to satisfy the long residence requirements.

The calculation for long residence is determined by the student's age as of the first day of the first course year of their course, and their entry date to the UK (or relevant other evidence demonstrating they were living in the UK throughout the required period). Therefore, the seven-year, half-life or 20-year calculation can be determined by the first day of the first course year of the course.

Example:

Yann is a Congolese national who starts an LLE degree course in England in September 2027. Yann has the following residence history:

- physically resident in the UK since 1 June 1998.
- OR in Scotland from 16 July 2018 to 1 November 2022.
- OR in England from 2 November 2022 to 1 September 2027.

As Yann has been resident in the UK for at least 20 years, is OR in England on the first day of the first course year of the course and has been OR in the UK and Islands throughout the three-year period immediately preceding the first day of the first course year of their course, Yann is eligible for student support under the long residence category.

4.24 Persons granted leave under the Afghan Schemes and their family members

Under paragraph 25, persons who have been granted leave under one of the Afghan Schemes and their family members may be eligible for full support.

A person can be considered to have been granted leave under one of the Afghan Schemes if they have been granted leave under:

- the Afghan Citizens Resettlement Scheme (ACRS)
- the Afghan Relocations and Assistance Policy Scheme (ARAP), or
- the Afghanistan Response Route (ARR).

Both ACRS and ARAP were closed to new applicants on 1 July 2025, and the ARR was closed to new applicants on 4 July 2025. However, individuals with leave under these schemes, and their family members, may continue to be eligible for support under this category.

To qualify for support under paragraph 25, as well as being granted leave under one of the Afghan Schemes, a person must be:

- OR in the UK and Islands and not ceased to be so since they were granted this leave, and
- OR in England on the course start date.

The following family members can also qualify under paragraph 25:

- a person who is the spouse or civil partner of the Afghan Scheme leave holder (and who was the spouse/ civil partner of the leave holder on the leave application date).
- a person who is the child* of the Afghan Scheme leave holder (and who was the child of the leave holder on the leave application date).
- a person who is the child* of the spouse or civil partner of the Afghan Scheme leave holder (and who was the child of the spouse or civil partner of the leave holder on the leave application date)

*In the case of a child student, there is no requirement for the student to be under 18 or dependent on the leave holder when applying for student funding. However, the student would need to have been under 18 on the date of application for leave with the Home Office.

The family member must also satisfy the ordinary residence requirement of being OR in England on the course start date and being OR in the UK and Islands throughout the period from the date their most recent leave was granted.

Examples:

Amina is an Afghan national who worked for the British government in Afghanistan. Amina is relocated to the UK under the ARAP and arrives in the UK in January 2025.

Amina starts an LLE degree course in January 2027 and is eligible for full support as they:

- have leave under the ARAP,
- are resident in England on the course start date, and
- are OR in the UK and Islands since being awarded leave under the ARAP.

Abdul is the spouse of a person who is granted ILR under the ARR in June 2025 and was the spouse of that person on the leave application date.

Abdul starts a designated LLE course in February 2027. Abdul is eligible for full funding as:

- they are the spouse of a person granted leave under one of the Afghan Schemes and they were the spouse on the leave application date,
- they are OR in England on the course start date, and
- they have been OR in the UK and Islands since they were granted leave to remain in the UK.

4.25 Evacuated or assisted British nationals from Afghanistan

Operation Pitting was a British military operation, the purpose of which was to evacuate British nationals and eligible Afghan nationals from Afghanistan between 14 and 28 August 2021, following the Taliban offensive. Assistance was also provided to British nationals and eligible Afghan nationals by the UK Government to leave Afghanistan after Operation Pitting (with assistance starting before 6 January 2022).

To qualify for full support under this category, a student must:

- be OR in England on the course start date,
- have been OR in the UK and Islands since they were evacuated from or assisted in leaving Afghanistan.

Given the timeline of approximately five years between the implementation of LLE (1 January 2027) and the last day on which a person must have been evacuated from Afghanistan to qualify under this category (6 January 2022), coupled with the requirement to have remained OR in the UK and Islands since they were evacuated,

it is likely that a British national who would have qualified under this category will now qualify for full support as a settled person.

However, a “British national” under this category extends to the following:

- BOTs citizen - a resident of the BOTs who has not had their status converted to a British citizen.
- British Overseas citizen - a person with a historical tie to a former British colony who has not had their status converted to British citizen.
- British subject (as defined under the British Nationality Act 1981) - a British subject without citizenship who has pre-1949 ties to Ireland or former British India.
- British National (Overseas) - a person who was a BOTC by connection with Hong Kong who was registered as a BNO before the handover to China in 1997.
- British protected person.

All of the above are subject to immigration control, and do not have an automatic right to reside, therefore such an individual evacuated from Afghanistan under Operation Pitting would not satisfy the requirement to qualify as a settled person unless this is via another route. It is possible that there may continue to be individuals in the UK whose route to qualify as eligible for support under the LLE would be via the evacuated or assisted British national from Afghanistan category.

Example:

Harun is a British Overseas Citizen who had been living in Afghanistan for work since 2018. In August 2021, during Operation Pitting, Harun was evacuated from Afghanistan. As a BOC, Harun did not have an automatic right of abode in the UK and therefore entered the UK with limited leave.

Since arriving in August 2021, Harun has remained OR in the UK and Islands. Harun applies for a designated LLE course beginning in September 2027.

Harun qualifies for full support under Paragraph 26 because:

- they are a British Overseas Citizen,
- they have been OR in the UK and Islands since being evacuated from Afghanistan in August 2021 as part of Operation Pitting, and
- they are OR in England on the first day of the first course year.

4.26 Persons granted leave under one of the Ukraine Schemes and their family members

Under paragraph 27, full support is available to individuals who have been granted leave in the UK under one of the following schemes, referred to collectively as the ‘Ukraine Schemes’:

- the **Ukraine Family Scheme** (launched on 4 March 2022 and closed on 19 February 2024), which allowed Ukrainian nationals and their family members to

come to the UK or extend their stay in the UK if they have family members who already have leave to remain in the UK.

- the **Homes for Ukraine Sponsorship Scheme** (launched on 18 March 2022), which allows Ukrainian nationals and their family members to come to the UK if they have an approved sponsor under this scheme.
- the **Ukraine Extension Scheme** (launched on 3 May 2022, closed on 4 February 2025) which allowed Ukrainian nationals and their family members who already have leave to remain in the UK to extend their leave in the UK because they cannot return to Ukraine.
- the **Ukraine Permission Extension Scheme** (opened for applications on 4 February 2025), which allows Ukrainian nationals, or their family members who are living in the UK with existing permission on one of the above Ukraine schemes, to apply to continue living in the UK for a further 18 months. Those who have been granted 18 months of UPES leave can apply up to 90 days before the end of this period for a further 24-month UPES leave extension. Therefore, a total period of three and a half years of UPES leave may be granted.

To qualify for support under this category, a student must:

- be OR in the UK and Islands since they were granted leave under the Ukraine Schemes and not ceased to be OR, and
- be OR in England on the course start date.

The following family members can also qualify under paragraph 27:

- a person who is the spouse or civil partner of the Ukraine Scheme leave holder (and who was the spouse/ civil partner of the leave holder on the leave application date).
- a person who is the child* of the Ukraine Scheme leave holder (and who was the child of the leave holder on the leave application date).
- a person who is the child* of the spouse or civil partner of the Ukraine Scheme leave holder (and who was the child of the spouse or civil partner of the leave holder on the leave application date).

* In the case of a child student, there is no requirement for the student to be under 18 or dependent on the leave holder when applying for student funding. However, the student would need to have been under 18 on the date of application for leave with the Home Office.

Ukrainian nationals and their family members, who in either case do not meet the eligibility criteria for any of the Ukraine Schemes, may potentially be granted refugee status or humanitarian protection leave instead, so may be eligible to apply for support under those categories.

Where a student's Ukraine Scheme leave, or the student's family member's Ukraine Scheme leave, expires during the course, the student will remain eligible for home fee status and student funding for the whole course as long as they have a legal immigration status (for example, a student visa) following the expiry of the Ukraine Scheme leave.

Example:

Oksana is a Ukrainian national who first arrived in the UK under the Homes for Ukraine Sponsorship Scheme in April 2022. Oksana was granted an initial period of leave under that scheme and has lived with her sponsor family since their arrival.

In February 2025, when the Homes for Ukraine leave was due to expire, Oksana applied to the Ukraine Permission Extension Scheme. Their application was successful, and Oksana was granted a further 18 months of leave, which was later extended for an additional two years.

Oksana qualifies for full support under Paragraph 27 as:

- they hold valid leave under one of the Ukraine Schemes,
- they have been OR, and not ceased to be so, since being granted their leave, and
- they are OR in England on the course start date.

4.27 Students who become eligible for LLE due to an event

Under Regulation 5 a student may become eligible for LLE support after the applicable relevant day (the first day of the first course year or the course start date, depending on the residency category). Where this happens, the student may qualify for support by virtue of a regulatory event. Regulatory events categories under LLE will align with events categories under Higher Education Student Finance (HESF) and fall into three groups which are protected category events, Settled status events and in-year qualifying events.

4.27.1 Protected category events

A protected category event occurs when the student, or their qualifying family member, becomes a protected person on the following grounds:

- recognised as a [refugee](#)
- granted [stateless leave](#)
- granted [humanitarian protection](#)
- granted [section 67 leave](#)
- granted [ILE or ILR as a victim of domestic abuse or domestic violence](#)
- granted [Calais leave](#)
- granted [ILE or ILR as a bereaved partner](#)
- granted [leave under one of the Afghan schemes](#)
- granted [leave under one of the Ukraine schemes](#)

4.27.2 Settled status events

A settled status event occurs where the student becomes an eligible person due to becoming, or a qualifying family member, obtaining one of the following:

- [a person granted settled status in the UK \(and who has been OR in the Common Travel Area \(with part of their OR in the ROI\) for at least three years prior to the first day of the first course year\).](#)
- [a person granted settled status in the UK \(and who has been OR in the UK, Islands and BOTs \(with part of their OR in the BOTs\)\).](#)
- [a person who is the family member of an EU national \(where the family member was an EU national on the first day of the course\).](#)
- [a person who is the family member of a relevant Person of Northern Ireland.](#)
- [the family member of a person settled in the UK on the first day of the first course year of the course.](#)
- [the family member of a UK national \(where the family member has resident status in Gibraltar\).](#)
- [the family member of an EU national \(where the family member has right of residence in Gibraltar under the EU Withdrawal Agreement\)](#)

4.27.3 In-year qualifying events

An in-year qualifying event occurs where the student becomes eligible at any point after the applicable relevant day, whether that is:

- after the first day of the first course year, or
- after the course start date, depending on the residency category.

This includes when the student, or their relevant family member:

- [becomes a protected person after their course start date via one of the protected category events.](#)
- [becomes a settled person.](#)
- [is granted EU settled status or acquires a right of permanent residence under the Withdrawal Agreement.](#)
- [becomes a worker, employed person, self-employed person or eligible family member.](#)
- [becomes the child of a Swiss national.](#)
- [becomes the family member of a UK national.](#)

4.28 Student has ceased to be ordinarily resident in England

Where a student has been assessed as an eligible LLE student on the basis of being OR in England but subsequently becomes OR outside of England while undertaking a course, they will retain their eligible LLE student status in connection with the course until that course ends. However, the student will not be deemed to be eligible for LLE support for any subsequent courses from the date on which they ceased to be OR in England.

In such circumstances, SLC will take appropriate action to fully re-establish the student's personal eligibility on receipt of any application for LLE support for any subsequent courses.

Example:

Ted is an eligible LLE student who is in receipt of LLE support for a six-month course. Ted's course starts on 10 August 2027 and ends in January 2028. The period of eligibility in relation to the course ends on 9 August 2028.

Ted moves to Wales after the end of the course for family reasons. Subsequently, Ted starts a new course that begins in April 2028. Ted doesn't qualify as an eligible LLE student because they are no longer OR in England.

There is an exception to this rule in circumstances where a student moves to become OR in another UK nation specifically for the purposes of undertaking a designated course. In such circumstances the student will still be considered to be OR in England for the purposes of determining eligibility for LLE.

Example:

Alice is an eligible LLE student who is in receipt of LLE support for a five-month course starting on 10 January 2027 and ending in May 2027. The period of eligibility in relation to the course ends on 9 January 2028.

Alice moves to Wales to undertake a three-year degree course at Cardiff University that starts in September 2027. Alice continues to be deemed to be an eligible LLE student because their reason for moving to Wales was specifically to undertake the degree course at Cardiff

4.29 Immigration status expires

Where a student holds (or, as applicable, is a relevant family member of a person with) one of the following immigration statuses:

- refugee status
- humanitarian protection
- stateless leave
- section 67 leave
- Calais leave
- leave under one of the eligible Afghan Schemes
- leave under one of the eligible Ukraine Schemes
- protected rights via the Withdrawal Agreement, or
- long residence in the UK.

and their leave status expires with no outstanding appeal being pursued with the Home Office, and the student (or, as applicable, the relevant family member of the student) has not become a British or Irish citizen, the student will cease to be an eligible LLE

student unless they are awarded further leave to remain in the UK from the date on which their extant status expired.

In such circumstances, the student will retain their eligible LLE student status in connection with the original course until the day prior to the start of the next course year. However, the student cannot be deemed to be eligible for LLE support for any subsequent courses that start on or after the date on which their status expired. SLC will take appropriate action to fully re-establish the student's personal eligibility on receipt of an application for LLE support for any subsequent course years or courses.

5 Annexes

5.1 Annex A – Residence categories

To be determined as eligible for student support it must be established that the student satisfies residence rules as set out under the relevant regulations. On implementation of the LLE service in 2027, LLE residency rules under the Lifelong Learning (Student Support) Regulations 2026 (“the LLE regulations”) will mirror those already established in the current Higher Education Student Finance (HESF) system under the Education (Student Support) Regulations 2011 (as amended) (“the HESF regulations”).

The table in this Annex sets out the core residence rules for all relevant eligible residence categories*.

*The pre-EU Exit categories (*those categories that are no longer eligible for support where a student starts a course after the end of the UK’s transitional withdrawal period from the EU) are not reflected in this Annex as they will not be relevant eligible categories for new students applying for support under LLE for a course starting in 2027.

5.1.1 Residence categories and linked ordinary residence rules

Category	LLE Regulatory Paragraph	Sub-Category	Rules	Support Category
Persons who are settled or have a right of permanent residence in the UK	2	Settled in the UK (except those who hold EU settled status or have a right of permanent residence in the UK under the EU Withdrawal Agreement) with 3 years OR in the UK and Islands	A person: • who: ○ is settled in the UK (except for those who hold EU settled status or have right of permanent residence in the UK under the EU Withdrawal Agreement), ○ is OR in England on the first day of the first course year of the course, ○ has been OR in the UK and Islands for the three-year period preceding	Full

			the first day of the first course year of the course; and whose OR has not, at any point during the three-year period, been wholly or mainly for the purposes of receiving FT education (unless the person was being treated as being OR in the UK and Islands for the purposes of temporary employment).	
	3	Settled in the UK with 3 years OR in the Common Travel Area ("CTA")	A person: - who is: - settled in the UK; - who is: - attending a designated course in England, or - undertaking a designated course by distance learning while living in England; - who has: - been OR in the territory comprising of the UK, the Islands and ROI for the three-year period preceding the first day of the first course year of the course, and - has been OR in ROI for at least part of the three-year period; - whose OR has not, at any point during the three-year period, been wholly or mainly for the purposes of receiving FT education (unless the person was being treated as being OR in the UK, Islands and ROI for	Fee only

			the purposes of temporary employment); and • who did not move to England from the Islands for the purpose of: ○ undertaking the current course, or ○ undertaking a course immediately prior to the current course (disregarding the intervening vacation).	
	4	EU settled status or right of permanent residence in the UK under the EU Withdrawal Agreement	A person: • who: ○ holds EU settled status, or ○ has a right of permanent residence in the UK under the EU Withdrawal Agreement; • who is OR in England on the first day of the first course year of the course; • who has been OR in the UK and Islands throughout the three-year period preceding the first day of the first course year of the course; and • who, in any case where any part of their three-year OR period has been wholly or mainly for the purposes of FT education: ○ was OR in the territory comprising of the UK, Gibraltar, the EEA and Switzerland immediately prior to their three-year period of OR in the UK and Islands, or	Full *Fee only where OR was in the OTs in the period prior to OR in UK and Islands.

			○ was OR in the OTs immediately prior to their three-year period of OR in the UK and Islands*	
Refugees & family members	5	Refugee	A person who: • is a refugee; • is OR in the UK and Islands and has not ceased to be OR since they were recognised as a refugee; and • is OR in England on the course start date.	Full
		Spouse or civil partner	A person who: • is: ○ the spouse of a refugee, or ○ or civil partner of a refugee; • on the date that the refugee made their application for asylum in the UK was: ○ the spouse of the refugee, or ○ the civil partner of the refugee; • is OR in the UK and Islands and has not ceased to be OR since they were granted leave to enter or remain in the UK; and • is OR in England on the course start date.	Full
		Child	A person who: • is: ○ the child of a refugee, or ○ the child of the spouse/civil partner of a refugee; • on the date on which the refugee made their application for asylum in the UK was: ○ the child of the refugee, or	Full

			○ the child of a person who was the spouse/civil partner of the refugee on that date; • was under 18 on the date on which the refugee made their application for asylum in the UK; • is OR in the UK and Islands and has not ceased to be OR since they were granted leave to enter or remain in the UK; and • is OR in England on the course start date.	
Persons granted stateless leave and their family members	6	Person granted stateless leave	A person who: • has been granted leave to remain in the UK as a stateless person; • is OR in the UK and Islands and has not ceased to be OR since they were granted leave to remain in the UK; and • is OR in England on the course start date.	Full
		Spouse or civil partner	A person who: • is: ○ the spouse of a person granted stateless leave, or ○ or civil partner of a person granted stateless leave; • on the date the person granted stateless leave made their application to remain in the UK was: ○ the spouse of the person granted stateless leave, or ○ the civil partner of the person granted stateless leave;	Full

			• is OR in the UK and Islands and has not ceased to be OR since they were granted leave to enter or remain in the UK; and • is OR in England on the course start date.	
		Child	A person who: • is: ○ the child of a person granted stateless leave, or ○ the child of the spouse/civil partner of a person granted stateless leave; • on the date the person granted stateless leave made their application to remain in the UK was: ○ the child of the person granted stateless leave, or ○ the child of a person who was the spouse/civil partner of the person granted stateless leave on that date; • was under 18 on the date the person granted stateless leave made their application to remain in the UK; • is OR in the UK and Islands and has not ceased to be OR since they were granted leave to enter or remain in the UK; and • is OR in England on the course start date.	Full
Person granted section 67 leave	7	-	A person who: • has: ○ been granted leave to remain in the UK under section 67 of the Immigration Act 2016, or	Full

			○ been granted “leave in line” as a dependent child of a person granted leave to remain in the UK under section 67 of the Immigration Act 2016; • is OR in the UK and Islands and has not ceased to be OR since they were granted section 67 leave; and • is OR in England on the course start date.	
Person granted Indefinite Leave to Enter (ILE) or Indefinite Leave to Remain (ILR) to remain as a victim of domestic violence or domestic abuse (DVILR/DVILE) and their children	8	Person granted ILE or ILR to remain as a victim of domestic violence or domestic abuse	A person who: • has been granted ILE or ILR in the UK as: ○ a victim of domestic violence, or ○ domestic abuse; • is OR in the UK and Islands and has not ceased to be OR since they were granted leave to remain in the UK; and • is OR in England on the course start date.	Full
		Child	A person who has been granted ILE or ILR who: • is the child of a person who has been granted DVILR/DVILE, • was the child of the person granted DVILR/DVILE on the date on which the person granted DVILR/DVILE made their application to remain in the UK on those grounds under the immigration rules, • was under 18 on the date on which the person granted DVILR/DVILE made their application to remain in the UK,	Full

			• has been OR in the UK and Islands since they were granted leave to enter or leave to remain in the UK, and • is OR in England on the course start date.	
Person granted Calais leave	9	-	A person who: • has: ○ been granted Calais leave under the relevant immigration rules, or ○ been granted “leave in line” as a dependent child of a person granted Calais leave under the relevant immigration rules; • is OR in the UK and Islands and has not ceased to be OR since they were granted Calais leave; and • is OR in England on the course start date.	Full
Person granted ILE or ILR as a bereaved partner and their children	10	Person granted ILE or ILR as a bereaved partner	A person who: • has been granted indefinite leave to enter or indefinite leave to remain in the UK under the relevant immigration rules as a bereaved partner, • is OR in the UK and Islands and has not ceased to be OR since they were granted indefinite leave to remain in the UK, and • is OR in England on the course start date.	Full
		Child	A person who has been granted indefinite leave to remain who: • is the child of a person who has been granted indefinite leave to remain as a bereaved partner,	Full

			• was the child of the person granted indefinite leave to enter or indefinite leave to remain as a bereaved partner on the date on which the person granted indefinite leave as a bereaved partner made their application to remain in the UK on those grounds under the immigration rules, • was under 18 on the date on which the person granted indefinite leave as a bereaved partner made their application to remain in the UK, • has been OR in the UK and Islands since they were granted indefinite leave in the UK, and • is OR in England on the course start date.	
Persons granted humanitarian protection and their family members	11	Persons granted humanitarian protection	A person who: • has been granted leave to remain in the UK on the grounds of humanitarian protection under the relevant immigration rules, • is OR in the UK and Islands and has not ceased to be OR since they were granted leave to remain in the UK on the grounds of humanitarian protection, and • is OR in England on the course start date.	Full
		Spouse or civil partner	A person who: • is: ○ the spouse of a person granted humanitarian protection, or	Full

			○ the civil partner of a person granted humanitarian protection; • on the date that the person granted humanitarian protection made their application for asylum in the UK was: ○ the spouse of the person granted humanitarian protection, or ○ the civil partner of the person granted humanitarian protection; • is OR in the UK and Islands and has not ceased to be OR since they were granted leave to enter or remain in the UK; and • is OR in England on the course start date.	
		Child	A person who: • is: ○ the child of a person granted humanitarian protection, or ○ the child of the spouse/civil partner of a person granted humanitarian protection; • on the date on which the person granted humanitarian protection made their application for asylum in the UK was: ○ the child of the person granted humanitarian protection, or ○ the child of a person who was the spouse/civil partner of the person granted humanitarian protection on that date;	Full

			• was under 18 on the date on which the person granted humanitarian protection made their application for asylum in the UK; • is OR in the UK and Islands and has not ceased to be OR since they were granted leave to enter or remain in the UK; and • is OR in England on the course start date.	
Workers, employed persons, self-employed persons and their family members	12	EEA migrant worker or EEA self-employed person	A person who: • has: ○ settled or pre-settled status under the EU settlement scheme, or ○ protected rights under the EU Withdrawal Agreement; • is: ○ an EEA migrant worker, or ○ an EEA self-employed person; • has been OR for the three-year period immediately preceding the first day of the first course year of the course in either: ○ the territory comprising of the UK, Gibraltar, the EEA and Switzerland, or ○ the territory comprising of the UK, the EEA, Switzerland and the OTs (where at least part of the OR was in the OTs)*; and • is OR in England on the first day of the first course year of the course.	Full *Fee only where at least part of OR period was in the OTs

		Family member of an EEA migrant worker or EEA self-employed persons	A person who: • has: ○ settled or pre-settled status under the EU settlement scheme, or ○ protected rights under the EU Withdrawal Agreement; • is either: ○ the spouse or civil partner of an EEA migrant worker (“worker”)/ EEA self-employed person (“self-employed person”); ○ the direct descendent of a worker/self-employed person who is: - under the age of 21, or - dependent on the worker or self-employed person; ○ the direct descendent of the spouse/civil partner of a worker/self-employed person who is: - under the age of 21, or - dependent on the worker/self-employed person or the spouse/civil partner of the worker/self-employed person, or ○ a dependent direct relative in the ascending line of the worker/self-employed person or the spouse/civil	Full *Fee only where at least part of OR period was in the OTs
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			partner of the worker/self-employed person; - has been OR for the three-year period immediately preceding the first day of the first course year of the course in either: - the territory comprising of the UK, Gibraltar, the EEA and Switzerland, or - the territory comprising of the UK, the EEA, Switzerland and the OTs (where at least part of the OR was in the OTs)*; and - is OR in England on the first day of the first course year of the course.	
		EEA frontier worker or EEA frontier self-employed person	A person who: - is: - an EEA frontier worker, or - an EEA frontier self-employed person; - has been OR for the three-year period immediately preceding the first day of the first course year of the course in either: - the territory comprising of the UK, Gibraltar, the EEA and Switzerland, or - the territory comprising of the UK, the EEA, Switzerland and the OTs (where at least part of the OR was in the OTs)*.	Full *Fee only where at least part of OR period was in the OTs
		Family member of EEA frontier worker	A person who:	Full

		or EEA frontier self-employed person	• is either: ○ the spouse or civil partner of an EEA frontier worker (“worker”)/EEA frontier self-employed person (“self-employed person”), ○ the direct descendent of a worker/self-employed person who is: - under the age of 21, or - dependent on the worker or self-employed person; ○ the direct descendent of the spouse/civil partner of a worker/self-employed person who is: - under the age of 21, or - dependent on the worker/self-employed person or the spouse/civil partner of the worker/self-employed person; or ○ a dependent direct relative in the ascending line of the worker/self-employed person or the spouse/civil partner of the worker/self-employed person; • has been OR for the three-year period immediately preceding the first day of the first course year of the course in either:	*Fee only where at least part of OR period was in the OTs
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			○ the territory comprising of the UK, Gibraltar, the EEA and Switzerland, or ○ the territory comprising of the UK, the EEA, Switzerland and the OTs (where at least part of the OR was in the OTs)*.	
		Swiss migrant worker or Swiss self-employed person	A person who: • has: ○ settled or pre-settled status under the EU settlement scheme, or ○ protected rights under the EU Withdrawal Agreement; • is: ○ a Swiss migrant worker, or ○ a Swiss self-employed person; • has been OR for the three-year period immediately preceding the first day of the first course year of the course in either: ○ the territory comprising of the UK, Gibraltar, the EEA and Switzerland, or ○ the territory comprising of the UK, the EEA, Switzerland and the OTs (where at least part of the OR was in the OTs)*. • is OR in England on the first day of the first course year of the course.	Full *Fee only where at least part of OR period was in the OTs
		Family member of a Swiss migrant worker or Swiss	A person who: • has:	Full

		self-employed persons	○ settled or pre-settled status under the EU settlement scheme, or ○ protected rights under the EU Withdrawal Agreement; • is: ○ the spouse of a Swiss migrant worker (“worker”)/Swiss self-employed person (“self-employed person”), ○ the civil partner of a worker/self-employed person, or ○ the child of: - a worker or self-employed person, or - the spouse/civil partner of a worker/self-employed person; • has been OR for the three-year period immediately preceding the first day of the first course year of the course in either: ○ the territory comprising of the UK, Gibraltar, the EEA and Switzerland, or ○ the territory comprising of the UK, the EEA, Switzerland and the OTs (where at least part of the OR was in the OTs)*. • is OR in England on the first day of the first course year of the course.	*Fee only where at least part of OR period was in the OTs
		Swiss frontier worker or Swiss	A person who: • is: ○ a Swiss frontier worker, or	Full

		frontier self-employed person	○ a Swiss frontier self-employed person; and ● has been OR for the three-year period immediately preceding the first day of the first course year of the course in either: ○ the territory comprising of the UK, Gibraltar, the EEA and Switzerland, or ○ the territory comprising of the UK, the EEA, Switzerland and the OTs (where at least part of the OR was in the OTs)*.	*Fee only where at least part of OR period was in the OTs
		Family member of a Swiss frontier worker or Swiss frontier self-employed persons	A person who: ● is: ○ the spouse of a Swiss frontier worker (“worker”)/Swiss frontier self-employed person (“self-employed person”), ○ the civil partner of a worker/self-employed person, ○ the child of: - a worker or self-employed person, or - the spouse/civil partner of a worker/self-employed person; ● has been OR for the three-year period immediately preceding the first day of the first course year of the course in either:	Full *Fee only where at least part of OR period was in the OTs

			○ the territory comprising of the UK, Gibraltar, the EEA and Switzerland, or ○ the territory comprising of the UK, the EEA, Switzerland and the OTs (where at least part of the OR was in the OTs)*.	
Children of former workers	13		A person who is the child of a former EEA or Swiss migrant worker that: • was resident in the UK with the former worker and continues to remain in the UK; • has protected rights under the EU Withdrawal Agreement; • is OR in England on the first day of the first course year of the course; • has been OR throughout the three-year period preceding the first day of the first course year of the course either: ○ in the territory comprising of the UK, Gibraltar, the EEA and Switzerland, or ○ in the territory comprising of the UK, the EEA, Switzerland and the OTs where at least part of the period of OR was in the OTs*.	Full *Fee only where OR was in the OTs in the period prior to OR in UK and Islands.
Settled in UK and exercised a right of residence elsewhere	14		A person: • who is settled in the UK; • who: ○ has exercised a right of residence elsewhere within the EEA and	Full

			Switzerland before 31 December 2020, and ○ was, immediately before leaving the UK: - settled in the UK, and - OR in England; • was OR immediately before 31 December 2020: ○ in the territory comprising of Gibraltar, the EEA and Switzerland; or ○ in the UK where: - the OR in the UK began after 31 December 2017, - the period of OR immediately prior to the UK was in the territory comprising of Gibraltar, the EEA and Switzerland, and • who has remained OR in the territory comprising of the UK, Gibraltar, the EEA and Switzerland through the period beginning on 31 December 2020 and ending immediately before the first day of the first course year of the course; • who is: ○ attending a designated course in England (that begins before 1 January 2028), or ○ undertaking a designated course (that begins before 1 January 2028)	
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			by distance learning while living in England; • who is OR in the UK on the course start date; • who has been OR in the territory comprising of the UK, Gibraltar, the EEA and Switzerland throughout the three-year period preceding the first day of the first course year of the course. In cases where any part of the persons three-year period of OR was for the purposes of receiving FT education, then they must have been OR in the territory comprising of the UK, Gibraltar, the EEA and Switzerland immediately before the three-year period. *This category ceases to be an eligible category in respect of courses starting on or after 1 January 2028.	
EU Nationals/Family member of a relevant person of Northern Ireland	15	EU National	A person: • who is an EU national on the first day of the first course year of the course; • who has: ○ pre-settled or settled status under the EU settlement scheme, or ○ protected rights under the EU Withdrawal Agreement; • who is: ○ attending a designated course in England, or	Fee only

			○ undertaking a designated course by distance learning while living in England; • who has been OR in the territory comprising of the UK, the EEA, Switzerland and the OTs for the three-year period preceding the first day of the first course year of the course; • whose OR has not, at any point during the three-year period, been wholly or mainly for the purposes of receiving FT education (unless the person was being treated as being OR in the UK, the EEA, Switzerland and the OTs for the purposes of temporary employment).	
		Family member of an EU national	A person: • who is the family member of a person who is an EU national on the first day of the first course year of the course; • who has: ○ pre-settled or settled status under the EU settlement scheme, or ○ protected rights under the EU Withdrawal Agreement; • who is: ○ attending a designated course in England, or ○ undertaking a designated course by distance learning while living in England;	Fee only

			• who has been OR in the territory comprising of the UK, the EEA, Switzerland and the OTs for the three-year period preceding the first day of the first course year of the course; • whose OR has not, at any point during the three-year period, been wholly or mainly for the purposes of receiving FT education (unless the person was being treated as being OR in the UK, the EEA, Switzerland and the OTs for the purposes of temporary employment).	
		Family member of a relevant person of Northern Ireland	A person: • who is the family member of a relevant person of NI; • who has: ○ pre-settled or settled status under the EU settlement scheme, or ○ protected rights under the EU Withdrawal Agreement; • who is: ○ attending a designated course in England, or ○ undertaking a designated course by distance learning while living in England; • who has been OR in the territory comprising of the UK, the EEA,	Fee only

			Switzerland and the OTs for the three-year period preceding the first day of the first course year of the course; whose OR has not, at any point during the three-year period, been wholly or mainly for the purposes of receiving FT education (unless the person was being treated as being OR in the UK, the EEA, Switzerland and the OTs for the purposes of temporary employment).	
UK National and family members	16	UK National	A person: - who is a UK national on the first day of the first course year of the course; - who was OR immediately before 31 December 2020 in either: - the territory comprising of the EEA and Switzerland, or - the UK, where the period of OR in the UK began after 31 December 2017 immediately following a period of OR in the territory comprising of the EEA and Switzerland, and - has been OR in the territory comprising of the UK, Gibraltar, the EEA and Switzerland through the period beginning on 31 December 2020 until the day before the first day of the first course year of the course; - who is:	Full

			○ attending a designated course in England (that begins before 1 January 2028), or ○ undertaking a designated course (that begins before 1 January 2028) by distance learning while living in England; • who has been OR in the territory comprising of the UK, Gibraltar, the EEA and Switzerland for the three-year period preceding the first day of the first course year of the course; • whose OR has not, at any point during the three-year period, been wholly or mainly for the purposes of receiving FT education (unless the person was being treated as being OR in the UK, Gibraltar, the EEA and Switzerland for the purposes of temporary employment). *This category ceases to be an eligible category in respect of courses starting on or after 1 January 2028.	
		Family member of a UK National	A person: • who is the family member of a UK national, • where: ○ the UK national held a status as a UK national on the first day of the first course year of the course,	Full

			○ the UK national was OR immediately before 31 December 2020 in either: - the territory comprising of the EEA and Switzerland, or - the UK, where the period of OR in the UK began after 31 December 2017 immediately following a period of OR in the territory comprising of the EEA and Switzerland, and - has been OR in the territory comprising of the UK, Gibraltar, the EEA and Switzerland through the period beginning on 31 December 2020 until the day before the first day of the first course year of the course; and ○ the UK national has been OR in the territory comprising of the UK, Gibraltar, the EEA and Switzerland for the three-year period preceding the first day of the first course year of the course, and ○ the UK national's OR has not, at any point during the three-year period, been wholly or mainly for the purposes of receiving FT education;	
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			- the family member was OR immediately before 31 December 2020 in either: - the territory comprising of the EEA and Switzerland, or - the UK, where the period of OR in the UK began after 31 December 2017 immediately following a period of OR in the territory comprising of the EEA and Switzerland, and - has been OR in the territory comprising of the UK, Gibraltar, the EEA and Switzerland through the period beginning on 31 December 2020 until the day before the first day of the first course year of the course; - the family member is: - attending a designated course in England (that begins before 1 January 2028), or - undertaking a designated course (that begins before 1 January 2028) by distance learning while living in England; - the family member has been OR in the territory comprising of the UK, Gibraltar, the EEA and Switzerland for the three-year period preceding the first day of the first course year of the course;	
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			the family member's OR has not, at any point during the three-year period, been wholly or mainly for the purposes of receiving FT education. *This category ceases to be an eligible category in respect of courses starting on or after 1 January 2028.	
Irish citizen	17	-	A person: - who is an Irish citizen on the first day of the first course year of the course; - who was OR immediately before 31 December 2020 in either: - the territory comprising of the EEA and Switzerland, or - the UK, where the period of OR in the UK began after 31 December 2017 immediately following a period of OR in the territory comprising of the EEA and Switzerland, and - has been OR in the territory comprising of the UK, Gibraltar, the EEA and Switzerland through the period beginning on 31 December 2020 until the day before the first day of the first course year of the course; - who is: - attending a designated course in England (that begins before 1 January 2028), or	Fee only

			○ undertaking a designated course (that begins before 1 January 2028) by distance learning while living in England; • who has been OR in the territory comprising of the UK, Gibraltar, the EEA and Switzerland for the three-year period preceding the first day of the first course year of the course; • whose OR has not, at any point during the three-year period, been wholly or mainly for the purposes of receiving FT education (unless the person was being treated as being OR in the UK, Gibraltar, the EEA and Switzerland for the purposes of temporary employment). *This category ceases to be an eligible category in respect of courses starting on or after 1 January 2028.	
Settled in the UK with 3 years OR in UK, Islands and BOTs (with at least part of OR period in BOTs)	18		A person: • who is settled in the UK; • who is: ○ attending a designated course in England, or ○ undertaking a designated course by distance learning while living in England; • who has	Fee only

			○ been OR in the territory comprising the UK, the Islands and the specified BOTs throughout the three-year period preceding the first day of the first course year of the course, and ○ at least part of the three-year OR period has been in the specified BOTs; • whose OR has not, at any point during the three-year period, been wholly or mainly for the purposes of receiving FT education (unless the person was being treated as being OR in the UK, Islands and BOTs); and • who did not move to England from the Islands for the purpose of: ○ undertaking the current course (for which they are applying for support), or ○ for the purpose of undertaking a course immediately prior to the current course (disregarding the intervening vacation).	
		Chagossians	A person: • who is a British citizen: ○ who was born on or after 9 November 1965 in the British Indian Ocean Territory or is a direct descendant of such a person, or	Fee only

			○ who was born prior to 8 November 1965 in islands designated as the British Indian Ocean Territory on that date or is a direct descendent of such a person; • who is: ○ attending a designated course in England, or ○ undertaking a designated course by distance learning in England; • who has ○ been OR in the territory comprising the UK, the Islands and the specified BOTs throughout the three-year period preceding the first day of the first course year of the course, and ○ been OR in the specified BOTs for at least part of the three-year period preceding the first day of the first course year of the course*. *For the purposes of this category a person is treated as OR in the British Indian Ocean Territory (which is a specified BOT) during any period they are not OR in the UK and Islands, regardless of where they are actually resident during that period.	
Family member of a person who is settled in the UK	19		A person:	Fee only

			• who is the family member of a person who is settled in the UK on the first day of the first course year of the course; • who is: ○ attending a designated course in England, or ○ undertaking a designated course by distance learning while living in England; • who has been OR in the territory comprising the UK and the Islands throughout the three-year period preceding the first day of the first course year of the course; • whose OR has not, at any point during the three-year period, been wholly or mainly for the purposes of receiving FT education (unless the person was being treated as being OR in the UK and Islands for the purposes of temporary employment).; and • who did not move to England from the Islands for the purpose of: ○ undertaking the current course (for which they are applying for support), or ○ for the purpose of undertaking a course immediately prior to the current course (disregarding intervening vacation).	
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Persons resident in Gibraltar	20	UK national resident in Gibraltar	A person: • who is a UK national who has resident status in Gibraltar that has been granted by the Government of Gibraltar; • who is: ○ attending a designated course in England (that begins before 1 January 2028), or ○ undertaking a designated course (that begins before 1 January 2028 by distance learning while living in England); • who has been OR in the territory comprising of the UK, Gibraltar, the EEA and Switzerland throughout the three-year period preceding the first day of the first course year of the course; and • whose OR has not, at any point during the three-year period, been wholly or mainly for the purposes of receiving FT education (unless the person was being treated as being OR in the UK, Gibraltar, the EEA and Switzerland for the purposes of temporary employment). *This category ceases to be an eligible category in respect of courses starting on or after 1 January 2028.	Fee only
		Family member of a UK national	A person: • who is the family member of a UK national (where the family member has resident	Fee only

		resident in Gibraltar	status in Gibraltar that has been granted by the Government of Gibraltar); • who is: ○ attending a designated course in England (that begins before 1 January 2028), or ○ undertaking a designated course (that begins before 1 January 2028) by distance learning while living in England; • who has been OR in the territory comprising of the UK, Gibraltar, the EEA and Switzerland throughout the three-year period preceding the first day of the first course year of the course; and • whose OR has not, at any point during the three-year period, been wholly or mainly for the purposes of receiving FT education (unless the person was being treated as being OR in the UK, Gibraltar, the EEA and Switzerland for the purposes of temporary employment). *This category ceases to be an eligible category in respect of courses starting on or after 1 January 2028.	
		EU national with right of residence in Gibraltar	A person: • who is an EU national; • who has right of residence in Gibraltar under the EU withdrawal agreement; • who is:	Fee only

			○ attending a designated course in England (that begins before 1 January 2028), or ○ undertaking a designated course (that begins before 1 January 2028) by distance learning while living in England; • who has been OR in the territory comprising of the UK, the EEA, Switzerland and the OTs throughout the three-year period preceding the first day of the first course year of the course; and • whose OR has not, at any point during the three-year period, been wholly or mainly for the purposes of receiving FT education (unless the person was being treated as being OR in the UK, the EEA, Switzerland and the OTs for the purposes of temporary employment). *This category ceases to be an eligible category in respect of courses starting on or after 1 January 2028.	
		Family member of an EU national with right of residence in Gibraltar	A person: • who is the family member of an EU national (where the family member has right of residence in Gibraltar under the EU withdrawal agreement); • who is:	Fee only

			○ attending a designated course in England (that begins before 1 January 2028), or ○ undertaking a designated course (that begins before 1 January 2028) by distance learning while living in England; • who has been OR in the territory comprising of the UK, the EEA, Switzerland and the OTs throughout the three-year period preceding the first day of the first course year of the course; and • whose OR has not, at any point during the three-year period, been wholly or mainly for the purposes of receiving FT education (unless the person was being treated as being OR in the UK, the EEA, Switzerland and the OTs for the purposes of temporary employment). *This category ceases to be an eligible category in respect of courses starting on or after 1 January 2028.	
EU national with OR in the UK and Islands	21		A person: • who is an EU national on the first day of the first course year of the course; • who has: ○ pre-settled status under the EU settlement scheme, or	Fee only

			○ protected rights under the EU Withdrawal Agreement; • who is OR in England on the first day of the first course year of the course; • has been OR in the UK and Islands for the three-year period immediately preceding the first day of the first course year of the course; • who, in circumstances where their OR was wholly or mainly for the purposes of receiving FT education was OR immediately prior to the three-year period in either: ○ the territory comprising of the UK, the EEA, Switzerland and the OTs.	
Child of a Swiss national	22		A person: • who is the child of a Swiss national; • who has: ○ pre-settled status under the EU settlement scheme, or ○ protected rights under the EU Withdrawal Agreement; • who is entitled to support in the UK under the Swiss citizens' rights agreement; • who is OR in England on the first day of the first course year of the course; • has been OR for the three-year period immediately preceding the first day of the first course year of the course in either:	Full *Fee only where at least part of OR period was in the OTs

			○ the territory comprising of the UK, Gibraltar, the EEA and Switzerland, or ○ the territory comprising of the UK, the EEA, Switzerland and the OTs (where at least part of the OR was in the OTs)*; and • who, in circumstances where their OR was wholly or mainly for the purposes of receiving FT education was OR immediately prior to the three-year period in the territory comprising of the UK, Gibraltar, the EEA and Switzerland, or the OTs*.	
Child of a Turkish worker	23		A person: • who is the child of a Turkish worker and the Turkish worker was OR in the UK immediately before 31 December 2020; • who: ○ was the child of the Turkish worker immediately before 31 December 2020, and ○ was OR in the UK immediately before 31 December 2020; • who is OR in England on the first day of the first course year of the course; and • who has been OR throughout the three-year period preceding the first day of the first course year of the course in either:	Full *Fee only where at least part of OR period was in the OTs

			○ the territory comprising of the UK, Gibraltar, the EEA, Switzerland and Turkey, or ○ the territory comprising of the UK, the EEA, Switzerland, Turkey and the OTs (where at least part of the OR was in the OTs)*.	
Long Residence	24		A person: • who: ○ is under the age of 18 on the course start date and has lived in the UK throughout the seven-year period preceding the first day of the first course year of the course; or ○ is aged 18 or above on the first day of the first course year of the course and has either: - lived in the UK for half of their life in the period preceding the first day of the first course year of the course, or - lived in the UK for a period of twenty years in the period preceding the first day of the first course year of the course; • who is OR in England on the first day of the first course year of the course; • who has been OR in the UK and Islands throughout the three-year period preceding	Full

			the first day of the first course year of the course; and whose OR has not, at any point during the three-year period, been wholly or mainly for the purposes of receiving FT education.	
Persons granted leave under one of the Afghan Schemes and their family members	25	Person granted leave under one of the Afghan Schemes	A person who: - has been granted leave under one of the Afghan Schemes; - is OR in the UK and Islands and has not ceased to be OR since they were granted leave; and - is OR in England on the course start date.	
		Spouse or civil partner	A person who: - is: - the spouse of a person granted leave under one of the Afghan Schemes, or - or the civil partner of a person granted leave under one of the Afghan Schemes; - on the date that the person granted leave under one of the Afghan Schemes made their application for leave to enter or remain in the UK was: - the spouse of the person granted leave under one of the Afghan Schemes, or - the civil partner of the person granted leave under one of the Afghan Schemes;	

			• is OR in the UK and Islands and has not ceased to be OR since they were granted leave to enter or remain in the UK; and • is OR in England on the course start date.	
		Child	A person who: • is: ○ the child of a person granted leave under one of the Afghan Schemes, or ○ the child of the spouse/civil partner of a person granted leave under one of the Afghan Schemes; • on the date on which the person granted leave under one of the Afghan Schemes made their application for leave to enter or remain in the UK was: ○ the child of the person granted leave under one of the Afghan Schemes, or ○ the child of a person who was the spouse/civil partner of the person granted leave under one of the Afghan Schemes on that date; • was under 18 on the date on which the person granted leave under one of the Afghan Schemes made their application for leave to enter or remain in the UK; • is OR in the UK and Islands and has not ceased to be OR since they were granted leave to enter or remain in the UK; and • is OR in England on the course start date.	Full

Evacuated or assisted British nationals from Afghanistan	26		A person who: - is either: - a British Citizen, - a British Overseas Territories Citizen ("BOTC"), - a British National (Overseas) ("BNO"), - a British Overseas Citizen ("BOC"), - a British subject, or - a British Protected Person ("BPP"); - was either: - evacuated from Afghanistan during the period beginning 14 August 2021 and ending on 28 August 2021 (inclusive) in the British military operation known as Operation Pitting, or - assisted by, or on behalf of, the UK to leave Afghanistan after 28 August 2021 and before 6 January 2022; - is OR in the UK and Islands and has not ceased to be OR since they were evacuated or left Afghanistan; and - is OR in England on the course start date.	Full
Persons granted leave under one of the Ukraine Schemes and their family members	27	Person granted leave under one of the Ukraine Schemes	A person who: - has been granted leave under one of the Ukraine Schemes; - is OR in the UK and Islands and has not ceased to be OR since they were granted leave; and - is OR in England on the course start date.	Full

		Spouse or civil partner	A person who: • is: ○ the spouse of a person granted leave under one of the Ukraine Schemes, or ○ the civil partner of a person granted leave under one of the Ukraine schemes; • on the date that the person granted leave under one of the Ukraine Schemes made their application for leave to enter or remain in the UK was: ○ the spouse of the person granted leave under one of the Ukraine Schemes, or ○ the civil partner of the person granted leave under one of the Ukraine Schemes; • is OR in the UK and Islands and has not ceased to be OR since they were granted leave to enter or remain in the UK; and • is OR in England on the course start date.	Full
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		Child	A person who: • is: ○ the child of a person granted leave under one of the Ukraine Schemes, or ○ the child of the spouse/civil partner of a person granted leave under one of the Ukraine Schemes; • on the date on which the person granted leave under one of the Ukraine Schemes made their application for leave to enter or remain in the UK was: ○ the child of the person granted leave under one of the Ukraine Schemes, or ○ the child of a person who was the spouse/civil partner of the person granted leave under one of the Ukraine Schemes on that date; • was under 18 on the date on which the person granted leave under one of the Ukraine Schemes made their application for leave to enter or remain in the UK; • is OR in the UK and Islands and has not ceased to be OR since they were granted leave to enter or remain in the UK; and • is OR in England on the course start date.	Full
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5.1.2 Definitions table

Term	Definition
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BOTs	BOTs means British Overseas Territories: Anguilla; Bermuda; British Antarctic Territory; British Indian Ocean Territory; British Virgin Islands; Cayman Islands; Falkland Islands; Gibraltar; Montserrat; Pitcairn, Henderson, Ducie and Oeno Islands; South Georgia and the South Sandwich Islands; St Helena, Ascension and Tristan da Cunha; and Turks and Caicos Islands.
CTA	CTA means Common Travel Area: the UK, the Islands and ROI
EEA	EEA means European Economic Area: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.
EU National	EU National means a person who is a national of: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain or Sweden.
Islands	Islands means: - the Channel Islands, and - the Isle of Man.
OTs	OTs means overseas territories: Anguilla; Bermuda; British Antarctic Territory; British Indian Ocean Territory; British Virgin Islands; the Caribbean part of the Kingdom of the Netherlands (Aruba, Bonaire, Curacao, Saba, Sint Eustatius, Sint Maarten); Cayman Islands; Falkland Islands; Faroe Islands; French Polynesia; French Southern and Antarctic Territories; Gibraltar; Mayotte; Greenland; Montserrat; Pitcairn, Henderson, Ducie and Oeno Islands; South Georgia and the South Sandwich Islands; St Barthélemy; St Helena, Ascension and Tristan da Cunha; St Pierre et Miquelon; the Territory of New Caledonia and Dependencies; Turks and Caicos Islands; and Wallis and Futuna.

Person granted leave under one of the Afghan Schemes	A person granted leave under one of the Afghan Schemes means: • a person granted leave under the Afghan Citizens Resettlement Scheme, • a person granted leave under the Afghan Relocations and Assistance Policy Scheme, or • a person granted leave under the Afghan Response Route Scheme.
Person granted leave under one of Ukraine Schemes	A person granted leave under one of the Ukraine Schemes means: • a person granted leave under the Homes for Ukraine Sponsorship Scheme, • a person granted leave under the Ukraine Extension Scheme, • a person granted leave under the Ukraine Family Scheme, or • a person granted leave under the Ukraine Permission Extension Scheme.
Relevant person of Northern Ireland	A relevant person of Northern Ireland means a person who: • is either: - a British citizen, - an Irish citizen, or - a dual British and Irish citizen; • was born in Northern Ireland; • at the time of their birth, had at least one parent who either: - held British citizenship, - held Irish citizenship, - held dual British and Irish citizenship, - or was without any restriction on their period of residence in the UK or Ireland; • had been living in the UK on or before 31 December 2020.
ROI	ROI means Republic of Ireland

Turkish Worker	Turkish Worker means a Turkish national who: • is OR in the UK & Islands; and is currently, or has previously been, lawfully employed in the UK.
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5.2 Annex B – Extract from Lord Scarman’s judgement

The following are extracts from the judgement given in the House of Lords on 16 December 1982, as reported in [1983] 2 WLR 16. At page 31 H:

“It is my view that LAs, when considering an application for a mandatory award, must ask themselves the question: has the applicant shown that he has habitually and normally resided in the UK from choice and for a settled purpose throughout the prescribed period, apart from temporary or occasional absences? If an LA asks this, the correct, question, it is then for it, and it alone, to determine whether as a matter of fact the applicant has shown such residence. An authority is not required to determine his ‘real home’, whatever that means: or need any attempt be made to discover what his long-term future intention or expectations are.

The relevant period is not the future but one which has largely (or wholly) elapsed, namely that between the date of the commencement of his proposed course and the date of his arrival in the UK. The terms of an immigrant student's leave to enter and remain here may or may not throw light on the question: it will, however, be of little weight when put into the balance against the fact of continued residence over the prescribed period - unless the residence is in itself a breach of the terms of his leave, in which event his residence, being unlawful, could not be ordinary.” At page 27 B-G:

“There are two and no more than two, respects in which the mind of the ‘propositus’ (the student applicant) is important in determining ordinary residence. The residence must be voluntarily adopted. Enforced presence by reason of kidnapping or imprisonment, or a Robinson Crusoe existence on a desert island with no opportunity of escape, may be so overwhelming a factor as to negative the will to be where one is. And there must be a degree of settled purpose. The purpose may be one; or there may be several. It may be specific or general. All the law requires is that there is a settled purpose. This is not to say that the ‘propositus’ intends to stay where he is indefinitely; indeed his purpose, while settled, may be for a limited period. Education, business or profession, employment, health, family, or merely love of the place spring to mind as common reasons for a choice of regular abode. And there may well be many others. All that is necessary is that the purpose of living where one does has a sufficient degree of continuity to be properly described as settled.

The legal advantage of adopting the natural and ordinary meaning, as accepted by the House of Lords in 1982 and recognised by Lord Denning in this case, is that it results in the proof of ordinary residence, which is ultimately a question of fact, depending more upon the evidence of matters susceptible of objective proof than upon evidence as to the state of mind. Templeman L J emphasised in the Court of Appeal the need for a simple test for LAs to apply: and I agree with him. The ordinary and natural meaning of the words supplies one. For if there is to be proved a regular, habitual mode of life in a particular place, the continuity of which has persisted despite temporary absences, ordinary residence is established provided only if it is adopted voluntarily and for a settled purpose.

An attempt has been made in this case to suggest that education cannot be a settled purpose. I have no doubt it can be. A man's settled purpose will be different at different

ages. Education in adolescence or early adulthood can be as settled a purpose as a profession or business in later years. There will seldom be any difficulty in determining whether residence is voluntary or for a settled purpose: nor will enquiry into such questions call for any deep examination of the mind of the 'propositus'.