

# Residency Requirements for Non-UK Nationals

# Agenda

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# EU/EEA Eligibility

# Residency Post Brexit

## Post Brexit – EU Settlement Scheme (EUSS) – Settled Status

- EUSS Settled status will be awarded to EU, EEA and Swiss citizens (and their family members) who were living in the UK by 31st December 2020 and have lived in the UK and Islands for a continuous 5 year period
- Those granted Settled status can stay in the UK as long as they wish and can apply for British citizenship, if they are eligible to do so
- Students with EUSS Settled status will be able to access full undergraduate support, however they must:
  - Be ordinarily resident in the UK for 3 years prior to the start of the course
  - Be ordinary resident in the home domicile on the first day of the first academic year of their course

# Residency Post Brexit

## Post Brexit – EUSS Pre-Settlement Scheme

- EUSS Pre-Settled status will be awarded to those EU, EEA and Swiss citizens (and their family members) who were living in the UK by 31<sup>st</sup> December 2020 but have a shorter period of UK residence
- After 5 years of continuous lawful UK residence, individuals can apply to change their Pre-Settled status to Settled status but they must do so before the Pre-Settled status expires (5 years from the day granted)
- EU nationals (and their family members) with Pre-Settled status will be able to apply for Tuition Fee Loan support however they must:
  - Be ordinarily resident in the UK, Gibraltar, EEA and Switzerland for the 3 year period prior to the first day of the first AY of their course

# Residency Post Brexit

- If the student has applied under the EU Settlement Scheme but currently holds Certificate of Application then the following would be required to confirm ID:
  - Original Valid Passport
  - Original Valid National Identity Card

# Migrant Workers Eligibility

# Post Brexit Migrant Workers

## Types of Migrant Workers

- EU/EEA National student – migrant worker in their own right
- Family member of an EU/EEA national migrant worker:
  - Child/Step Child of a MW
  - Spouse of a MW
  - Child of a MW and child is over 21 years of age
  - Child of MW in State Education
  - Child of a Swiss National
  - Child of a Turkish National
- These students will be able to access full undergraduate support as long they or their family member is in continuous work throughout the year



# Post Brexit Migrant Workers

## Post Brexit – EU/EEA & Swiss Migrant Worker

- The student (and the Migrant Worker, where the student is applying as a family member) will need to have Pre-Settled status under the EU Settlement Scheme
- If a student or the family member loses Migrant Worker status, the student may be awarded fee only funding as long as they hold Pre-Settled status under the EUSS
- All students are required to have resided in the EU/EEA for three years prior to the start of the first academic year of their course
- Required to meet the standard three years residency as well as be ordinarily resident in England or Wales on the first day of the first academic year of their course. The student also needs to provide 3 years written residency details
- **Be a migrant worker whose work continues during their course**

# Post Brexit Migrant Workers

## ID/Status Evidence Requirements

- New Students who are applying as a Migrant Worker in their own right (EU/EEA National student) will only need to provide their HO letter and share code as proof of their ID
- New Students who are applying as a Family Member of a Migrant needs:
  - To hold Pre-Settled Leave to Remain status under the EU Settlement Scheme and provide their HO letter and share code
  - A share code from the EEA/Swiss Worker family member showing they have Pre-Settled or Settled status under the EU Settlement Scheme
  - EEA/Swiss Worker family member's original valid passport or national identity card
  - A copy of the student's birth or marriage certificate to confirm their relationship to their EEA/Swiss Worker family member

# Migrant Worker Evidence

## Employment Evidence

**A migrant working must be working at least 10 hours a week to be accepted**

### **Employed Worker:**

Three months worth of payslips showing regular hours and a contract of employment confirming:

- Start date in DD/MM/YYYY
- Contracted hours per week
- Hourly rate of pay
- Contract type e.g. Permanent, Fixed Term, Temporary etc
- Signed by the employer

### **Self Employed Worker**

- Evidence the worker is registered with HMRC such as a tax return or UTR confirmation letter
- 3 months worth of invoices with corresponding bank statements

# Migrant Worker Employment Check

## Employment Check

- Once Eligibility has been established applications will be moved to an approved stage. We no longer make the applications provisional, awaiting employment evidence for the start of the academic year. This means students will receive their first instalment on time inline with their course start as planned
- **Employment Check Conducted**
  - Students will be asked via email to provide all evidence of their employment/self employment from the start of the AY until present. They will have 4 weeks to provide the evidence to us
- **Reminder to be sent**
  - The student will be reminded that the evidence is outstanding and gives them a further 2 weeks to provide the required evidence
  - The Chaser will notify them that if they do not provide the evidence to us then funding will be removed

# Migrant Worker Employment Check

## Non-Response Process

- If we still have no evidence 2 weeks after the chaser has gone then a re-assessment will be done to remove all support
- The student will be contacted via email to advise the actions taken and advised to apply to EU to ensure the fees are still paid (if eligible for EU support)
- If the correct evidence is then provided we will look at re-instating support

## Timeline re-starts

- Once the check is satisfied it will go back into the process and a check may be picked up again the same year, or during the next year

# Rest Of The World (ROW) Eligibility

# ROW Nationals

## Acceptable Identity Evidence

- “Rest of the World” students we will require **ID** and **Status confirmation**
- Student ID – Confirming personal ID
  - Original valid passport
  - Original Home Office Biometric Residence Permit Card (HOBRC)
  - Original valid UK Travel Document
  - Original Certificate of Naturalisation/Registration as a British Citizen
- Status ID – Confirming various Status to be in UK
  - HO letter
  - Biometric card showing status

# Indefinite Leave to Enter and Indefinite Leave to Remain

- Ordinarily resident in England on the first day of the first academic year of their course
- Resident in England/Wales on the first day of the first academic year of their course
- Must hold their status prior to the first day of the first academic year of their course
- Must have been ordinarily resident in the UK for 3 years prior to the first day of the first academic year of their course
- We will require their 3 years address history and their status in the UK



# Asylum and Refugees

## Refugee Status

- Do **not** need 3 years residency in the UK
- Must be ordinarily resident in England on the first day of their course
- Student/student's spouse/parent must have stayed in the UK since the acquisition of asylum status
- If claiming as a spouse of a refugee, the student must have been married before the application for asylum status was made
- If claiming as a child of a refugee, they must have been under 18 when the application for asylum status was made. Refugee status gives 5 years Limited Leave to Remain, if this 5yr period expires whilst the student is studying they are still eligible for support but their eligibility should be renewed after the Limited Leave to Remain has expired

# Humanitarian Protection and Stateless

## Humanitarian Protection

- In the 2021/22 AY the requirement for students granted HP to be ordinarily resident in the UK and Islands for three years prior to the first day of the first AY of the course was removed
- Students who have been granted HP will be eligible to apply for support as a home student if they:
  - Are ordinarily resident in England on the first day of the first AY of their course
  - Have been ordinarily resident in the UK since being granted HP

## Stateless

- Student has been granted Stateless Leave in their own right
- Ordinarily resident in England on the first day of the first academic year of their course
- The student is only required to have been ordinarily resident in the UK & Islands since they were granted their most recent grant of Stateless Leave. If the student's Stateless Leave expired and they were then granted renewed status we only require confirmation that they have been ordinarily resident in the UK & Islands since the renewed status was granted

# Section 67 Leave to Remain & Calais Leave to Remain

**Section 67 Leave to remain (LTR) and Calais Leave to Remain (LTR) have the same requirements:**

- Ordinarily resident in England on the first day of the first academic year of their course
- Ordinarily resident in the UK & Islands throughout the period since they were granted Section 67 LTR or Calais LTR to Remain or status as the child of a person granted Section 67 Leave to Remain or Calais LTR
- The student is only required to have been ordinarily resident in the UK & Islands since they were granted their most recent grant of status. If the student's status expired and they were then granted renewed status we only require confirmation that they have been ordinarily resident in the UK & Islands since the renewed status was granted

# Afghan Relocation and Assistance Policy (ARAP) & Afghan Citizen's Resettlement Scheme (ACRS)

- Those who are eligible under the ARAP will be issued indefinite leave to enter (settled status) immediately. Those who are already in the UK and have previously been granted limited leave to remain will be able to apply to have their leave changed to indefinite leave to remain
- Eligibility criteria for those under the ARAP and ACRS will be reviewed on the same basis as the protection-based categories (those with refugee status and Humanitarian Protection)

# Afghan Relocation and Assistance Policy (ARAP) & Afghan Citizen's Resettlement Scheme (ACRS)

- From AY 23/24, family members of ARAP/ ACRS leave holders may be eligible for funding under these categories with no need to have been granted "leave in line" with the main leave holder under ARAP/ACRS but still need to have some form of leave to remain in the UK
- Eligible family members will be as follows:
  - The spouse/civil partner of the ARAP/ ACRS leave holder. The person must have been the spouse/civil partner of the leave holder on the leave application date
  - The child/ step-child of the ARAP/ ACRS leave holder. The person must have been the child/step-child of the leave holder on the leave application date, and must have been under 18 on that date. There is no requirement that the child/step-child is under 18 when applying for student funding. There is no requirement for SLC to check that the person was dependent on the leave holder either on the leave application date or on the date they apply for student funding
- Students must provide proof of their relationship to the leave holder
- Nationality: Family member applicants can be of any nationality. It is not a requirement that the family member (i.e. the applicant) is an Afghan national
- Residence requirements will be as per those that apply where the applicant is the leave holder:
  - ordinary residence in England on the first day of the course
  - ordinary residence in the UK and Islands since the leave holder's most recent grant of leave

# Ukrainian Scheme

**Student's awarded status under one of the following schemes can be eligible for SFE funding:**

The Ukraine Family Scheme

The Ukraine Sponsorship Scheme (Homes for Ukraine)

The Ukraine Extension Scheme

In order to be eligible under this category, the applicant will need to:

- Hold a valid status under one of the above schemes
- Have been continuously resident in the United Kingdom and Islands since the issue of their status under one of the Ukraine Schemes
- Ordinary resident in England on the first day of their course
- Provide evidence of their identity

Acceptable evidence of immigration status is as follows:

- A **Biometric residence permit**, or a **vignette** in the passport or other travel document, where the applicant has been granted leave for 36 months under a Ukraine scheme
- A **permission to travel document**, which will confirm that the person has leave under a Ukraine scheme, along with a stamp in the passport confirming that the applicant has been granted leave in the UK for six months

# Ukrainian Scheme

From AY 23/24, family members of Ukraine Scheme leave holders may be eligible for funding under these categories without any requirement for the applicant to have been Ukraine granted leave but are required to have a form of leave within the UK

Eligible family members will be as follows:

- The spouse/civil partner of the Ukraine Scheme leave holder. The person must have been the spouse/civil partner of the leave holder on the leave application date
- The child/ step-child of the Ukraine Scheme leave holder. The person must have been the child/step-child of the leave holder on the leave application date, and must have been under 18 on that date. There is no requirement that the child/step-child is under 18 when applying for student funding. There is no requirement for SLC to check that the person was dependent on the leave holder either on the leave application date or on the date they apply for student funding

Students must provide proof of their relationship to the leave holder

Nationality: Family member applicants can be of any nationality. It is not a requirement that the family member (i.e. the applicant) is a Ukrainian national

Residence requirements will be as per those that apply where the applicant is the leave holder:

- ordinary residence in England on the first day of the course, and
- ordinary residence in the UK and Islands since the leave holder's most recent grant of leave

# Events

## **If after start of the Academic Year the following events occur:**

- Recognised as a refugee or granted HP or stateless person
- Granted Migrant Worker status
- The student's state accedes to the EU
- The student becomes the family member of an EU national
- The student becomes the child of a Turkish worker/Swiss National/Swiss National in question (for child of Swiss National) moves to the UK
- Student gains leave to remain status under section 67 or Calais Leave
- Student is granted Indefinite Leave to Remain as a victim of domestic violence (DVILR)
- Student is granted Indefinite Leave to Remain as a Bereaved Partner
- Student is awarded settled status under the EUSS
- The student becomes a family members of Ukraine Scheme/ ARAP/ ACRS leave



# Common Issues

- When physical evidence is required we can only accept original identity evidence
- Students not providing 3 years written residency for all Migrant Worker or EU national applications
- During peak times we advise students not to send identity documents if they are due to travel in the next 6-8 weeks
- Students should print a cover letter from their account or provide a letter with their CRN to help us link identity evidence to their account. Any evidence that can't be linked is held and may be returned to issuing authority.
- Migrant workers not proving any/partial evidence when requested which can lead to losing entitlement
- Migrant workers leaving employment which will lead to losing entitlement

# Question time



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# Non-UK Nationals