

## **UK Residency Status for university tuition fees and student loans**

The UK government regulations for residency and eligibility for classification as a UK student and to be able to access the student loans and grants are laid out in the following websites

### **England**

<https://www.gov.uk/browse/education/student-finance>

### **Scotland**

[http://www.saas.gov.uk/\\_forms/funding\\_guide.pdf](http://www.saas.gov.uk/_forms/funding_guide.pdf)

[http://www.saas.gov.uk/\\_forms/ab10a.pdf](http://www.saas.gov.uk/_forms/ab10a.pdf) is the residence eligibility enquiry form

### **Northern Ireland**

[file:///D:/Documents/Residency%20for%20students/Student%20finance%20%20Northern%20Ireland%20\\_%20nidirect.htm](file:///D:/Documents/Residency%20for%20students/Student%20finance%20%20Northern%20Ireland%20_%20nidirect.htm)

### **Wales**

[http://www.studentfinancewales.co.uk/practitioners/products/eligibility.aspx#.VPSC6eHp\\_Gg](http://www.studentfinancewales.co.uk/practitioners/products/eligibility.aspx#.VPSC6eHp_Gg)

The case for eligibility for student finance and classification as a UK student is based on the place where that student is “ordinarily resident”. Understanding what this means is crucial for families and mission agencies alike.

## **Ordinary Residence**

To be ordinarily resident a student must have lived in the country for at least 3 years before any university and student finance application. On first reading it may appear that these regulations mean that families working overseas have to return to the UK at least 3 years before beginning a higher education course, but this is not the case. Normally, for the purposes of higher application to higher education, UK mission and other voluntary agency workers are classed as ordinarily resident in the UK as that is where they normally live. The regulations clearly state that it does not matter if a child is temporarily out of the country – this is the case for our children. Their parents are temporarily out of the country at the request of the mission agency, but the normal place of residence during home leave/assignment is in the UK.

The residency status issue is one that exercises the minds of many parents and mission agencies, and unfortunately there is considerable misunderstanding in some parts resulting in the curtailment of overseas service where parents fear that their children will be classified as overseas students. It doesn't have to be the case that potential students need to take extended gap time, or that their parents need to end their overseas work and return as a whole family 3 years before the children apply for higher education. It all depends on what “ordinarily resident” means. The gov.uk website referred to above states the following

## **Residence**

To qualify for student finance as a student from England, you will need to meet all of the residence requirements. Generally, on the first day of the academic year in which your course starts, you must:

- be a UK national or have 'settled status' in the UK (under the terms of the Immigration Act 1971)
- be 'ordinarily resident' in England
- have been 'ordinarily resident' in the UK, the Channel Islands or the Isle of Man for the three years immediately before starting the course - and not wholly or mainly for the purpose of receiving full-time education

Students who are settled in the UK may also be eligible if they have exercised a right of residence in the EEA or Switzerland before returning to the UK to study.

You're 'ordinarily resident' somewhere if it's where you normally live. It doesn't matter if you're out of the country temporarily from time to time.

'Settled status' means that there are no immigration restrictions on how long you can stay in the UK.

But this doesn't cover all circumstances - even if you don't meet these criteria, you may still qualify for student finance.

Further sources of information

<https://www.gov.uk/student-finance/who-qualifies> - download the entire guide on eligibility

[http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2014/employment\\_learning/4114.pdf](http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2014/employment_learning/4114.pdf)

Similar information is available on the UKCISA (UK Council for International Student Affairs), although this site is primarily geared to international students as the organisation name indicates, at

[http://www.ukcisa.org.uk/student/fees\\_student\\_support.php](http://www.ukcisa.org.uk/student/fees_student_support.php)

Another site with useful information is that of Student Finance England at

[http://practitioners.studentfinanceengland.co.uk/portal/page?\\_pageid=133,4210407&\\_dad=portal&\\_schema=PORTAL#5](http://practitioners.studentfinanceengland.co.uk/portal/page?_pageid=133,4210407&_dad=portal&_schema=PORTAL#5)

### **The Application Process**

**On any forms from universities and the student loan companies or grant awarding bodies it is essential that parents and prospective students tick the boxes that state they are ordinarily resident in the UK in line with the statements given on the Gov.uk and SAAS websites.** This means ticking the correct box on the student finance form for UK nationals living *temporarily* overseas, but form layout changes frequently.

Ticking any boxes that indicate otherwise will cause complications with the risk of a lengthy appeals procedure to justify the ordinarily resident status. The form does not have to be immediately submitted, therefore apply with plenty of time in hand and always double check the application yourself and verify it with others who know the application process before submitting it. In most cases where there hasn't been unbroken residence over the previous 3 years universities and finance awarding bodies will ask for further evidence that the overseas residence is/was temporary. Most of the bigger mission agencies have standardised format letters to prove that the family and student concerned are members of their mission, and would be happy to circulate sample copies to smaller agencies and individual families sent out by churches if necessary. If the university authorities request further evidence of ordinary residence it is good to keep an accurate record of all home leave visits to the UK during the past 3 years, possibly further back.

### **Universities reaching Different Conclusions on Residency Classification**

In recent years it has been noted that some universities have become more likely to classify children from mission families as international students when they apply. It is also true that others have taken a more generous view meaning that the same student presenting the same application to different universities has been given home and international classification based on admission departments interpretations. A small number of universities more likely to classify our students as internationals and who are more difficult to deal with on appeal is emerging. Members of the TCK Forum who represent some of the larger UK-based missions are able to advise which ones currently seem to fit this category and which ones are more open.

Generally students applying after one or two years living in this country from a fixed UK address are encountering fewer problems. This means returning to do a gap year for one year, or for 6th Form study after leaving the host country at 16. If the student leaves at 16 and studies at a UK boarding school, this would be deemed to be "mainly for the purpose of receiving full-time education" - a university and Student Finance defined category of exclusion for residence purposes. In such a case the student would still have to prove that he or she is ordinarily resident here and the parents are on a temporary overseas assignment. If the whole family leave when the student is 16, or the student returns to a permanent UK address to live with the extended family, then he or she can apply from that fixed UK address.

## **Dual Nationality Students**

The situation for dual nationality students is more complex – e.g. from bicultural marriage or Commonwealth country citizens who have retained a UK passport. It really depends on what the family normally class as home and clear evidence is needed that the UK has been the place of ordinary residence for at least the past 3 years.

For example considering these 2 possibilities

*A family with Australian and UK passports that has consistently returned to Australia for leave from service in South Asia,*

*A student of American and British parents who have consistently maintained the USA as their sending and home country*

In both of these situations the case for ordinary residence and home student classification is very weak. The only realistic options for UK higher education study are

1. Live here for 3 years before application as a mature student.
2. The family and student need to deliberately plan to change the country of ordinary residence at least 3 years in advance of any application.

These are cases that need long-term planning and consideration when the children are still small to avoid disappointment when it comes to higher education application time.

**Steve Bryant & TCK Core Group - March 2015 revision**