

## Tuition fees for study in England, Wales or Northern Ireland

9 January 2012

This Information Sheet explains the conditions you need to meet to be entitled to pay tuition fees at the 'home' rate and not the 'overseas' rate for study in England, Wales or Northern Ireland. There is a separate Information Sheet for [Tuition fees for study in Scotland](#).

Readers should be aware that **INFORMATION IN THIS SHEET IS LIABLE TO CHANGE THROUGHOUT THE YEAR.**

**You should not use this information sheet for courses in Northern Ireland that start on or after 1 September 2012.** New fees regulations for Northern Ireland come into force at that point and we are still assessing the full impact of these regulations on the categories that we outline below.

### Will I pay the 'home' or 'overseas' rate of fee?

Publicly funded educational institutions charge two levels of fee: the lower 'home' fee and the higher 'overseas' fee.

Private sector institutions often have only one level of tuition fee, which all students must pay.

For courses in publicly funded educational institutions, some categories of student must be charged the 'home fee' and the various categories of 'home' student are explained below.

The level of fee you will have to pay depends on whether you meet certain criteria. Different criteria can be applied depending on whether you are studying a course at higher education level or further education level.

#### "No recourse to public funds"

If you have "no recourse to public funds" included in your passport stamp, you will not be in breach of your immigration conditions if you have access to education in the UK. "Public funds" are defined in the Immigration Rules, and the benefits and services listed do not include education or any education funding.

### Is my course higher education or further education?

Higher education courses include HNC and HND courses, undergraduate degrees (for example, BA, BSc, BEd) and postgraduate degrees (for example, MA, MSc or PhD).

Further education courses include GCSEs, AS and 'A' levels (and their equivalents), NVQs, GNVQs, BTECs and Access courses.

If you are not sure whether your course is higher education or further education, ask your place of study.

If your course is higher education, the institution will usually decide your fee status on the basis of the relevant fees regulations.

**Note: If you are studying a higher education course at a further education college in Northern Ireland, see [Special provisions for students](#).**

If your course is further education, the institution might consider charging you 'home' fees even if you do not come within the categories in the regulations. This will depend not only on your circumstances but also on where your place of study is - that is, whether it is in England, Wales or Northern Ireland – as different rules apply. The fees systems for further education are outlined in [Special provisions for students](#).

## How much are 'overseas' fees?

'Overseas' fees can range from £3,500 to about £18,000 per year depending on the institution, the level of course and the type of course. The fee will probably increase each year by the level of inflation. You should contact the institutions you have applied to in order to find out what the fees are for your course and whether they can tell you what the fees will be for future years.

Your institution will probably ask you to give them some information about yourself and your family (for example, by completing a form like the one included at the end of this Information Sheet) to help it assess your fee status. It will use the information you give to check if you fit into one of the 10 categories in [Categories for 'home' fees](#). You may be asked to provide documents (for example, passport, official letters) to support the information you give.

## Categories for 'home' fees: students who are entitled to 'home' fees

### General

If you fit into one of the following categories, an institution must charge you 'home' fees. This is only a brief summary of persons who must be charged at the 'home' fee rate. If your course is further education, check the information in [Special provisions](#), especially if it seems that none of the categories below apply to you.

If you are unsure whether you fit into any one of the categories below or if you need further information, check your situation with an adviser at your institution, your Students' Union or [UKCISA's Students' Advice Line](#).

### CATEGORY 1:

#### Those who are 'settled' in the UK and meet the main residence requirements

In order to qualify for 'home' fees under this category, you must meet **all** of the following criteria:

(a) you must be 'settled' in the UK [see [Box 1](#)] on the 'first day of the first academic year of the course' [see [Box 2](#)],

#### AND

(b) you must be 'ordinarily resident' [see [Box 3](#)] in the UK on the 'first day of the first academic year of the course' [see [Box 2](#)],

#### AND

(c) you must also have been 'ordinarily resident' [see [Box 3](#)] in the UK and Islands (the Islands means the Channel Islands and the Isle of Man) for the full three year period before the 'first day of the first academic year of the course'. For example, if your course begins in October 2011, you must have been ordinarily resident in the UK and Islands from 1 September 2008 to 31 August 2011,

#### AND

(d) the main purpose for your residence in the UK and islands must **not** have been to receive full-time education during any part of that three-year period.

**NOTE:** It is not necessary to have had 'settled' immigration status in the UK [see [Box 1](#)] for three years.

## Students from the Channel Islands and the Isle of Man

If you are in receipt of an award from your Island authority for higher education, you are treated differently (that is, not as a 'home' or 'overseas' fee payer). There is an agreement between the Island authorities and UK higher education institutions that the Island government will pay your fees at an agreed rate.

If you are self-financing, you will be assessed to see if you are a 'home' or an 'overseas' fee payer. If you are not ordinarily resident in the UK on the 'first day of the first academic year of the course' [see [Box 2](#)] (because, for example, you have not yet moved there from the Channel Islands or the Isle of Man) you cannot meet the requirement of (a) above, even though you may be a British citizen.

In addition, if you moved to the UK for your course of study (or a course of study you finished immediately before it), you will be treated as being ordinarily resident in the Islands and you will therefore be unable to meet (a) above.

### **CATEGORY 2:**

#### **Those who are 'settled' in the UK and have exercised a 'right of residence' in the EEA and/or Switzerland**

You satisfy the qualifying conditions for this category if you meet all of the following criteria:

(a) you are settled in the United Kingdom [see [Box 1](#)]

#### **AND**

(b) you have left the UK and exercised a right of residence in another EEA country and/or in Switzerland, after having been 'settled' in the UK (a right of residence covers those people and their family members who are in the EEA [see [Box 5](#)] and/or Switzerland as workers or self-employed people, or as students or self-sufficient people and, in all cases, their family members; or people who have gone to the state of which they or their family member is a national)

#### **AND**

(c) you are ordinarily resident in the UK on the day on which the first term of the first academic year actually begins

#### **AND**

(d) you have been ordinarily resident in the EEA and/or Switzerland and/or the overseas territories [see [Box 6](#)] for the three years preceding the 'first day of the first academic year of the course' [see [Box 2](#)]

#### **AND**

(e) in a case where the ordinary residence referred to in (d) above was wholly or mainly for the purposes of receiving full-time education, you have been ordinarily resident in EEA/Switzerland immediately before that three-year period.

### **CATEGORY 3:**

#### **European Union (EU) nationals and their family members**

To be eligible under this category:

a) on the 'first day of an academic year of your course' [see [Box 2](#)], you must be:

- a national of an EU country [see [Box 4](#)]; **OR**
- the 'relevant family member' [see [Box 7](#)] of a non-UK EU national, and that non-UK EU national is in the UK as a self-sufficient person or as a student; **OR**

- the 'relevant family member' [see [Box 7](#)] of a UK national

## AND

(b) you must have been ordinarily resident in the European Economic Area (EEA) [see [Box 5](#)] and/or Switzerland and/or the overseas territories [see [Box 6](#)] for the three years before the 'first day of the first academic year of the course' [see [Box 2](#)] [**BUT** also see [Special Provision: For people studying in England on courses starting on or after 1 September 2011](#)]

## AND

(c) the main purpose of your residence in the EEA/Switzerland (or the overseas territories if applicable) must not have been to receive full-time education during any part of the three-year period. [**BUT** also see [Special Provision: For people studying in England on higher education courses starting on or after 1 September 2011](#)]

## NOTES:

- if you become, or a 'relevant family member' [see [Box 7](#)] becomes, an EU national after the start of your course, you can become entitled to 'home' fees as from the start of the following academic year as long as you satisfy the residence conditions in (b) and (c) above on the first day of the first academic year of your course (see the next note too);
- for the purposes of the residence conditions, any country that joins the EU is considered always to have been part of the EEA.

## Special Provision:

### For people studying in England on higher education courses starting on or after 1 September 2011

You do not have to meet the Category 3 (b) or (c) criteria (above) **if you are studying on a course in England only**, which **starts on or after the 1 September 2011**, and you are:

- the 'relevant family member' [see [Box 7](#)] of a non-UK EU national, and that non-UK EU national is in the UK as a self sufficient person or as a student; **OR**
- the 'relevant family member' [see [Box 7](#)] of a UK national who has exercised a right of residence in another EU member state, for more than three months, as a self-sufficient person, a student or a worker

## AND

- your 'relevant family member' has been ordinarily resident in the European Economic Area (EEA) and/or Switzerland and/or the overseas territories for the three years before the 'first day of the first academic year of the course' that you are studying.

## CATEGORY 4: 'EU Nationals in the UK'

You satisfy the qualifying conditions if:

(a) you are an EU national (but not a UK national) [see [Box 4](#)] on the 'first day of the first academic year

of the course' [see [Box 2](#)]. If you are a national of a country that joins the EU after the start of your course you will be treated as meeting this requirement in the next academic year.

**AND**

(b) you were ordinarily resident [see [Box 3](#)] in the UK on 'first day of the first academic year of the course'

**AND**

(c) you were ordinarily resident in the UK and Islands for the three-year period before the 'first day of the first academic year of the course'

**AND**

(d) if during any part of the three year period, the main purpose for your residence was to receive full-time education, you must have been ordinarily resident in the EEA and/or Switzerland and/or the overseas territories [see [Box 6](#)] immediately prior to the three-year period of ordinary residence in the UK and Islands.

### **CATEGORY 5:**

#### **EU Nationals / family members with the right of permanent residence in the UK**

##### **The 'right of permanent residence'**

EU nationals acquire the right of permanent residence after a five-year period of uninterrupted lawful residence in the UK. This same rule applies to family members who are not EU nationals and who have lived in the UK with an EU national for five years.

You are entitled to pay 'home' fees under this category if:

(a) you have 'the right of permanent residence' in the UK under European Community (EC) law on the 'first day of an academic year of the course' [see [Box 2](#)]

**AND**

(b) you were ordinarily resident in the UK on the 'first day of the first academic year of the course' [see [Box 2](#)]

**AND**

(c) you were ordinarily resident [see [Box 3](#)] in the UK and Islands for the three-year period before the 'first day of the first academic year of the course' [see [Box 2](#)]

**AND**

(d) if any of your ordinary residence in (b) was for the main purpose of receiving full-time education, you must have been ordinarily resident in the EEA and/or Switzerland and/or the overseas territories [see [Box 6](#)] immediately prior to that three-year period.

### **CATEGORY 6:**

#### **European Economic Area (EEA) / Swiss workers and family members**

In order to qualify for 'home' fees under this category, you must meet the following criteria:

(a) on the 'first day of an academic year of your course' you must be a non-UK EEA national [see [Box 5](#)], or a Swiss national, and resident in the UK as a 'worker' [see [Box 8](#)], or the 'relevant family member' [see [Box 7](#)] of such a 'worker'

**AND**

(b) you must be ordinarily resident [see [Box 3](#)] in the UK on the 'first day of the first academic year of the course' [see [Box 2](#)] unless you are an EEA or Swiss 'frontier worker' [see [Box 8](#)] or 'relevant family member' of a 'frontier worker'

## **AND**

(c) you must have been ordinarily resident in the EEA [see [Boxes 4 and 5](#)] and/or Switzerland and/or the overseas territories [see [Box 6](#)] for the three years before the 'first day of the first academic year of the course' [see [Box 2](#)].

## **NOTES:**

- if you are the child of an EEA 'worker' who is no longer working or living in the UK, you can still be entitled to pay 'home' fees if you came to the UK to accompany your EEA 'worker' parent
- if you or a 'relevant family member' [see [Box 7](#)] become an EEA or Swiss migrant worker part-way through your course, you might become entitled to pay 'home' fees - you can seek advice on this from an adviser at your institution, your Students' Union or telephone [UKCISA's Students' Advice Line](#).

## **CATEGORY 7:**

### **Child of a Swiss National**

In order to qualify for 'home' fees under this category, you must meet the following criteria:

(a) on the 'first day of an academic year of your course', you must be the child [see [Box 7](#)] of a Swiss national

## **AND**

(b) you must be ordinarily resident [see [Box 3](#)] in the UK on the 'first day of the first academic year of the course' [see [Box 2](#)]

## **AND**

(c) you must have been ordinarily resident in the EEA [see [Box 5](#)] and/or Switzerland and/or the overseas territories [see [Box 6](#)] for the three years before the 'first day of the first academic year of the course' [see [Box 2](#)]

## **AND**

(d) if the main purpose for your residence in (c) above, was wholly or mainly for the purpose of receiving full-time education, you must have been ordinarily resident in the EEA and/or Switzerland immediately before that three-year period.

## **NOTES:**

- there is no requirement that your Swiss parent is, or has been, economically active in the UK
- if you become the child of a Swiss national part-way through your course, you might become entitled to pay 'home' fees – you can seek advice on this from an adviser at your institution, your Students' Union or telephone [UKCISA's Students' Advice Line](#).

## **CATEGORY 8:**

### **Child of a Turkish worker**

To be eligible under this category:

(a) you must be the child [see [Box 7](#)] of a Turkish national

## **AND**

(b) your Turkish national parent must be ordinarily resident [see [Box 3](#)] in the UK and must be, or have been, lawfully employed in the UK

## **AND**

(c) you must be ordinarily resident in the UK on the 'first day of the first academic year of the course' [see [Box 2](#)]

## **AND**

(d) you must have been ordinarily resident in the EEA [see [Box 5](#)] and/or Switzerland and/or Turkey and/or the overseas territories [see [Box 6](#)] for the three years before the 'first day of the first academic year of the course' [see [Box 2](#)]

## **CATEGORY 9:**

### **Refugees, their spouse/civil partner and children**

To be eligible under this category:

(a) you must be ordinarily resident [see [Box 3](#)] in the United Kingdom on the 'first day of the first academic year of the course' [see [Box 2](#)]

## **AND**

(b) on the 'first day of an academic year of the course', you must be a refugee recognised by the UK Government [see [Box 9](#) for when someone granted Refugee Status has become a British Citizen]

## **OR**

you must be the spouse or civil partner of such a refugee and you must have been the spouse or civil partner of that person on the date on which their asylum application was made

## **OR**

you must be the child [see [Box 7](#)] of such a refugee or of a refugee's spouse or civil partner and at the time the refugee made the asylum application you must have been the under-18-year-old child of the refugee or of the refugee's spouse or civil partner

## **AND**

(c) you have not ceased to be ordinarily resident since you were recognised as a refugee or, if you are a spouse, civil partner or child, since you were given leave to remain in the UK.

If you are, or if your parent or spouse or civil partner is, recognised as a refugee after the start of the course, you may be entitled to 'home' fees from the start of the next academic year.

## **CATEGORY 10a (for study in England):**

### **Those not granted refugee status but allowed to remain in the UK with Humanitarian Protection, and their family**

If you apply for asylum and the Home Office decides that you do not qualify for refugee status, you may still be allowed to stay in the UK. In such circumstances, the Home Office normally grants Humanitarian Protection (HP), Discretionary Leave (DL) or, in some cases, Indefinite Leave to Remain. Until 1 April 2003, Exceptional Leave to Enter or Remain (ELE/R) was granted in such circumstances.

To be eligible under this category:

(a) you must be ordinarily resident [see [Box 3](#)] in the United Kingdom on the 'first day of the first academic year of the course' [see [Box 2](#)]

## AND

(b) on the 'first day of an academic year of the course', you must be a **'person granted Humanitarian Protection'**.

## OR

you must be the spouse or civil partner of a 'person granted humanitarian protection' and you must have been the spouse or civil partner of that person on the date on which the asylum application was made

## OR

you must be the child [see **Box 7**] of a 'person granted humanitarian protection' or a child of that person's spouse or civil partner and, at the time the 'person granted humanitarian protection' made the asylum application, you must have been the under-18-year-old child of that person or of that person's spouse or civil partner.

If you are, or if your parent or spouse or civil partner is, granted permission to stay in the UK after the start of the course, you will be entitled to 'home' fees from the start of the next academic year if you meet the requirements above.

### **'Person granted Humanitarian Protection'** (for courses in England)

This means a person:

- whom the Home Office has told does not qualify for recognition as a refugee but nevertheless should be allowed to stay in the UK and therefore has been granted humanitarian protection; and
- whose period of leave is still current, or has been renewed and the new leave is still current, or who is waiting for the outcome of an in time application for renewal, or is waiting for an appeal concerning their leave; and
- who has been ordinarily resident in the UK and Islands since having been granted leave.

**Remember:** whilst the Home Office normally grants Humanitarian Protection (HP), Discretionary Leave (DL) or, in some cases, Indefinite Leave to Remain or other leave, this category is for people who have been refused refugee status and have been granted HP-only.

### **CATEGORY 10b (for study in Northern Ireland):**

#### **Those not granted refugee status but allowed to remain in the UK with limited leave, and their family**

If you apply for asylum and the Home Office decides that you do not qualify for refugee status, you may still be allowed to stay in the UK. In such circumstances, the Home Office normally grants Humanitarian Protection (HP), Discretionary Leave (DL) or, in some cases, Indefinite Leave to Remain. Until 1 April 2003, Exceptional Leave to Enter or Remain (ELE/R) was granted in such circumstances.

To be eligible under this category:

(a) you must be ordinarily resident [see **Box 3**] in the United Kingdom on the 'first day of the first academic year of the course' [see **Box 2**]

## AND

(b) on the 'first day of an academic year of the course', you must be a **'person with leave to enter or remain' as defined in the Northern Ireland fees regulations.**

## OR

you must be the spouse or civil partner of a 'person with leave to enter or remain' and you must have been the spouse or civil partner of that person on the date on which the asylum application was made

## OR

you must be the child [see [Box 7](#)] of a 'person with leave to enter or remain', or a child of that person's spouse or civil partner and, at the time the 'person with leave to enter or remain' made the asylum application, you must have been the under-18-year-old child of that person or of that person's spouse or civil partner.

If you are, or if your parent or spouse or civil partner is, granted permission to stay in the UK after the start of the course, you will be entitled to 'home' fees from the start of the next academic year if you meet the requirements above.

### **'Person with leave to enter or remain'** (for courses in Northern Ireland)

This means a person:

- whom the Home Office has told does not qualify for recognition as a refugee but nevertheless should be allowed to stay in the UK and therefore has been granted leave to enter or remain; and
- whose period of leave is still current, or has been renewed and the new leave is still current, or who is waiting for the outcome of an in time application for renewal, or is waiting for an appeal concerning their leave; and
- who has been ordinarily resident in the UK and Islands since having been granted leave.

### **CATEGORY 10c (for study in Wales):**

#### **Those not granted refugee status but allowed to remain in the UK, and their family**

If you apply for asylum and the Home Office decides that you do not qualify for refugee status, you may still be allowed to stay in the UK. In such circumstances, the Home Office normally grants Humanitarian Protection (HP), Discretionary Leave (DL) or, in some cases, Indefinite Leave to Remain. Until 1 April 2003, Exceptional Leave to Enter or Remain (ELE/R) was granted in such circumstances.

To be eligible under this category:

(a) you must be ordinarily resident [see [Box 3](#)] in the United Kingdom on the 'first day of the first academic year of the course' [see [Box 2](#)]

## AND

(b) on the 'first day of an academic year of the course', you must be a **'person with leave to enter or remain' as defined in the Wales fees regulations.**

## OR

you must be the spouse or civil partner of a 'person with leave to enter or remain' and you must have been the spouse or civil partner of that person on the date on which the asylum application was made

## OR

you must be the child [see [Box 7](#)] of a 'person with leave to enter or remain', or a child of that person's spouse or civil partner and, at the time the 'person with leave to enter or remain' made the asylum application or discretionary leave application, you must have been the under-18-year-old child of that

person or of that person's spouse or civil partner.

If you are, or if your parent or spouse or civil partner is, granted permission to stay in the UK after the start of the course, you will be entitled to 'home' fees from the start of the next academic year if you meet the requirements above.

### 'Person with leave to enter or remain' (for courses in Wales)

This means a person whom:

- the Home Office has told does not qualify for recognition as a refugee but nevertheless should be allowed to stay in the UK and therefore has been granted humanitarian protection or discretionary leave; or
- having made an application for discretionary leave, has been told by the Home Office that he should be allowed to stay in the UK and therefore has been granted such leave.

AND

- whose period of leave is still current, or has been renewed and the new leave is still current, or who is waiting for the outcome of an in time application for renewal, or is waiting for an appeal concerning their leave; and
- who has been ordinarily resident in the UK and Islands since having been granted leave.

## Definitions

### Box 1

#### 'Settled'

'Settled' means being both ordinarily resident in the UK and without any immigration restriction on the length of your stay in the UK. The fees regulations refer to immigration law for the definition of 'settled'. To be 'settled' you must either have the Right of Abode or Indefinite Leave to Enter or Remain in the UK or have the right of permanent residence in the UK under EC law. If your passport describes you as a 'British citizen', then you have the 'Right of Abode'. Certain categories exempt from time limits on their stay in the UK, however, do not come within the definition of 'settled' – for example, diplomats and members of their households do not have specified time limits on their permission to stay in the UK but they are not 'settled' under the relevant immigration law.

**NOTE:** those who are 'settled' through having acquired the right of permanent residence under European Community (EC) law do not qualify as 'home' students under category 1 but may qualify under category 2, 3,4,5 or 6, depending on their circumstances.

### Box 2

### 'The first day of the academic year of the course'

(also used for the 'first day of an academic year of the course')

for courses starting:	'first day of academic year':
on or after 1 August and on or before 31 December	1 September
on or after 1 January and before 1 April	1 January
on or after 1 April and before 1 July	1 April
on or after 1 July and before 1 August	1 July

### Box 3

#### Ordinarily resident

The relevant residence area is specified in each individual category, and is one of the following:

- the UK and Islands
- the EEA and Switzerland
- the EEA, Switzerland and the overseas territories
- the EEA, Switzerland, Turkey and the overseas territories

You are 'ordinarily resident' in the relevant area if you have habitually, normally and lawfully resided in that area from choice. Temporary absences from the residence area should be ignored.

If you can demonstrate that you have not been ordinarily resident in the relevant residence area only because you were, or your 'relevant family member' was, **temporarily working outside** the relevant residence area, you will be treated as though you have been ordinarily resident for the period during which this was the case.

#### Main purpose of residence being full-time education

Where a category includes a condition that the main purpose of your residence must not have been to receive full-time education, a useful question to ask is: "if you had not been in full-time education, where would you have been ordinarily resident?". If the answer is "outside the relevant

residence area” this would indicate that the main purpose for your residence was full-time education. If the answer is that you would have been resident in the relevant residence area even if you had not been in full-time education, this would indicate that full-time education was not the main purpose for your residence in the relevant area.

For more detailed information about ordinary residence, see UKCISA's Information Sheet [Ordinary residence: case law for fees and Student Support](#).

## Box 4

### European Union (EU) national

You are an EU national if you are a national or citizen of Austria, Belgium, Bulgaria, 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, Sweden or the UK.

## Box 5

### The European Economic Area (EEA)

The EEA is a larger area than the EU. It is made up of all the countries in the EU (listed in [Box 4](#)) plus Iceland, Liechtenstein and Norway.

For categories where the residence area includes the EEA, the residence area is made up of all 30 countries in the EEA including the whole of the island of Cyprus (that is, including Northern Cyprus).

## Box 6

### The Overseas Territories

The “overseas territories” are Anguilla; Aruba; Bermuda; British Antarctic Territory; British Indian Ocean Territory; British Virgin Islands; Cayman Islands; Ducie & Oeno Islands; Falkland Islands; Faroe Islands; French Polynesia; French Southern and Antarctic Territories; Greenland; Henderson, Mayotte; Montserrat; Netherlands Antilles (Bonaire, Curaçao, Saba, Sint Eustatius and Sint Maarten); Pitcairn, South Georgia and the South Sandwich Islands; St Helena and Dependencies (Ascension Island and Tristan de Cunha); St Pierre et Miquelon; the Territory of New Caledonia and Dependencies; Turks and Caicos Islands; and Wallis and Futuna.

## Box 7

### Relevant family members

#### EU nationals (including UK nationals)

- spouse or civil partner
- direct descendants of the EU national, or of the EU national's spouse or civil partner, for example child/grandchild who must also be under 21 or (if 21 or over) dependent on the EU national or dependent on the EU national's spouse or civil partner
- **additionally, but only where the EU national is not a UK national and is self sufficient**, the dependent direct ascendants of the EU national, or of the EU national's spouse/civil partner, for example, dependent parents, grandparents.

#### EEA Workers

- spouse or civil partner
- direct descendants of the EEA worker and of the EEA worker's spouse or civil partner, for example children or grandchildren; a direct descendant must also be under 21 years old or (if 21 or over) dependent on the EEA worker or dependent on the EEA worker's spouse or civil partner
- direct ascendants of the EEA worker or of the spouse or civil partner or the EEA worker, for example parents and grandparents, who must be dependent on the EEA worker or dependent on the spouse or civil partner of the EEA worker.

#### Swiss Workers

- spouse or civil partner
- child, which is not defined in terms of either age or dependency and a child can be an adopted child or any child for whom the Swiss worker or the civil partner or spouse of the worker has parental responsibility

#### Meaning of 'child'

For the purposes of the fees regulations, the word 'child' is not defined in terms of either age (unless otherwise specified) or dependency and a child can be an adopted child or any child for whom the relevant person is a guardian or has parental responsibility.

## Box 8

### EEA / Swiss 'worker'

'Worker' includes an EEA or Swiss national who is:

- employed
- self-employed
- a 'frontier worker' who is employed or self-employed.

A 'frontier worker' is an EEA/Swiss national working in the UK but who "resides in Switzerland or the territory of an EEA State other than the United Kingdom and returns to their residence in Switzerland or an EEA state, at least once a week".

What kind of work?

- The work must be in the UK.
- The work can be full-time or part-time.
- If you give up work to start a course, you should still be treated as a migrant worker if your course of study is related to your job or area of work.
- If you have become 'involuntarily unemployed', you do not have to show that your course of study is related to your previous job – for example, if your post was made redundant, or if your contract ended and was not renewed. If you lost your job through misconduct, you would not be considered 'involuntarily unemployed'
- It can be work that you are doing while you are on the course, unless it is 'ancillary' to the course. 'Ancillary' means the work is part of the course or work you were offered because you have been accepted on a particular course.

## Box 9

### **When someone granted Refugee Status has become a British Citizen**

Anyone granted Refugee Status by the UK government should, in UKCISA's understanding, still be considered to come within the definition of 'refugee' for the purposes of the relevant regulations even if they have now become a British citizen. If a decision maker considers otherwise, please ask them to check the case, heard in the Supreme Court, of 'ZN (Afghanistan) & Others v Entry Clearance Officer (Karachi) [2010] UKSC 21', particularly paragraphs 36 and 37.

This decision concerned an immigration decision rather than eligibility for 'home' fees or Student Support. The regulations for assessing fee status and Student Support eligibility define "refugee" as meaning:

"a person who is recognised by Her Majesty's government as a refugee within the meaning of the United Nations Convention relating to the Status of Refugees [...]"

In the Supreme Court decision at paragraph 37 Lord Clarke said: "The fact

that British citizenship has been granted [...] does not change the fact that [...] a person [was or has been] granted asylum”.

Therefore, it would seem unreasonable for a decision maker to conclude that the granting of British citizenship to someone with Refugee Status would mean that the UK government no longer considered that person to have a well-founded fear of persecution in their former home country.

### **What can I do if I think the institution has made a mistake in deciding my fee status?**

If you think a mistake has been made, do not sign any document or contract agreeing to pay the 'overseas' rate of fee. Contact the institution immediately and ask it to explain the decision. If you still think the decision is wrong, give the reasons why you think there has been a mistake. It is important to communicate in writing and to keep copies of all correspondence. If you are still not satisfied with the decision, contact an adviser at your institution, your Students' Union or telephone [UKCISA's Students' Advice Line](#).

### **Students on courses of further education (FE) and, in Northern Ireland, courses of higher education at an FE college**

See '[Is my course higher education or further education?](#)' for an explanation of what further education means.

In addition to the [categories](#), most institutions which provide FE courses (and in Northern Ireland FE colleges which also provide HE courses) will also charge 'home' fees (or no fees at all) to some other categories of student on some courses. This will depend on your circumstances and on where in the UK you are (or will be) studying.

### **Further Education (FE) courses in England, and FE and Higher Education (HE) courses at a College of Further Education in Northern Ireland**

In England, the Young People's Learning Agency (YPLA) and Skills Funding Agency (SFA) fund FE courses run at most institutions.

In Northern Ireland, the Department of Education and Learning (DELNI) funds FE courses run at colleges of Further Education, as well as HE courses run at those institutions.

If you are in one of the [categories](#) you should be charged home fees.

In addition, YPLA/SFA and DELNI each publish their own guidance detailing further eligible groups which, if you fall into one or more of, will allow you to be charged home fees by most institutions in England (for FE courses funded by the YPLA/SFA) and colleges of Further Education in Northern Ireland (for FE and HE courses funded by DELNI).

These categories often change year-by-year when new versions of the guidance are released. Whether you are eligible under any or some of these categories depends on which academic year you are commencing your study in and, for study in England, whether you are 16-18 years old or 19+ years old. A summary of the various categories is outlined below:

#### **Study in 2011/12 in Northern Ireland only**

- People who have lived in Northern Ireland for three years before the start of the course. However, if the person is in the UK with immigration permission as a student he/she may not be eligible unless that permission is already long enough to cover the length of the planned study.
- Asylum seekers who have been waiting for longer than six months for the Home Office to decide their

asylum case; or who have been refused asylum but granted 'section 4 support' because they are destitute and cannot yet leave the UK.

- People with 'recently settled' immigration status. To be included in this group, you must be someone who became 'settled' [see **Box 1** for meaning of 'settled'] in the UK within the three years immediately preceding the start of the course.
- People whose husband, or wife, or civil partner is 'settled' in the UK [see **Box 1** for meaning of 'settled']. To be included in this group, a person must have been married or in a recognised civil partnership for at least one year, and resident in the UK for at least one year.
- People who have been recognised as a refugee by the UK Government and the spouses, civil partners and children of such people (there is no age limit for children and there is no requirement that family members were part of the refugee's family on the date of the asylum application).
- People who have been granted Exceptional Leave to Enter or Remain in the UK or Humanitarian Protection or Discretionary Leave (whether or not it is as the result of an asylum application) and their spouse or civil partner and children (there is no age limit for children and there is no requirement that family members were part of the family on the date of the asylum application).

#### **Study in 2011/12 in England only (for people who are 19 years of age or older)**

- Non-EEA/non-Swiss nationals, who are resident in the UK with work-related immigration permission or the spouse, civil partner or under-18 year old child of such people. To be included in this group, the person with work-related immigration permission must have been resident in the UK, with work-related immigration permission, for three years.
- Asylum seekers who have been waiting for longer than six months for the Home Office to decide their asylum case; or who have been refused asylum but granted 'section 4 support' because they are destitute and cannot yet leave the UK.
- People with 'recently settled' immigration status. To be included in this group, you must be someone who became 'settled' [see **Box 1** for meaning of 'settled'] in the UK within the three years immediately preceding the start of the course.
- People whose husband, or wife, or civil partner is 'settled' in the UK [see **Box 1** for meaning of 'settled']. To be included in this group, a person must have been resident in the UK for at least three years.
- People whose husband, or wife, or civil partner is an EEA National who is living in the UK. To be included in this group, a person must have been resident in the UK for at least one year.
- People who have been recognised as a refugee by the UK Government and the spouses, civil partners and children of such people (there is no age limit for children and there is no requirement that family members were part of the refugee's family on the date of the asylum application).
- People who have been granted Exceptional Leave to Enter or Remain in the UK or Humanitarian Protection or Discretionary Leave (whether or not it is as the result of an asylum application) and their spouse or civil partner and children (there is no age limit for children and there is no requirement that family members were part of the family on the date of the asylum application).
- People in 'exceptional circumstances'. (Talk to your institution if you do not meet any of the above categories but think your case is 'exceptional').

#### **Study in 2011/12 in England only (for people who are 16-18 years old)**

- Non-EEA/non-Swiss nationals, who are resident in the UK with work-related immigration permission, or the spouse, civil partner or child of such people. To be included in this group, the person with work-related immigration permission must have been resident in the UK, with work-related immigration

permission, for three years.

- Asylum seekers who have been waiting for longer than six months for the Home Office to decide their asylum case; or who have been refused asylum but granted 'section 4 support' because they are destitute and cannot yet leave the UK.
- People with 'recently settled' immigration status. To be included in this group, you must be someone who became 'settled' [see **Box 1** for meaning of 'settled'] in the UK within the three years immediately preceding the start of the course.
- People whose husband, or wife, or civil partner is either 'settled' in the UK [see **Box 1** for meaning of 'settled'], or an EEA National who is living in the UK. To be included in this group, a person must have been married or in a recognised civil partnership for at least one year, and resident in the UK for at least one year.
- People who have been recognised as a refugee by the UK Government and the spouses, civil partners and children of such people (there is no age limit for children and there is no requirement that family members were part of the refugee's family on the date of the asylum application).
- People who have been granted Exceptional Leave to Enter or Remain in the UK or Humanitarian Protection or Discretionary Leave (whether or not it is as the result of an asylum application) and their spouse or civil partner and children (there is no age limit for children and there is no requirement that family members were part of the family on the date of the asylum application).
- 16-18 year olds who are either:
  - accompanying, or joining, a parent, or parents, who have Right of Abode in the UK, or who have immigration permission to be in the UK, or who are EEA nationals, or who are coming to the UK as exchange scheme teachers, or who are diplomats; **OR**
  - British citizens, or EEA nationals, or have the Right of Abode in the UK; **OR**
  - asylum seekers; **OR**
  - in the care of social services.

You are a 16-18 year old if you are 16, 17 or 18 on 31 August of the year when you begin study. If you become 19 during the same study programme, you will still stay a 'home fee' payer.

- People in 'exceptional circumstances'. (Talk to your institution if you do not meet any of the above categories but think your case is 'exceptional').

## Further education courses in Wales

If you are in one of the **categories** you must be charged home fees. Most institutions in Wales will also charge 'home' fees, for courses funded by the National Assembly for Wales, to:

- asylum seekers who are receiving assistance from the Home Office or means tested benefits or voucher support/financial help from Social Services, and their dependants, and asylum seekers who are 16 to 18 years old and being looked after by Social Services
- learners who are British citizens aged 16 to 18 and on a full-time programme of study.

**If you are in any doubt about your eligibility for 'home fees' for further education, you should seek advice from your institution, Students' Union or [UKCISA's Students' Advice line](#).**

## Fee status: information checklist

**Many institutions have a 'fee status questionnaire' which they will ask you to complete. This checklist describes the type of information which institutions may ask you to provide. Please note that this list is for your information and guidance only: individual institutions may ask for more or**

**less information than is listed here.**

[print version of the fee status information checklist](#)

- Course start date (month and year)
- Your nationality/passport
- If you are married/in a civil partnership: nationality of your husband/wife/civil partner
- Nationality/nationalities of your parents
- Nationality/nationalities of any other relevant family members

If you are already in the UK:

- Date you arrived in the UK (dd/mm/yy)
- What is your immigration status in the UK? (For example, student or visitor). Please give dates of any changes or extensions
- Date of expiry (end) of current Leave to Remain ('visa') (dd/mm/yy)
- Current immigration status of your husband/wife/civil partner
- Current immigration status of your parents (if in the UK)
- Current immigration status of any other 'relevant family members' (if in the UK)
- Where you live/have lived:
  - (a) General (over at least the last six years)
  - (b) Past three years/three years before course start date
- Main reasons for residency (in all the countries you have lived in)
- Where your family lives/has lived (general)
- Main reasons for their residency

**IF YOU ARE APPLYING FOR A FURTHER EDUCATION COURSE:**

- Have you applied for asylum in the UK?
- If Yes:
  - (a) has a decision yet been made? (Result?)
  - (b) what are your means of support? (eg NASS?)

**[Courses in England and Northern Ireland only:]**

- Age and date of birth if 16-18
- Are you married to, or in a civil partnership with, a person who is settled in the UK?
  - If Yes: date of marriage or civil partnership ceremony (dd/mm/yy)
  - Date you arrived in England (dd/mm/yy)

**UKCISA Students' Advice Line**

Tel: 020 7107 9922

13.00-16.00 hours UK time Mon-Fri

Note that we cannot see personal callers.

If you are calling from outside the UK, do not dial the (0) in the telephone numbers above. For example, if you want to call UKCISA from outside the UK, dial +44 20 7107 9922. If you are in the UK, do not dial +44, but do start the number with 0. For example, if you call UKCISA from within the UK, dial 020 7107 9922.

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