

Those granted humanitarian protection, and family

(use this category only if the academic year you are paying fees for starts on or after 1 August 2023)

The requirements for this category were different in academic years that started before 1 August 2023. So it is important you look at the category titled 'Those granted humanitarian protection, and family (use this category only if the academic year you are paying fees for starts before 1 August 2023)' too, if you started before 1 August 2023.

In order to qualify for 'home' fees under this category, both criteria (a) and (b) must be met:

(a) you must be **ordinarily resident** in the **UK** on the day on which the first term of the first academic year **actually** begins (note this is a different date from the **first day of the first academic year of the course**)

Note: Usually you do not count as 'ordinarily resident' in a place unless your residence there is lawful. However, the regulations make a special adjustment to that for requirement (a) in this category. They say that if you (or your parent, spouse or civil partner) became a 'person granted humanitarian protection' after the day on which the first term of the first academic year actually began, you get special treatment. The special treatment means you are treated as though your residence was lawful, even if it was unlawful. The residence can therefore count as 'ordinary residence' for the purpose of requirement (a).

(b) on the **first day of the academic year** you are paying fees for (unless you are being assessed for the first academic year of your course, in which case use instead the day on which the first term of the first academic year **actually** begins), you must be:

1. a "person granted humanitarian protection", which means a person:

- who has been granted leave to remain in the UK under the Immigration Rules, on the grounds of 'humanitarian protection'; and
- whose leave to remain is 'extant', or in respect of whose leave to remain an appeal is pending; and
- who has been ordinarily resident in the **UK and Islands** throughout the period since being granted their humanitarian protection;

or

2. the spouse or civil partner of a "person granted humanitarian protection" (as above), and you:

- were the spouse or civil partner of that person on the date on which they applied for asylum; and
- you have been ordinarily resident in the [UK and Islands](#) throughout the period since being given your leave to enter or remain

or

3. the [child](#) of a "person granted humanitarian protection" (as above), or a child of that person's spouse or civil partner, and:

- at the time the person granted humanitarian protection applied for asylum, you must have been under 18 years old and the child of that person or of someone who was the spouse or civil partner of that person on that date; and
- you must have been ordinarily resident in the [UK and Islands](#) throughout the period since being given your leave to enter or remain

Note: Once you have qualified for this category for one year of your course, requirement (b) is less strict for later years of your course. So for later years of your course, it is acceptable if the "person granted humanitarian protection" loses their humanitarian protection, as long as one of the following things is true about them, on the first day of whatever academic year you are paying fees for:

- They have some kind of leave to remain; or
- They are a British or Irish citizen; or
- They are still waiting for a decision on an application for some kind of leave to remain, but they made that application late (after their previous leave expired). There is an extra requirement for this group: they must also be someone who qualifies under [paragraph SUI 13.1 of the Immigration Rules](#) not to be treated as an overstayer (read paragraph SUI 13.1 to see who that covers).

Useful tip: If they did not make their application late, then they have not yet lost their leave on grounds of humanitarian protection – read the section below headed 'Expiry date for the leave on grounds of humanitarian protection' if you want to see why.

This is a special adjustment to requirement (b) that the regulations make. It has not always existed, so the options in the first two bullet points exist for academic years that start on or after 1 August 2024, and the option in the third bullet point exists for academic years that start on or after 5 March 2026.

There is no three-year residence test for this category

The Government attempted to introduce one in 2019 but then quickly changed its mind. If your fee assessor tells you that a three-year residence test applies in this category, show them this page and ask them to contact UKCISA for further information.

Expiry date for leave on grounds of humanitarian protection

The leave to remain might have an expiry date. If the person makes an application to extend or change their leave before it expires, and that application is not decided before the expiry date, then immigration law dictates that they carry on being treated as a person with leave to remain on the grounds of humanitarian protection while they wait for a decision to be made (and if their application is refused, then also while they wait for an appeal or administrative review of the decision). They count as a 'person with leave to remain on the grounds of humanitarian protection' for fee assessment purposes during all of that time.

Becoming eligible

If you are, or if your parent (or your parent's spouse / civil partner) is, or if your own spouse / civil partner is, granted humanitarian protection 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.