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## 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**, (with similar regulations for **Northern Ireland and Wales**)

<http://www.direct.gov.uk/en/EducationAndLearning/UniversityAndHigherEducation/StudentFinance>

**Scotland**

[http://www.saas.gov.uk/student\\_support/residence\\_conditions.htm](http://www.saas.gov.uk/student_support/residence_conditions.htm)

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. 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. The good news is that parents do not have to return to the UK, or their young adult children don't have to take an extended gap time before study to qualify for UK academic fees and student loans. It all depends on what “ordinarily resident” means. The directgov 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.

*mission at the heart of the church, the church at the heart of mission*

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

[http://www.direct.gov.uk/en/EducationAndLearning/UniversityAndHigherEducation/StudentFinance/Gettingstarted/DG\\_171575](http://www.direct.gov.uk/en/EducationAndLearning/UniversityAndHigherEducation/StudentFinance/Gettingstarted/DG_171575)

The Scottish website specifies more about those students who are living in the EU, other EEA countries and Switzerland with the following requirements to be eligible for higher education study support

- You are a UK national or the family member of a UK national, and
- You or your family member are settled in the UK within the meaning of the Immigration Act, and
- You have been ordinarily resident elsewhere in the EEA or Switzerland during the three years immediately prior to the relevant date. If your residence during the three year period was only or mainly for education purposes, you must have been ordinarily resident anywhere in the EEA or Switzerland prior to this period of residence.

[http://www.saas.gov.uk/student\\_support/residence\\_conditions.htm](http://www.saas.gov.uk/student_support/residence_conditions.htm)

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&\\_sch\\_ema=PORTAL#5](http://practitioners.studentfinanceengland.co.uk/portal/page?_pageid=133,4210407&_dad=portal&_sch_ema=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 directgov and SAAS websites.**

Currently this means box G 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. 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.

### **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 May 2010*