

Student Support Information Note

Student Support Amending Regulations – changes to eligibility for Student Support in England for those with long residence in the UK

To: Higher Education Practitioners/England

SSIN 08/2016

Date: 07/06/2016

Dear Colleagues

The Education (Student Fees, Awards and Support) (Amendment) Regulations 2016 (SI.2016 No. 584) - New eligibility criterion in England for those with long residence in the UK

The Education (Student Fees, Awards and Support) (Amendment) Regulations 2016 (S.I. 2016 No. 584) were laid before Parliament on 16 May 2016. Provisions within these Regulations came into force on 6 June 2016. The Regulations amend the Education (Student Support) Regulations 2011 (S.I. 2011/1986).

Changes to the eligibility criteria for student support in England for the 2016/17 academic year and made through these amendment Regulations, confirm the proposals announced through the Written Ministerial Statement of 26 April 2016. Details can be found here:

<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statements/>

The amending regulations replace the interim policy that was introduced in September 2015 and extend the residency criteria to include those with long residence in the UK, residing in England and with three years lawful ordinary residence prior to the first day of the first academic year of their course. Those who meet the necessary criteria and other eligibility criteria will qualify for home fee status and student support.

Policy Background

The policy change followed a ruling of the Supreme Court on 29 July 2015 that it was unlawful to refuse an individual student, Ms Beaurish Tigere, a student loan solely on the basis she was not settled in the UK. The majority of students secure student support and home fee status in this way. The change was subject to a public consultation during December 2015/January 2016 and a full consultation response and equality impact assessment was published on 26 April 2016 on Gov.uk.

<https://www.gov.uk/government/consultations/student-support-for-non-uk-nationals-who-have-lived-in-the-uk-for-a-long-time>

Settled status will remain the most common route for students to become eligible for student support, but those with a period of long residence in the UK may also become eligible. Student support will now be available for those persons who are:

- under 18 years of age and who have lived in the UK for at least 7 years prior to the first day of the first academic year of their course; or are
- Aged 18 years and above who have either spent at least half their life in the UK or at least 20 years in the UK prior to the first day of the first academic year of their course.

In all cases, the students would also need to demonstrate they are resident in England and have three years' ordinary lawful residence in the United Kingdom immediately preceding the first day of the first academic year of their course, as well as meeting other relevant eligibility criteria, to be able to access student support. Those meeting these criteria will also qualify for home fee status.

Electronic copies of the Education (Student Fees, Awards and Support) (Amendment) Regulations 2016 (S.I. 2016 No. 584) can be downloaded from the 'legislation.gov.uk' website at:

http://www.legislation.gov.uk/ukxi/2016/584/pdfs/ukxi_20160584_en.pdf

ENQUIRIES

If you have any queries about the Student Support Regulations, please contact, in the first instance, the Student Finance England Practitioner Support Team – telephone 0300 100 0618; email SSIN_queries@slc.co.uk