



Llywodraeth Cymru
Welsh Government

Student Finance Wales Information Notice

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EU exit: New eligibility rules for home fee status and student support for the 2021/22 academic year

January 2021

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Introduction

1. The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2021 ('the Regulations') are currently being drafted and once made will amend the regulations which provide for support and home fee status for students ordinarily resident in Wales taking a designated course of higher education on or after 1 August 2021.
2. The arrangements described here are subject to change and to the Regulations being made. This document is designed to assist with the interpretation of the Regulations. It does not cover every aspect of student support nor does it constitute legal advice or a definitive statement of the law. Whilst every endeavour has been made to ensure the information contained is correct at the time of publication, this guidance should not be relied upon as a complete and accurate summary of the Regulations, which are yet to be made. In the event of anomalies between this guidance and the Regulations, the Regulations prevail.
3. As a result of the UK's withdrawal from the European Union, significant changes to the eligibility of students for support are necessary. A number of existing eligibility categories will apply only to those on courses which began before 1 August 2021. New eligibility categories will be included for those on courses on or after 1 August 2021. Some categories are unchanged (those unaffected by withdrawal from the EU).
4. Students who have started or who start courses before 1 August 2021 will continue to be eligible for support and home fee status for the duration of their course, if they continue to meet the eligibility criteria.
5. From 1 August 2021, subject to the Regulations being made, the Welsh Government will provide support to EU, EEA and Swiss nationals who benefit from citizens' rights under the various withdrawal agreements and the family members of EU nationals, family members of People of Northern Ireland, Children of Swiss nationals, Children of Turkish Workers, UK nationals living in the EEA and Switzerland, UK and EU nationals resident in Gibraltar, and persons under the Common Travel Area arrangement. Some groups will have support limited to courses beginning before 1 January 2028. All groups will benefit from home fee status in Wales. In addition, UK nationals living in the British overseas territories will be eligible for home fee status, as will, until 1 January 2028, UK nationals living in the EU overseas territories.

6. As is usual, residency conditions will apply in order that the applicant demonstrate a connection to the UK.
7. The Withdrawal Agreement agreed by the UK Government with the European Union provides that the principle of equal treatment will continue to apply for those covered by the citizens' rights provisions. This means that EU nationals and their family members lawfully resident in the UK on or before the end of the transition period on 31 December 2020 will be eligible for support on a similar basis as now. Similar agreements have been signed with the EEA-EFTA states and Switzerland and the same principle will apply.
8. The Regulations will apply to academic years beginning on or after 1 August 2021.

Academic year 2020/21

9. Students who have started or who start courses before 1 August 2021 will continue to be eligible for support and home fee status for the duration of their course, if they continue to meet the eligibility criteria.

Academic year 2021/22

10. For courses beginning on or after 1 August 2021, those EU and other EEA and Swiss nationals and their family members who are not covered by the withdrawal agreements will not be eligible for home fee status, undergraduate or postgraduate support. Children of Turkish workers arriving in the UK after 31 December 2020 will not be eligible for home fee status and student support for courses starting on or after 1 August 2021.
11. These eligibility changes do not apply to Irish citizens living in the UK whose rights are preserved on a reciprocal basis for British and Irish citizens under the Common Travel Area arrangement.
12. EU, other EEA and Swiss nationals and their family members who are covered by the withdrawal agreements will continue to have access to home fee status and student financial support on broadly the same basis as now. Generally, this covers those who:
 - are living in the UK by 31 December 2020 having exercised a right to reside under EU law, the EEA Agreement or the Free Movement of Persons Agreement; and
 - continue to live in the UK after 31 December 2020.

13. Such persons will have applied for pre-settled or settled status under the EU Settlement Scheme (EUSS). Irish citizens are not required to apply as their rights are protected as a result of Common Travel Area arrangement.

Settled status

14. Those who have been granted settled status under the EUSS will generally be eligible for home fee status, tuition fee and maintenance support if they have been ordinarily resident in the UK and Islands for at least 3 years.
15. Irish citizens are treated as settled in the UK and do not need to apply to the EUSS to benefit from these rights.

Pre-settled status

16. EU nationals and their family members who are undertaking a course in Wales will be eligible for tuition fee support where they have pre-settled status and three years' residence in the UK, Gibraltar, EEA and Switzerland (unless that residence was wholly or mainly for the purpose of education). They will also be eligible for home fee status.
17. Those with three years' residence in the UK and Islands and resident in Wales will be eligible for tuition fee and maintenance support, as well as home fee status, wherever they undertake a course.
18. EEA and Swiss workers and their family members will be eligible for tuition fee and maintenance support where they have pre-settled status and three years' residency in the UK, Gibraltar, EEA and Switzerland. They will also be eligible for home fee status.
19. The child of a former EEA or Swiss worker will also be eligible for tuition fee and maintenance support where the student has pre-settled status and three years' residency in the UK, Gibraltar, EEA and Switzerland. They will be eligible for home fee status.
20. Family members of people of Northern Ireland, where the family member has pre-settled status, will be eligible for home fee status and tuition fee support on the same basis as family members of EU nationals covered by the withdrawal agreement.

UK nationals living in the EEA, Switzerland and EU Overseas Territories

21. UK nationals and their family members living in the EEA or Switzerland on 31 December 2020 will generally be eligible for home fee status, tuition fee and

maintenance support for courses starting on or after 1 August 2021 and before 1 January 2028 if they meet the following conditions:

- they were living in the EEA or Switzerland on 31 December 2020 (or have moved back to the UK immediately after living in the EEA or Switzerland); and
- they have lived in the EEA, Switzerland, the UK or Gibraltar for at least the last three years; and
- they have lived continuously in the EEA, Switzerland, the UK or Gibraltar between 31 December 2020 and the start of the course.

22. UK nationals and their family members living in the EU Overseas Territories on 31 December 2020 will continue to be eligible for home fee status for courses starting before 1 January 2028.

Children of Swiss nationals

23. The children of Swiss nationals covered by the Swiss Citizens' Rights Agreement will generally be eligible for home fee status, tuition fee and maintenance support after three years' residency in the UK, Gibraltar, EEA and Switzerland (unless that residence was wholly or mainly for the purpose of education).

Children of Turkish Workers

24. Children of Turkish workers are not covered by the Withdrawal Agreements, but if they and their parent are living in the UK by 31 December 2020 and the parent's period of leave to remain continues to be valid, they will be eligible for home fee status, tuition fee and maintenance support after three years' residency in the UK, Gibraltar, EEA, Switzerland and Turkey.

The Common Travel Area arrangement with Ireland

25. Irish citizens resident in the UK, Islands or the Republic of Ireland for three years before the start of their course and undertaking a course in Wales will be eligible for home fee status and tuition fee loans on the same basis as UK nationals.
26. Additionally, Irish citizens will be eligible for maintenance support from the Welsh Government if resident in Wales and if they have lived in the UK and Islands for three years before the start of the course.

UK and EU nationals resident in Gibraltar

27. UK nationals resident in Gibraltar, and EU nationals and their family members who have a right to reside there arising from the withdrawal agreement, will continue to be eligible for home fee status on the basis of three years' residency in the UK, Gibraltar, EEA and Switzerland. They will be eligible for fee support for courses in Wales beginning before 1 January 2028.

UK nationals resident in the other overseas territories

28. UK nationals living in other British Overseas Territories will be eligible for home fee status when studying in Wales, on the basis of three years' residency in the overseas territory, EEA and Switzerland before the start of the course.