



Llywodraeth Cymru
Welsh Government

PUBLICATION

Student Finance Wales Information Notice

Eligibility for home fee status and student support for the 2021/22 academic year. (SFWIN 08/2021)

November 2021

Eligibility for home fee status and student support for the 2021/22 academic year.

Overview

1. The Education (Student Fees, Awards and Support) (Amendment) (Wales) Regulations 2021 (“the Regulations”) are currently being drafted and once made will amend the Education (Student Support) (Wales) Regulations 2017 and the Education (Student Support) (Wales) Regulations 2018 which provide for financial support for students ordinarily resident in Wales taking a designated course of higher education. The Regulations also make corresponding amendments to:
 - the Education (Fees and Awards) (Wales) Regulations 2007;
 - the Education (Student Support) (European University Institute) Regulations 2010;
 - the Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015;
 - the Education (Postgraduate Master’s Degree Loans) (Wales) Regulations 2017;
 - the Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018;
 - and
 - the Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019.
2. The Regulations will make Irish citizens who have lived in the EEA and Switzerland eligible for financial support and home fee status. In addition, the Regulations amend the student support regulations to reflect the fact that late applicants to the EU Settlement Scheme and joining family members applying to the EU Settlement Scheme are eligible for support and home fee status.
3. In addition, the requirement for certain persons to be ordinarily resident on the first day of the first academic year of the course will be changed to a requirement to be ordinarily resident on the day on which the first term of the first academic year actually begins. A technical amendment is also made to ensure that certain persons resident in the Crown Dependencies are not eligible for support, maintaining existing policy.
4. Whilst every attempt 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 differences between this guidance and the Regulations, the Regulations prevail. The intention is for the amendments made by the Regulations to come into force on 31 December 2021.

The EU Settlement Scheme

5. Amendments made by these Regulations ensure that full effect is given to the EU Withdrawal Agreement as it relates to the rights of those making late applications to the EU Settlement Scheme (EUSS) and to future joining family members who have yet to apply to the EUSS and are still within the deadline for doing so.

Irish citizens living in the EEA and Switzerland

6. The Common Travel Area arrangement with Ireland is a long-standing political understanding which provides for British and Irish citizens to enjoy reciprocal rights and privileges in each other's state. This includes rights to home fee status, and to higher and further education student support, subject to meeting the eligibility criteria on terms no less favourable than those for British citizens.
7. Regulations will provide for a new eligibility category for Irish citizens in the EEA and Switzerland. Those falling into the category will be eligible for home fee status and tuition fee support for courses in Wales starting on or before 31 December 2027. This does not affect those Irish citizens living in Ireland, who are already eligible for home fee status and tuition fee support.
8. Residency requirements for an Irish national for eligibility for tuition fee support are intended as follows:

Ordinarily resident immediately before IP completion day—

- (i) in the territory comprising the European Economic Area and Switzerland; or
- (ii) in the United Kingdom, where that ordinary residence began after 31st December 2017 immediately following a period of ordinary residence in the territory comprising the European Economic Area and Switzerland, and remained ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the period beginning on IP completion day and ending immediately before the first day of the first academic year of the course.

and

Ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and

Whose ordinary residence in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland has not during any part of the period been wholly or mainly for the purpose of receiving full-time education (unless the temporary employment exclusion applies).

9. In addition, those resident in these territories and the EU overseas territories will be eligible for home fee status.

Students from the Crown Dependencies

10. The Regulations will amend provisions relating to eligibility for student support of persons who are settled in the UK and have been ordinarily resident in the Common Travel Area (UK, Crown Dependencies and Ireland). Students coming to Wales from the Crown Dependencies solely for the purpose of study are not eligible for financial support. A consultation on whether students from the Crown Dependencies should be made eligible for home fee status ended on 25 October. Further information about the outcome of that consultation will be provided shortly.

First day residency requirements for certain settled persons

11. An amendment to regulations is also planned to change the first day requirements for those settled in the UK and undertaking a course in Wales who have been ordinarily resident in the territory comprising the United Kingdom, Islands and the Republic of Ireland throughout the three-year period preceding the first day of the first academic year of the course. A person who has been ordinarily resident for at least part of that period in the Republic of Ireland will now need to be settled in the UK on the day on which the first term of the first academic year actually begins, rather than on the first day of the first academic year of the course. Other requirements are unaffected. This may affect Irish students in particular.

Further information

12. Readers may contact Welsh Government or their usual contact in the Student Loans Company/Student Finance Wales for more information on eligibility. Welsh Government can be contacted at—

HEDConsultationsmailbox@gov.wales