

POSTGRADUATE LOAN (PGL) FOR MASTER'S STUDY AY2016/17 (England)

Residency EDITION 2

Postgraduate Loan will be available to:

- English domiciled students, i.e. those students who have been ordinarily resident in the UK and Islands for the three years prior to the first AY start date and most recently in England (unless they have moved to England from elsewhere in the UK and Islands solely for the purposes of attending the course); and
- Non-UK EU students who have been ordinarily resident anywhere in the EEA / Switzerland for the past three years but do not meet the requirements above to be assessed as English domiciled students*;
- Other groups of applicants who satisfy the regulatory residency requirements in the Student Support Regulations.

*Note that this group must attend the course (or undertake the course where they are distance learning) in England. The requirement to attend in England is satisfied where the student is attending a campus in England and the campus is part of an HE Provider that is based in a different UK territory.

Regulatory residency categories for PGL will be in line with those that apply to undergraduate HE student support. These categories are set out in Part2 of Schedule 1 of the Education (student Support) Regulations 2011 (<http://www.legislation.gov.uk/uksi/2011/1986>), and will be mirrored in PGL regulations.

Q&A

How is the term 'ordinarily resident' defined?

Although not defined in the Regulations, 'ordinarily resident' has been interpreted by the courts as lawful habitual and normal residence from choice and for a settled purpose throughout the prescribed period, apart from temporary or occasional absences.

Paragraph 1(3) of Part 1 of Schedule 1[UG Regs] provides that a student who has been ordinarily resident in either Scotland, Northern Ireland, Wales, the Channel Islands, or the Isle of Man who moves to England specifically for the purpose of undertaking the current course or a course which the student was undertaking immediately before the current course should be regarded as being ordinarily resident in the place from which they have moved. Such a student should contact the responsible authority in the area they have moved from to apply for support and are assessed for support under the rules that apply there. Those students ordinarily resident in England apply to SFE.

If the student moves to England specifically to study a Postgraduate course, will the student be eligible for Postgraduate funding?

UK National: Individuals who move to England solely for the purposes of attending the course are unlikely to be eligible.

EU National: If the student is an EU national, or was settled in the UK and was deemed to be temporarily absent from England or exercising a 'right to roam' in the EEA/Switzerland they may be eligible for PGL.

What examples can be given of 'temporary absence'?

Temporary absences can include, but are not limited to, temporary employment, employment with the armed forces, periods of study and extended holidays/travelling.

If an English domiciled student has completed their UG degree in Scotland/Wales/NI and wishes to commence a Postgraduate course in AY16/17 at the same HE Provider, is the student eligible for Postgraduate funding?

Yes. Where residency within Scotland/Wales/NI was for the specific purpose of education.

If a student domiciled in Scotland/Wales/NI completed their UG degree at an English HE Provider, would they be eligible for Postgraduate funding?

No. Residency in England was for the purpose of education, therefore the applicant would be ineligible for Postgraduate funding.

If an applicant domiciled in Scotland/Wales/NI completed their UG degree at an English HE Provider, and subsequently remained within England for work purposes, would the applicant be eligible for Postgraduate funding?

It would be necessary for the applicant to demonstrate that they are now ordinarily resident in England, providing three years of address history, SFE may check this information and seek evidence. Applications are considered on a case by case basis.

Q&A

Will all applicants be required to provide address history?

All applicants (with the exception of refugees) must provide details of their home address(es) covering the three year period prior to the first day of the first academic year of the course, and the start and end dates of residence periods at each address.

Will the residency of parents be considered?

No. Only the ordinary residency of the student will be considered when establishing eligibility.

What are the residency requirements for migrant workers/students with refugee status and leave to remain?

Regulatory residency requirements for PGL will be broadly similar to those that currently apply to undergraduate HE student support.

Will PG funding be made available to EEA migrant/Swiss workers?

Yes. As above, Regulatory residency requirements for PGL will be broadly similar to those that currently apply to undergraduate HE student support.

Do EU students need to study in England to be eligible for PG funding?

For those EU students who have been ordinarily resident anywhere in the EEA / Switzerland for the past three years but do not meet the requirements to be assessed as English domiciled students, must attend the course (or undertake the course where they are distance learning) in England.

The requirement to attend in England is satisfied where the student is attending a campus in England and the campus is part of an HE Provider that is based in a different UK territory. It should also be noted that EU

students are permitted to attend field trips and placements outwith England where they form part of a course that is delivered by a provider in England.

New residency category

Following a Supreme Court judgement (*Tigere v. Secretary of State for BIS*), a new residency category has been created and is being added to student support regulations from AY 2016/17. This category will also be an eligibility category for PGL.

Applicants who are eligible under the new residency category will have Discretionary Leave or Limited Leave to remain status from the Home Office and will be required to demonstrate that they meet either one of the following criterion regarding their ordinary residence in the UK and Islands:

- Those under 18 years of age who have lived in the UK for at least 7 years;
- Those ages 18 and over who have spent at least half their life in the UK or at least 20 years in the UK.

Example Scenarios

UK Nationals

Jason is a UK national who confirms that he has been living in the UK and Islands for three years prior to the first day of the first AY of the course. He gives the following address history (most recent address first):

England: 2 months

Scotland: 2 years and 10 months

Jason's residence in Scotland is not deemed to be temporary (as he was ordinarily resident in Scotland and was not living there for a temporary purpose such as education). SFE concludes that he moved to England for the purposes of starting the course. He is therefore ineligible for PGL.

Stuart is a UK national who confirms that he has been living in the UK and Islands for three years prior to the first day of the first AY of the course. He gives the following address history (most recent address first):

England: 2 years

Wales: 1 year

As Stuart is a UK national who is ordinarily resident in England on the first day of the first AY of the course and who has been ordinarily resident in the UK and Islands for three years prior to the first day of the first academic year of the course, he is eligible for PGL.

Bridget is a UK national who confirms that she has not been living in the UK and Islands for three years prior to the first day of the first AY of the course. She gives the following address history (most recent address first):

England: 1 month

France: 2 years and 11 months

Bridget returned from France to England in order to start the course. However, she was resident in England prior to living in France; she is therefore eligible for PGL as she left England to exercise her 'right to roam' in the EEA / Switzerland. *(Note that if she was ordinarily resident in a different UK territory prior to leaving the UK, she should apply to that territory for support rather than SFE.)*

Lawrence is a UK national who confirms that he has not been living in the UK and Islands for three years prior to the first day of the first AY of the course. He gives the following address history (most recent address first):

England: 1 month

Australia: 6 months

England: 2 years 5 months

Example Scenarios

As his residence in Australia is a temporary work contract and he did not intend to stay in Australia indefinitely, it is deemed to be a temporary absence and he is still considered to be ordinarily resident in England. He is therefore eligible for PGL.

EU Nationals

Jaime is a Spanish national who confirms that he has been living in the UK and Islands for three years prior to the first day of the first AY of the course. He gives the following address history (most recent address first):

England: 1 year

Scotland: 2 years

He is eligible to apply for PGL and is treated as English domiciled as he has been ordinarily resident in the UK and Islands for three years prior to the first day of the first AY of the course.

Katrin is an Estonian national who confirms that she has not been living in the UK and Islands for three years prior to the first day of the first AY of the course. She gives the following address history (most recent address first):

Germany: 2 years

Estonia: 1 year

She comes to England to start the course. She is eligible for PGL as an EU student (i.e. a non-UK EU national who has been living in the EEA / Switzerland for three years prior to the first day of the first AY of the course) as long as she is attending / undertaking the course in England.

Example Evidence

Examples of evidence which are acceptable to support proof of residency:

Evidence	Example
Child Tax Credits Letter	Covers periods stated in letter
Child Benefit Documents	Can be accepted as supporting evidence
Original Bank Statements	Must cover start of course and show regular activity
Printed Internet Bank Statements	Must be considered a safe/secure document and have a valid internet bank address at the bottom
DWP, Disabled living Allowance and Job Centre Plus Letters	Showing details of Claim and Covers time stated in letter
Marriage and Child Birth Certificates	Supporting Evidence

Further Information

Where will details of engagement activity, guidance and future communications be held?

Information regarding Service Specifications, Guidance and Best Practice, events and forums, can be found at the following service information websites:

HEP Services www.heiinfo.slc.co.uk

IAG Partner Services www.practitioners.slc.co.uk