



## **Exceptions to the general residence conditions**

## Exceptions to the general residence conditions

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### 1 GENERAL RESIDENCE CONDITIONS

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### General residence conditions

In general, to be eligible to apply for support (tuition fees, student loan, bursary and living-costs grants), you must meet the following conditions.

- Be ordinarily resident in the United Kingdom, the Channel Islands or the Isle of Man for the three years immediately before the relevant date (the first day of the first academic year of the course). If you fall short of being ordinarily resident in the UK and Islands for the three year qualifying period, even by one day, you will not be eligible to apply for support under the normal residence conditions, and
- If you are not a UK or other EU national, you must have 'settled status' in the UK (as set out in the Immigration Act 1971) on the relevant date, and
- Be ordinarily resident in Scotland on the relevant date. We will not treat you as being ordinarily resident in Scotland if your main purpose in coming here has been to receive full-time education and that you would have otherwise been living elsewhere.

If you are not eligible for support under the general residence conditions, you may still be eligible to apply to us for support under one of the exceptions to the ordinary residence conditions. Select the appropriate link from the list at the top of this page for more details.

### Residence wholly or mainly for education

We will not normally treat you as being ordinary resident in the UK and Scotland if any period during the three years immediately prior to the relevant date was wholly or mainly for the purpose of receiving full-time education.

### Relevant date

To be eligible to apply for support, in most cases, you must be ordinarily resident in Scotland on the relevant date. The exception to this is for qualifying EU nationals, who want to study in Scotland, who are applying to us for an [EU tuition fees only award](#). Also, those who we regard as temporary absence from the UK. Select the appropriate link from the list at the top of this page for more details.

The relevant dates are as follows:

- 1 August for courses that start between 1 August and 31 December
- 1 January for courses that start between 1 January and 31 March
- 1 April for courses that start between 1 April and 30 June
- 1 July for courses that start between 1 July and 31 July

## 2 UK NATIONALS AND FAMILY MEMBERS OF SUCH NOT LIVING IN THE UK

- [UK national or family member of such who has returned to the UK to live or study, who currently lives or has lived in another EU member state, elsewhere in the EEA or Switzerland.](#)
- [UK national who was born in and has spent the greater part of their life in the UK](#)
- [UK national or family member of such who is temporary absent from the UK and/or Scotland who is living outside the EU, EEA or Switzerland](#)

### **UK national or family member of such who has returned to the UK to live or study, who currently lives or has lived in another EU member state, elsewhere in the EEA or Switzerland**

To be eligible to apply for full support to study a course of higher education in the UK, you must meet the following conditions.

- You are, on the relevant date, a UK national or the family member of such, and
- You are settled in the UK within the meaning of the Immigration Act\*, and
- You have been ordinarily resident 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.
- You were ordinarily resident in **Scotland** before leaving the UK, and no part of that residence in Scotland, during the three years prior to leaving, was only or mainly for education purposes.

\* If you are eligible to apply for full support as the family member of a UK national, which will apply to you if you are not a UK national yourself, you do not have to be settled in the UK within the meaning of the Immigration Act. You do however have to be ordinarily resident in Scotland before you left the UK.

If you were ordinarily resident **elsewhere in the UK** before leaving and you want to study in Scotland, you may be eligible to apply for an [EU tuition fees only award](#). For help with your living costs, you should apply to the relevant funding body in the UK where you lived prior to leaving the UK.

If you have **never lived/been ordinarily resident in the UK** and you will be studying in Scotland, you may be eligible to apply for an [EU tuition fees only award](#).

### 3 EU NATIONALS AND FAMILY MEMBERS OF SUCH

- [EU tuition fees only award](#)
- [Full support](#)
- [Countries joining the EU](#)

#### EU tuition fees only award

UK, EU and dual EU/UK nationals can apply to us for an EU tuition fees only award. To be eligible for such, you must meet the following conditions.

- You are, on the relevant date, a qualifying EU national or the [family member](#)\* of such, accompanying or joining that EU national in the UK. (An EU national does not include a UK national who has not utilised a right of residence. A UK national has utilised a right of residence if that person has exercised a right, under Article 7 of the Directive 2004/38 or any equivalent right under the EEA agreement or the Switzerland agreement, to live ordinarily in an EU state, other than the UK, the EEA or Switzerland).
- You have been ordinarily resident in the EU, the EU overseas territories, elsewhere in the EEA or Switzerland for the three years immediately prior to the first day of the first academic year of your course (the relevant date). For the majority of students who start a course in the autumn term, the 'relevant date' is 1 August.
- You are taking a course of full-time study in Scotland and plan to graduate in Scotland.
- You do not already have a degree for which you received support from your home country, another EU member state or the European Social Fund.

\*If you are claiming support as the family member of an EU national, you don't have to meet the second condition above. However, the person you are the family member of does.

We will not pay your tuition fees if you are studying in Scotland for one year as part of your course in your home country, which you will return to, if you are receiving support for this year from your education authority or university in the country you normally live in.

If you are looking to do the honours year of an ordinary degree that you already hold, and you received support from your home country, another EU member state or the European Social Fund for this, we **may** pay your tuition fees for your honours year. Contact us for advice.

If you do not meet the second condition above, you **may** still be eligible to apply for payment of your fees if:

- [you were born in and have spent the greater part of your life in the EU, the EU overseas territories, elsewhere in the EEA or Switzerland; or](#)
- [you or your family member are returning from temporary employment or study outside the EU, the EU overseas territories, elsewhere in the EEA or Switzerland; or](#)
- [your country has just joined the EU](#)

## Full support

UK, dual UK/EU and non-UK EU only nationals can apply to us for full support. UK nationals will normally have to meet the general residence conditions or one of the exceptions to such. Select the first two links from the list at the top of the page for more details.

## Dual UK/EU and Non-UK EU nationals and family members of such

To be eligible to apply for full support (tuition fees, loan, bursary and living-costs grants), you must:

- be, on the relevant date, a dual UK/EU or non-UK EU national or [family member](#) of such;
- have been ordinarily resident in the United Kingdom, the Channel Islands or the Isle of Man for the three years immediately prior to the first day of the first academic year of your course (the relevant date).

If your residence in the UK was wholly or mainly to receive full-time education (secondary, further or higher education), if you were ordinarily resident in the EEA (not the UK) or Switzerland immediately prior to your period of residence in the UK, we will regard your residence in the UK as ordinary residence. If you were ordinarily resident outside the EEA or Switzerland prior to your residence in the UK, we will NOT regard your residence in the UK as ordinary residence; and

- be ordinarily resident in Scotland on the relevant date.

If you do not meet the second condition above, you **may** still be eligible to apply for full support if:

- [you were born in and have spent the greater part of your life in the UK](#); or
- [you or your family member are returning from temporary employment or study outside the UK](#);  
or
- [you meet our EEA migrant worker/self-employed person conditions](#); or
- [you are the family member of an EEA migrant worker/self-employed person](#); or
- [you are the family member of an EEA frontier worker/self-employed person](#).

## Countries joining the EU

When your country joins the EU, we will treat your country as if it has always been part of the EU. This means, you will meet the requirement of being ordinarily resident in the EEA or Switzerland during the three years immediately prior to the relevant date and therefore may be eligible for an [EU tuition fees only award](#).

If you are already living in the UK when your country joins the EU, you may qualify for full support. See the section or relevant links immediately above for details.

## 4 DUAL UK/EU NATIONALS LIVING IN THE UK (not Scotland) AND FAMILY MEMBERS OF SUCH

You must demonstrate that you have utilised a right of residence (lived ordinarily) elsewhere in the EU, EEA or Switzerland to be eligible to apply for payment of [EU tuition fees](#). You cannot apply to us for full support. You can claim full support or living-costs support only, from the funding body in the UK where you live.

If you started your course prior to session 2013-2014, and you are on the same course, you will continue to be eligible to apply to us for an EU tuition fees only award, for the duration of your course, under the rules that were in place when you started your course. This means, you will not have to demonstrate you have utilised a right of residence to live elsewhere in the EU, EEA or Switzerland to qualify for payment of EU tuition fees only.

## 5 EEA NATIONALS AND FAMILY MEMBERS OF SUCH

- [EEA migrant worker/self-employed person](#)
- [Family member of an EEA migrant workers/self-employed person](#)
- [Family member of an EEA frontier worker/self-employed person](#)

### EEA Migrant worker/self-employed person

You may be eligible to apply for full support, if you meet the following conditions

- You are an EEA (non UK) national. This can include dual UK/EEA nationals; and
- You have been ordinarily resident in the EEA or Switzerland for the three years immediately prior to the relevant date, and
- you are ordinarily resident in Scotland on the relevant date, and
- you are or have been employed or self-employed in the UK

Your employment/self employment in the UK must be genuine and effective and not marginal and ancillary. This means you have to be working legally and are paid for your employment/self employment. If your employment/self employment in the UK has been for a short period of time (less than three months), we may not regard you as a worker/self-employed person in the UK, even if you meet all of the other eligibility conditions above and below.

If we are satisfied you are a worker/self employed person in the UK, you do not have to continue to work while you study or satisfy us that you are a worker/self employed person in any academic year that follows us granting you worker/self employed status in the UK. If we offer you full support as a worker/self-employed person in the UK, we will continue to offer you this until the end of your course, and

- your employment/self employment in the UK, is related to your course of study and you did not undertake that employment/self employment because it was a pre-entry requirement to you gaining a place on the course, or
- you were made involuntarily unemployed from the job you did immediately prior to applying for worker/self employed status in the UK, and
- you satisfy all the other conditions of the scheme, for example, previous study rules.

If you do not meet the first condition above, you **may** still be eligible to apply for full support if:

- [you were born in and have spent the greater part of your life in the EEA or Switzerland](#); or

- [you are returning from temporary employment or study outside the EEA or Switzerland](#)

If you started your course in session 2010-2011 or earlier, and we gave you full support as an EEA migrant worker/self-employed person, you will still have to continue to work while you study and demonstrate that your work is your predominant activity in the UK and not your study. If you need advice about this please contact us. Also, we will assess your entitlement to full support as an EEA migrant worker/self-employed person on an annual basis. Your receipt of full support in one academic year does not mean you will qualify for full support in future academic years. This does not include your fees if you are entitled to have them paid as an EU national or the family member of such. We will continue to pay your fees until the end of your course.

### **Family member of an EEA migrant worker/self-employed person**

If you do not meet the conditions for us to regard **you** as an EEA migrant worker/self-employed person in the UK, you may still be eligible to apply for full support if you are the [family member](#) of an EEA migrant worker/self-employed person and you and your family member meet the relevant conditions set out below.

- Your family member is employed or self-employed in the UK. Their employment/self-employment must be genuine and effective. This means they are working legally and are paid for their employment/self-employment.

If their employment/self-employment in the UK has been for a short period of time (less than three months), we may not regard them as a worker/self-employed person in the UK. However, if the level of their income is sufficient to support themselves and their family and they will continue to work while you study, we can still consider them as a worker/self-employed person in the UK, and

- You have been ordinarily resident in the EEA or Switzerland for the three years immediately prior to the relevant date. Your family member does not need to meet this condition, and
- You have been ordinarily resident in Scotland on the relevant date. Your family member does not need to meet this condition, and
- You satisfy all the other conditions of the scheme, for example, previous study rules.

### **Family member of an EEA frontier worker/self-employed person**

If you normally live in the EEA (except the UK) or Switzerland, and you have a family member, for example your father, who works or is self-employed in Scotland, you may be able to apply to us for full support. To qualify for such, your family member who works in the UK, must normally live elsewhere in the EEA or Switzerland. And they must return to where they normally live in the EEA or Switzerland on a daily basis or at least once a week. If you think this applies to you contact us for advice.

## **6 NON-EEA NATIONALS AND FAMILY MEMBERS OF SUCH**

If you don't meet the [normal residence conditions](#) as set out in section 1 above - this maybe because you don't have 'settled status' in the UK or you have been living in the UK for less than three years - you may still be eligible for funding, if you meet one of the other conditions in the list above. Select the relevant link that applies to you for more details.

## **7 SWISS NATIONALS AND FAMILY MEMBERS OF SUCH**

- [Swiss employed or self-employed person in the UK](#)

- [Family member of a Swiss employed or self-employed person in the UK](#)
- [Family member of a Swiss frontier employed or self-employed person in the UK](#)
- [Child of a Swiss national](#)

### **Swiss employed/ self-employed person in the UK**

You will be eligible to apply for full support if you meet the following conditions.

- You have been ordinarily resident in the EEA or Switzerland for the three years immediately prior to the relevant date, and
- You have been ordinarily resident in Scotland on the relevant date, and
- You are or have been employed/self-employed in the UK.

Your employment/self-employment in the UK must be genuine and effective and not marginal and ancillary. This means you have to be employed/self employed legally and are paid for your employment/self-employment in the UK. If your employment/self-employment has been for a short period of time (less than three months), we may not regard you as an employed/self-employed person in the UK, even if you meet all of the other eligibility conditions above and below.

If we are satisfied you are a worker/self employed person in the UK, you do not have to continue to work while you study or satisfy us that you are a worker/self employed person in any academic year that follows us granting you worker/self employed status in the UK. If we offer you full support as a worker/self-employed person, we will continue to offer you this until the end of your course, and

- Your employment/self employment in the UK, is related to your course of study, and you did not undertake that employment/self-employment because it was a pre-entry requirement to you gaining a place on the course, or
- You were made involuntarily unemployed from the job you did immediately prior to applying for migrant worker status in the UK, and
- You satisfy all the other conditions of the scheme, for example, previous study rules.

If you do not meet the first condition above, you **may** still be eligible to apply for full support if:

- [you were born in and have spent the greater part of your life in the EEA or Switzerland](#); or
- [you are returning from temporary employment or study outside the EEA or Switzerland](#)

If you started your course in session 2010-2011 or earlier, and we gave you full support as a Swiss employed or self-employed person, you will still have to continue to work while you study and demonstrate that your work is your predominant activity in the UK and not your study. If you need advice about this please contact us. Also, we will assess your entitlement to full support as a Swiss employed or self-employed person on an annual basis. Your receipt of full support in one academic year does not mean you will qualify for full support in future academic years.

### **Family member of a Swiss employed or self-employed person in the UK**

If you do not meet the conditions for us to regard you as a Swiss employed or self-employed person in the UK, you may still be eligible to apply for full support if you are the [family member](#) of a Swiss



employed or self-employed person in the UK if you and your family member meet the relevant conditions set out below.

- Your family member is employed/self-employed in the UK. Their employment/self-employment in the UK must be genuine and effective. This means they are working legally and are paid for their employment/self-employment.

If their employment/self-employment in the UK has been for a short period of time (less than three months), we may not regard them as an employed/self-employed person in the UK. However, if the level of their income is sufficient to support themselves and their family and they will continue to work while you study, we can still consider them as an employed/self-employed person, and

- You have been ordinarily resident in the EEA or Switzerland for the three years immediately prior to the relevant date. Your family member does not need to meet this condition, and
- You have been ordinarily resident in Scotland on the relevant date. Your family member does not need to meet this condition, and

You satisfy all the other conditions of the scheme, for example, previous study rules.

### **Family member of a Swiss frontier employed or self-employed person in the UK**

If you normally live in the EEA (except the UK) or Switzerland, and you have a Swiss family member, for example your father, who works or is self-employed in Scotland, you may be able to apply to us for full support. To qualify for such, your Swiss family member who works in the UK, must normally live elsewhere in the EEA or Switzerland. And they must return to where they normally live in the EEA or Switzerland on a daily basis or at least once a week. If you think this applies to you contact us for advice.

### **Child of a Swiss national**

You will be eligible to apply for full support if you meet the following conditions.

- You are the child of a Swiss national (your nationality is irrelevant), and
- You have been ordinarily resident in the EEA or Switzerland during the three year period immediately prior to the relevant date. The Swiss national that you are the child of, does not need to meet this condition, and
- If your residence in the EEA or Switzerland was wholly or mainly for education purposes, for example, you have been studying in the UK, you were ordinarily resident in the EEA or Switzerland immediately before this, for example, you were living in France, because you and your family live there, and
- You are ordinarily resident in Scotland on the relevant date. The Swiss national that you are the child of, does not need to meet this condition.

If you do not meet the second condition above, you **may** still be eligible to apply for full support if:

- [you were born in and have spent the greater part of your life in the EEA or Switzerland](#); or
- [you or your family member are returning from temporary employment or study outside the EEA or Switzerland](#)

## **8 DEPENDENT CHILD OF A TURKISH WORKER**

You will be eligible to apply for full support if you meet the following conditions.

- You are the child of a Turkish worker. 'Turkish worker' means a Turkish national who is ordinarily resident in Scotland and is or has been, lawfully employed in the United Kingdom since arriving, and
- You are legally residing with the Turkish worker in Scotland, and
- You are ordinarily resident in Scotland on the relevant date, and
- You have been ordinarily resident in the EEA, Switzerland or Turkey during the three year period immediately prior to the relevant date.

If you do not meet the fourth condition above, you **may** still be eligible to apply for full support if:

- [you were born in and have spent the greater part of your life in the EEA, Switzerland or Turkey](#); or
- [you or your family member are returning from temporary employment or study outside the EEA, Switzerland or Turkey](#)

## 9 ASYLUM SEEKERS AND THOSE GRANTED ASYLUM IN THE UK

- [Asylum seekers](#)
- [Those granted asylum in the UK](#)

### Asylum seekers

If you are a young asylum seeker, and you meet the conditions set out below, you can apply to your institution for home fee status and to us to have your fees paid. You are not eligible to receive living-costs support until the Home Office has made a decision on your asylum application and granted you refugee status, Discretionary Leave or Humanitarian Protection in the UK.

- You are the child of an asylum seeker or a young asylum seeker.
- You made an asylum application to the Home Office **before 1 December 2006**.
- You are under 25 on the relevant date.
- You are resident in Scotland on the relevant date.
- You have been resident in **Scotland** during the three years immediately prior to the relevant date.

### Those granted asylum in the UK

If you made a claim for asylum in the UK, and following this, the Home Office grant you refugee status, Humanitarian Protection (HP) or Discretionary Leave (DL) in the UK, you will be eligible to apply for full support if you meet the conditions set out below.

- You have been ordinarily resident in the UK since the Home Office granted you such status, and
- You are ordinarily resident in Scotland on the relevant date.

If you are the child or husband, wife or civil partner of a person with a grant of asylum in the UK (refugee status, HP or DL), to be eligible to apply to us for support, you don't need a grant of asylum in the UK yourself, but you must be ordinarily resident in Scotland on the relevant date.

## **10 IRAQI NATIONALS WITH INDEFINITE LEAVE TO THE ENTER (ILE) THE UK**

If you enter the UK with ILE under the Locally Engaged Staff Assistance Scheme (LESAS), you will be eligible for full support if you meet the conditions set out below.

- You have been ordinarily resident in the UK since the Home Office granted you such status, and
- You are ordinarily resident in Scotland on the relevant date.

## **11 SYRIAN NATIONALS WITH HUMANITARIAN PROTECTION IN THE UK**

If you have a residence permit in the UK that shows you have been granted Humanitarian Protection under the Syrian Vulnerable Person Relocation Scheme (SVPRS), you will be eligible for full support if you meet the conditions set out below.

- You have been ordinarily resident in the UK since the Home Office granted you such status, and
- You are ordinarily resident in Scotland on the relevant date.

If you are the child or husband, wife or civil partner of a person with Humanitarian Protection in the UK under the SVPRS, to be eligible to apply to us for support, you don't need the status yourself, but you must be ordinarily resident in Scotland on the relevant date.

## **12 DEFINITION OF FAMILY MEMBER**

A family member means, in relation to any person:

- their husband, wife or civil partner (not partner); or
- their direct descendant or those of their husband, wife or civil partner who are;
  - under the age of 21; or
  - their dependants\* or those of their husband, wife or civil partner. \*(if you are 21 or over, you may qualify as a dependant, if you can prove you are financially dependent on your family member. This means you have no money from work or benefits and are not eligible to apply for living-costs support for a full-time course of further or higher education; or
- their dependent direct relatives in the ascending line (the migrant workers parent or grandparent) or those of their husband, wife or civil partner.

## **13 LONG RESIDENCE RULE**

A 'long residence' rule exists that allows us to consider funding students who are not classed as being 'settled' in the UK to apply for support, where they have been lawfully resident in the UK for a significant part of their lives. This applies to persons of any nationality who meet the following criteria:

- is ordinarily resident in Scotland on the first day of the first academic year of the course;
- has been ordinarily resident in the UK and Islands throughout the three year period preceding the first day of the first academic year of the course; and

- is either:
  - under the age of 18 and has lived in the UK, throughout the seven year period preceding the first day of the first academic year of the course; or
  - aged 18 years old or above and, preceding the first day of the first academic year of the course, has lived in the UK throughout either –
    - half their life; or
    - a period of twenty years

## 14 EXCEPTIONS TO THE THREE YEAR RESIDENT REQUIREMENT IN THE RELEVANT AREA

If you are a UK, EU, EEA, Swiss national, child of a Swiss national or the child of a Turkish worker and you have not been resident for the required time in the relevant area that applies to you, as detailed in the appropriate sections above, you may still be eligible to apply for support if you were:

- [born in and have spent the greater part of your life in the relevant area](#); or
- [you or your family member are returning from temporary employment or study outside the relevant area](#)

### Born in and spent the greater part of your life in the relevant area

To be eligible for support under this exception, you must meet the following conditions.

- You were born in and have spent the greater part of your life in the relevant area that applies to you, and
- You have been ordinarily resident in the relevant area for at least one year of the three year period immediately prior to the relevant date and no part of that residence was wholly or mainly for the purpose of receiving full-time education, or
- Your parents or either of them have been ordinarily resident in the relevant area throughout the three years immediately prior to the relevant date and you are not an **independent student** (see below), and
- You are ordinarily resident in Scotland on the relevant date (you only need to meet this condition if you are eligible to apply for full support, those applying for payment of EU fees only, don't have to meet this).

If you are claiming full support and you do not meet the final condition above, we **may**, in certain circumstances, still be able to offer you full support. Please contact us with details of your circumstances.

We will class you as an **independent student** if you meet at least one of the following conditions.

- You have reached 25 before the start of the academic year we are assessing you for.
- Your parents are no longer alive
- You were married, entered a civil partnership or are living with a partner before the start of the academic year we are assessing you for.
- You have a child under 18 who is wholly dependent on you before the start of the academic year we are assessing you for.

- You have supported yourself from earnings or benefits for any three years before the first day of the first academic year of your course. This can include periods when you were:
  - receiving benefit as a person looking for employment;
  - in training under a government training programme;
  - receiving any pension, allowance or other benefit for maternity, sickness or injury;
  - receiving an advanced research-level postgraduate award.

We cannot normally count periods when you were in full-time education towards the period you supported yourself.

### **Temporary absent from the relevant area**

If you normally live in the relevant area that applies to you, but are currently resident outside that area and this is for temporary employment or to attend a course of study, including postgraduate research, we can treat you as if you were resident in the relevant area during this period of temporary absence.

We will ask you and your parents, husband, wife or civil partner to give us more information about your and their absence from the relevant area in order for us to decide if it meets our temporary absence conditions. The kind of information we need is, for example:

- How long you have been absent from the relevant area?
- What type of employment contract do you or your parents, husband, wife or civil partner have outside the relevant area?
- Were you or your parents, husband, wife or civil partner posted outside your relevant area by a company based in your relevant area?
- Do you or your parents, husband, wife or civil partner pay income tax in the relevant area?
- If you or your parents, husband, wife or civil partner maintains a home in the relevant area, when did you or they buy this, do you or they rent it out when you are not living in it?
- When do you and your parents, husband, wife or civil partner intend to return to the relevant area?
- If you or your parents, husband, wife or civil partner is studying outside the relevant area, what course you or they are doing and whether this is full or part time?

If your absence from the relevant area is not for temporary employment or study, you will not be eligible to apply to us for support.