

Further Education Residency and Funding Requirements

Target Audience:

- FE College Principals/Chief Executives
- FE College Governing Bodies
- FE College Finance Officers

Summary of Contents:

This circular clarifies the student residency requirements to be eligible for 'Home Fee' status and support/maintenance funding.

Enquiries:

Any enquiries about the contents of this circular should be addressed to:

FE Policy Team
Department for the Economy
4th Floor
Adelaide House
39-49 Adelaide Street
Belfast
BT2 8FD

Related Documents: FE 04/24 Addendum 1

Superseded Documents: FE 05/22; FE 09/21; FE 09/21 Addendum No 1; FE 14/12; FE06/07; FE06/07 Addendum; FE06/07 Addendum No 2; FE06/07 Addendum No 3

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Website: www.economy-ni.gov.uk

E-Mail: FEPolicy@economy-ni.gov.uk

1. INTRODUCTION

- 1.1 This circular sets out the residence requirements applicable to students attending a Further Education college to be eligible for “Home Fee” status and support/maintenance funding.

2. DESIGNATED COURSE

- 2.1 Eligible students must be attending a designated course. A designated course is:
- (a) either a Further Education course or a Higher Education course; and
 - (b) **wholly** provided by an institution of Further Education in Northern Ireland.

3. RESIDENCE REQUIREMENTS

- 3.1 The full residence requirements are provided for in [The Further Education \(Student Support\) \(Eligibility\) Regulations \(Northern Ireland\) 2012](#), as amended by;
- [The Further Education \(Student Support\) \(Eligibility\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2021](#);
 - [The Further Education \(Student Support\) \(Eligibility\) \(Amendment etc.\) Regulations \(Northern Ireland\) 2022](#);
 - [The Further Education \(Student Support\) \(Eligibility\) \(Amendment\) Regulations \(Northern Ireland\) 2024](#); and
 - [The Further Education \(Student Support\) \(Eligibility\) \(Amendment\) Regulations \(Northern Ireland\) 2025](#).

Details of the eligible categories are set out in **Appendix 1**.

4. ALLOCATION OF FUNDS

- 4.1 Colleges are responsible for ensuring that all student information is recorded within their information management systems.
- 4.2 The Department's Further Education funds should not be used to fund provision outside of Northern Ireland.
- 4.3 The residence requirements contained in **Appendix 1** apply in the case of colleges' recurrent budget allocations and colleges should ensure that their MIS, which provide the data for determining funding allocations, identify clearly those students who do not meet these requirements. Colleges should also ensure that such students are identified in college enrolment data.
- 4.4 The residence requirements do not prevent colleges from providing education and training to other non-eligible students, on a full cost recovery basis.
- 4.5 Students who have "no recourse to public funds" included in their passport stamp would not be in breach of their immigration conditions if they had access to education in the UK. "Public Funds" are defined in the Immigration Rules, and the benefits and services listed do not include education or education funding.

5. ACCOUNTABILITY

- 5.1. The Principal/Chief Executive of each college shall:
 - ensure that, for the purposes of administering funds, the college maintains and operates an adequate system of record keeping, financial management and internal controls, including safeguards against fraud,

and shall require the college's external auditors, as part of their audit, to report on the adequacy or otherwise of that system;

- ensure that the college uses the funding provided in a manner consistent with the purposes for which the grant was given by the Department and complies with any terms and conditions attached to it; and
- provide such returns as may be required by the Department; colleges are reminded that full student records should be maintained for Departmental audit/inspection at any time.

6. SUMMARY OF CATEGORIES AND RESIDENCY REQUIREMENTS

6.1 A table summarising the residency requirements for each category is attached at **Appendix 2**.

APPENDIX 1**Categories that are eligible for 'Home Fee' status and support/maintenance funding from 1st August 2024**

1. UK Nationals subject to being ordinarily resident in the United Kingdom throughout the three-year period preceding the first day of the first academic year of the course.
 - 1.1 Those UK Nationals and their family members who have been living in the EEA, Gibraltar, Switzerland and EU Overseas Territories are eligible for 'Home Fee' status and support/maintenance funding for courses starting on or after 1 August 2021 and before 1 January 2028 if they meet the following conditions:
 - (a) they were living in the EEA or Switzerland on 31 December 2020 (or have moved to the UK on or after 1 January 2018, immediately after living in the EEA or Switzerland); and
 - (b) they have lived in the EEA, Switzerland, the UK or Gibraltar for at least the last three years; and
 - (c) they have lived continuously in the EEA, Switzerland, the UK or Gibraltar between 31 December 2020 and the start of the course.
2. Persons who are settled in the UK subject to the following requirements:
 - (a) are undertaking a designated course in Northern Ireland;
 - (b) are settled in the United Kingdom;
 - (c) are ordinarily resident in Northern Ireland on the first day of the first academic year of the course; and

- (d) have been ordinarily resident in the United Kingdom and Islands throughout the three year period preceding the first day of the first academic year of the course.
3. Republic of Ireland (ROI) nationals resident in the UK, Islands, or Ireland for three years preceding the first day of the first academic year of the course, and undertaking a designated course in Northern Ireland are eligible for home fee status on the same basis as UK nationals. Additionally, ROI nationals are eligible for maintenance support in Northern Ireland if they have lived in the UK and Islands for three years preceding the first day of the first academic year of the course.
4. 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 support/maintenance funding subject to any separate residency requirements that may be applicable for support/maintenance funding on broadly the same basis as now, this would generally cover those who:
- (a) are undertaking a designated course in Northern Ireland;
 - (b) are ordinarily resident in Northern Ireland on the first day of the first academic year of the course;
 - (c) have been ordinarily resident in the territory comprising the United Kingdom, and Islands throughout the three-year period preceding the first day of the first academic year of the course;
 - (d) were 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
 - (e) continue to live in the UK after 31 December 2020.

Such persons will be required to have pre-settled or settled status under the EU Settlement Scheme (EUSS).

5. Frontier workers who are:

- (a) an EEA national;
- (b) either—
 - (i) a worker in the United Kingdom;
 - (ii) a self-employed person in the United Kingdom; or
 - (iii) a person treated as a worker or self-employed person in the United Kingdom;
- (c) are able to provide a valid identity document and a valid frontier worker permit;
- (d) are ordinarily resident in Northern Ireland on the first day of the first academic year of the course; and
- (e) have been 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.

A frontier worker who is a ROI national is not required to produce a frontier worker permit.

6. A person who is a refugee and has been ordinarily resident in the UK and Islands since recognition of the refugee status.

The spouse/civil partner of a refugee, who has been so from the date on which the refugee made an application for asylum and has been ordinarily resident in the UK and Islands since being given leave to enter or remain in the UK.

The child of either of the above (i.e. refugee or spouse/civil partner of a refugee) who has been so since the date of application for asylum, who was under 18 when the application for asylum was made and has been ordinarily resident in the UK/Channel Islands/Isle of Man since being given leave to enter or remain in the UK.

7. Persons with leave to enter or remain and their family members as defined under the following categories:
 - (a) those who following an application for refugee status have been refused, but it is thought right to allow that person to remain on the grounds of discretionary leave; and
 - (b) those who have not applied for refugee status, but it is thought right to allow that person to remain on the grounds of discretionary leave.
8. The following are also eligible residential categories for 'Home Fee' status and support/maintenance funding:
 - (a) persons granted section 67 leave under [paragraph 352ZG of the Immigration Rules](#);
 - (b) dependent children of persons granted section 67 leave, who are granted "leave in line" under [paragraph 352ZO of the Immigration Rules](#);
 - (c) persons granted Calais leave;
 - (d) dependent children of a person granted Calais leave who are granted "leave in line";
 - (e) persons granted humanitarian protection;
 - (f) family members of persons granted humanitarian protection;

- (g) persons granted indefinite leave to remain as a bereaved partner and their children;
- (h) persons granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse and their children;
- (i) persons granted stateless leave;
- (j) family members of persons granted stateless leave;
- (k) persons granted leave to enter or remain on the grounds of discretionary leave;
- (l) family members of persons granted leave to enter or remain on the grounds of discretionary leave;
- (m) persons granted leave under the Afghan Citizens Resettlement Scheme and their family members or persons granted leave under the Afghan Relocations and Assistance Policy Scheme and their family members;
- (n) evacuated or assisted British nationals from Afghanistan (Operation Pitting); and
- (o) persons granted leave under:
 - the Homes for Ukraine Sponsorship Scheme and their family members;
 - persons granted leave under the Ukraine Extension Scheme and their family members;
 - persons granted leave under the Ukraine Permission Extension Scheme and their family members; or
 - persons granted leave under the Ukraine Family Scheme and their family members.

There is no requirement for the above listed categories of residency (9(a) to 9(o)) to have been ordinarily resident in the UK, the EEA or Switzerland for the three years immediately prior to the start of their course to qualify for funding. Furthermore, if a student is granted the above leave after their course has begun, this student may become eligible for 'Home Fee' status and support/maintenance funding.

- (p) a person who has been granted leave to remain following a long residence within the UK, who is under 18 and lived in the UK throughout the seven years preceding the first day of the of the academic year of the course or if aged 18 years and over, has lived in the United Kingdom throughout either half their life; or a period of twenty years preceding the first day of the first academic year of the course and is ordinarily resident in Northern Ireland on the first day of the first academic year of the course;
- (q) a resident of Gibraltar or a family member who has been ordinarily resident in the UK, Gibraltar, the EEA and Switzerland throughout the three-year period before the first day of the academic year of the course.
- (r) children of Swiss nationals with protected rights under the Swiss Citizen's Rights Agreements and three years residency in the UK, Gibraltar, the EEA and Switzerland; and
- (s) children of Turkish workers, where the Turkish worker and the child were living in Northern Ireland prior to 31 December 2020 and have been ordinarily resident in the UK, Gibraltar, the EEA and Switzerland throughout the three-year period before the first day of the academic year of the course.

APPENDIX 2

SUMMARY OF RESIDENCY REQUIREMENTS FOR EACH CATEGORY

	ELIGIBILITY REQUIREMENTS			
CATEGORY	Designated Course at a FE college in NI	Ordinarily Resident in UK for three years prior to first day of the first academic year of the course	Ordinarily Resident in NI on first day of the first academic year of the course	Ordinarily Resident in UK, Gibraltar, EEA or Switzerland for three years prior to first day of the first academic year of course
UK Nationals	Required	Required	Not required	Required
UK Nationals and their family members living in the EEA, Switzerland and EU Overseas Territories (Eligible for courses commencing 1 August 2021 to 1 January 2028 only)	Required	Not required	Not required	Required
Persons who are settled in the UK	Required	Required	Required	Required

	ELIGIBILITY REQUIREMENTS			
CATEGORY	Designated Course at a Further Education college in NI	Ordinarily Resident in UK for three years prior to the first academic year of the course	Ordinarily Resident in NI on first day of the first academic year of the course	Ordinarily Resident in UK, Gibraltar, EEA or Switzerland for three years prior to first day of the first academic year of course
Republic of Ireland Nationals	Required	Required for maintenance support. **Must be resident in UK, Islands or Republic of Ireland for three years before the first day of the course for fees.	Not required	Required
EU Nationals, other EEA, Swiss nationals and their family members covered by the Withdrawal Agreements (Settled or Pre Settled Status under the EU Settlement Scheme)	Required	Subject to (i) living in the UK prior to 31 December 2020 and exercised the right to reside under EU law, the EEA Agreement or the Free Movement of Persons Agreement; and (ii) they continue to live in the UK after 31 December 2020	Not required	Required UK & Islands only

	ELIGIBILITY REQUIREMENTS			
CATEGORY	Designated Course at a FE college in NI	Ordinarily Resident in UK for three years prior to the first academic year of the course	Ordinarily Resident in NI on first day of the first academic year of the course	Ordinarily Resident in UK, Gibraltar, EEA or Switzerland for three years prior to first day of the first academic year of course
Workers, employed persons, self-employed persons and their family members (Frontier Workers)	Required	Not required	Required	Required
Refugees and family members	Required	Required (since being given leave to enter or remain in the UK.)	Not required	Not applicable
Persons granted section 67 leave under paragraph 352ZG of the Immigration Rules and their dependent children	Required	Required to have been ordinarily resident in the UK and Islands since being given leave to enter or remain in the UK.	Required to be ordinarily resident in NI on the course start date rather than the first day of the first academic year of the course.	Not applicable

	ELIGIBILITY REQUIREMENTS			
CATEGORY	Designated Course at a Further Education college in NI	Ordinarily Resident in UK for three years prior to the first academic year of the course	Ordinarily Resident in NI on first day of the first academic year of the course	Ordinarily Resident in UK, Gibraltar, EEA or Switzerland for three years prior to first day of the first academic year of course
Persons granted Calais leave and their dependent children	Required	Required to have been ordinarily resident in the UK and Islands since being given leave to enter or remain in the UK.	Required to be ordinarily resident in NI on the course start date rather than the first day of the first academic year of the course.	Not applicable
Persons granted humanitarian protection and their family members	Required	Required to have been ordinarily resident in the UK and Islands since being given leave to enter or remain in the UK.	Required to be ordinarily resident in NI on the course start date rather than the first day of the first academic year of the course.	Not applicable

	ELIGIBILITY REQUIREMENTS			
CATEGORY	Designated Course at a Further Education college in NI	Ordinarily Resident in UK for three years prior to the first academic year of the course	Ordinarily Resident in NI on first day of the first academic year of the course	Ordinarily Resident in UK, Gibraltar, EEA or Switzerland for three years prior to first day of the first academic year of course
Persons granted indefinite leave to remain as a bereaved partner and their children	Required	Required to have been ordinarily resident in the UK and Islands since being given leave to enter or remain in the UK.	Required to be ordinarily resident in NI on the course start date rather than the first day of the first academic year of the course.	Not applicable
Persons granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse and their children	Required	Required to have been ordinarily resident in the UK and Islands since being given leave to enter or remain in the UK.	Required to be ordinarily resident in NI on the course start date rather than the first day of the first academic year of the course.	Not applicable

	ELIGIBILITY REQUIREMENTS			
CATEGORY	Designated Course at a Further Education college in NI	Ordinarily Resident in UK for three years prior to the first academic year of the course	Ordinarily Resident in NI on first day of the first academic year of the course	Ordinarily Resident in UK, Gibraltar, EEA or Switzerland for three years prior to first day of the first academic year of course
Persons granted stateless leave and their family members	Required	Required to have been ordinarily resident in the UK and Islands since being given leave to enter or remain in the UK.	Required to be ordinarily resident in NI on the course start date rather than the first day of the first academic year of the course.	Not applicable
Persons granted leave to enter or remain on the grounds of discretionary leave and their family members	Required	Required to have been ordinarily resident in the UK and Islands since being given leave to enter or remain in the UK.	Required to be ordinarily resident in NI on the course start date rather than the first day of the first academic year of the course.	Not applicable
Persons granted leave under the Afghan Citizens Resettlement Scheme and their family members or persons granted leave under the Afghan Relocations and Assistance Policy Scheme and their family members	Required	Required to have been ordinarily resident in the UK and Islands since being given leave to enter or remain in the UK.	Required to be ordinarily resident in NI on the course start date rather than the first day of the first academic year of the course.	Not applicable

	ELIGIBILITY REQUIREMENTS			
CATEGORY	Designated Course at a Further Education college in NI	Ordinarily Resident in UK for three years prior to the first academic year of the course	Ordinarily Resident in NI on first day of the first academic year of the course	Ordinarily Resident in UK, Gibraltar, EEA or Switzerland for three years prior to first day of the first academic year of course
Evacuated or assisted British nationals from Afghanistan (Operation Pitting)	Required	Required to have been ordinarily resident in the UK and Islands since being given leave to enter or remain in the UK.	Required to be ordinarily resident in NI on the course start date rather than the first day of the first academic year of the course.	Not applicable
Persons granted leave under: - the Homes for Ukraine Sponsorship Scheme and their family members; - persons granted leave under the Ukraine Extension Scheme and their family members; - persons granted leave under the Ukraine Permission Extension Scheme and their family members; or	Required	Required to have been ordinarily resident in the UK and Islands since being given leave to enter or remain in the UK.	Required to be ordinarily resident in NI on the course start date rather than the first day of the first academic year of the course.	Not applicable

persons granted leave under the Ukraine Family Scheme and their family members.				
	ELIGIBILITY REQUIREMENTS			
CATEGORY	Designated Course at a Further Education college in NI	Ordinarily Resident in UK for three years prior to the first academic year of the course	Ordinarily Resident in NI on first day of the first academic year of the course	Ordinarily Resident in UK, Gibraltar, EEA or Switzerland for three years prior to first day of the first academic year of course
Long Residence	Required	Required	Required	Required UK & Islands Only
Resident of Gibraltar or a family member	Required	Not required	Not required	Required
Children of Swiss Nationals with Protected Rights under the Swiss Citizen's Rights Agreements	Required	Not required	Required	Required
Children of Turkish workers, where Turkish Worker and child have been living in NI prior to 31 December 2020	Required	Not required	Required	Required

Persons who are settled in the United Kingdom and have exercised a right of residence elsewhere	Required	Not required	Required to be ordinarily resident in NI on the course start date rather than the first day of the first academic year of the course.	Required
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