

EU / EEA / Swiss Migrant Workers – Can I Apply for Student Finance?

How will Brexit affect student finance?

The UK Government has announced that EU nationals and their family members who are currently attending a degree level course or who start a course in September 2017 will continue to be eligible to pay the home rate of tuition fee and for Student Finance England funding (SFE) for the duration of their course. SFE will assess funding applications against existing eligibility criteria, and will provide loans and grants in the normal way. You can read more about this on the Student Loans Company web site www.slc.co.uk/media/latest-news/eu-nationals-andstudent-finance-in-england.aspx

Who can apply for student finance?

EU national students who have been living in the EU/EEA or Switzerland for the three years immediately before the start of the course will normally be eligible for a UK Government loan to pay the tuition fees for an undergraduate degree course in England. EEA and Swiss nationals are not eligible for this loan.

Some EU nationals are able to receive additional funding for living costs on the basis of having lived in the UK for a minimum of five years prior to the start of their undergraduate degree course. You will need to provide evidence of your UK residence for the five year period leading up to 1 September of the year you start your course. For courses starting in September 2017, the evidence will need to cover the period 01/09/2012 to 01/09/2017

However, EU/EEA/Swiss nationals who are **Migrant Workers** do not need to have lived in the UK for five or more years to be eligible for full funding. But you **must have been resident in England on 1 September of the first year of your course**. If you started living in England after this date you cannot qualify for funding as a Migrant Worker.

Some non-UK EU, EEA or Swiss national students are entitled to full funding from Student Finance England (SFE), including loans and grants for living costs, on the same basis as UK nationals because they qualify as a Migrant Worker.

Please note that in all cases if you have already studied in the UK or abroad at degree level this could affect your funding entitlement. Please [contact Student Advice](#) for more information.

This information sheet will help explain what an EEA Migrant Worker is, what the eligibility rules are, and how you can apply for Student Finance.

Am I an EEA Migrant Worker/Swiss 'worker'?

You may be able to receive Student Finance if you are an EU, EEA or Swiss national in the UK who is, (or in certain cases was) working, where the work meets certain criteria. This includes those who are, (or were, in certain circumstances) being employed or self-employed.

Do I need to be 'ordinarily resident' in England on the first day of the first academic year of the course?

Yes, in order to qualify as an EEA Migrant Worker you must be living in England on the 1st September of the first academic year of the course. You must also have been ordinarily resident in the UK or the EU, EEA and/or Switzerland for three years before the first day of the first academic year of the course. 'Temporary absences' outside of the UK/EEA can sometimes be ignored, and you can be ordinarily resident in more than one place at the same time, but Student Finance England will require evidence of this.

If you first began living in England after 1 September just before the start of the first year of your course, you will **not** be able to qualify as a Migrant Worker for your current course even if you start working as soon as you arrive in England

What kind of work must I be doing?

You must be working in the UK, either full time or part time. You can be working for an employer or be self-employed. However, Student Finance England has a benchmark of a minimum annual income of £7,500 and they normally require work of around 24 hours a week to qualify as a Migrant Worker. These figures are not in the Student Support Regulations so if you earn less than this amount or work fewer hours your application might still be considered. This will depend on your circumstances. But short-term, vacation or part time student jobs are very unlikely to meet the criteria.

What if I am working in the University of Westminster?

If you are working in the university, for example through the Talent Bank, this work will **not** qualify for Migrant Worker status. This work will be considered to be 'ancillary' – i.e. you would not have that job if you were not a student at the university. Ancillary work does not qualify you for Migrant Worker status.

How long do I have to continue working?

You need to keep working throughout your course to keep your Migrant Worker status. If you stop working or reduce your hours or your pay is reduced, you may lose your entitlement to funding from Student Finance England.

You will be asked to provide regular evidence of your continued work each term, and at the start of each academic year e.g. pay slips. This means that your payments may be delayed each year until you have sent your evidence in September or October to show that you are still meeting the Migrant Worker conditions.

What if I was working in the UK before the start of the course but I am no longer working?

There are some very limited circumstances where you might be able to retain your Migrant Worker status without continuing to work while you are on the course. The rules are complex, but you may be able to apply as a migrant worker if you worked for more than 12 months in the UK, lost your job through redundancy and were registered unemployed. You would need to show evidence that you were actively seeking work. You may also retain migrant worker status if you gave up a job to start the course **and** that job was closely linked to the course you are doing. Please contact Student Advice for more guidance if this applies to you.

Can I qualify for Student Finance as the 'child / relevant family member of a Migrant Worker'?

If you are living in the UK with one or both parents/grandparents who are EEA Migrant Workers, then you may be eligible for Student Finance as the 'child of an EEA Migrant Worker'. 'Child' is defined as the child or grandchild of the EEA Worker who is under 21 years old, or over 21 and still financially dependent on the EEA Worker. SFE will require evidence of financial dependency if you are over 21. If you are married to or the civil partner of an EEA Worker you can also be considered a 'relevant family member'. You may also be eligible for Student Finance as the family member of a Swiss worker who is working in the UK if you are their child or spouse/civil partner.

I am in my second year of my degree, and am now working. I wasn't working when I started my degree. Can I apply for Student Finance now?

As long as you were ordinarily resident in the England on 1 September of the first year that you started your course, you can apply during your course. If you become a Migrant Worker part way through any academic year, you may be assessed to receive a reduced amount of grant and maintenance loan for that academic year.

I am under 25 years old, can I be classed as 'independent'?

Even if SFE accept that you are a migrant worker, you need to be over 25 at the start of an academic year in order to be automatically treated as an 'independent' student. If you are not 'independent', your student finance entitlement will be assessed against your parent/s' income. They will need to send in evidence of their income and fill in form PFF2 from Student Finance England.

If you are under 25, Student Finance England will not take your parents' income into account when working out your entitlement if:

- you are married or in a civil partnership, *or*
- you are 'estranged' from your parents, *or*
- if you have a child under the age of 18, *or*
- you have supported yourself for at least three years before the start of your course (you would need evidence of the full three years), *or*
- if your parents have died or cannot be traced or it would be impossible for them to send money to you

If you are under 25 and believe that you should be assessed as an 'independent' student, please contact Student Advice to discuss whether you would be accepted, as the rules are quite complicated.

I have already studied at degree level in my home country, does this make any difference to my funding entitlement?

Yes it can make a difference. You may not be eligible for Student Finance for the duration of your new course if you previously studied at degree level. This includes study in other countries, regardless of whether or not you completed the course, or achieved a qualification.

Please refer to our information sheet: *Repeat Study and Student Finance England* for further information on how previous study can affect your future funding entitlement.

What about if I go on an overseas work placement or Erasmus Exchange?

If you work or study abroad, even if it is part of your degree, then you may lose your 'EU/EEA Migrant Worker' status and you might become ineligible for Student Finance England funding during this period. This is because you would no longer be working in the UK. Once you have completed your placement or exchange and resume your studies, and start working again you may be entitled to receive funding as a Migrant Worker again.

What can I apply for, and how much will I receive?

You can apply for a tuition fee loan, and a maintenance loan as well as additional grants if you have children or disabilities. If you started your degree before September 2016 you may also be entitled to the Maintenance Grant. The amount of Maintenance Loan available depends on whether you live at home with your parent/s, or away from home, and how much the household income is. For more information please visit: www.gov.uk/student-finance-calculator

How do I apply?

You can register for Student Finance Online to make an application. Once you have set up your account and start to complete the application, you will need to tick the box that states ***I am, or a 'family member' is, an EEA or a Swiss national who is working in the UK / has worked in the UK / is looking for work in the UK***. This will help Student Finance England refer your application to the correct teams for assessing and processing.

You may be asked to apply on a paper application form PN1. This form is available on the Student Finance England website if you go to www.gov.uk/student-finance-forms. Make sure that you tick that you are an ***English student*** rather than ***EU student***. If you tick EU student it will take you to the EU Tuition Fee Loan paper application instead of the full application to apply as a Home/UK/Migrant Worker.

When sending any evidence or documents to Student Finance England we would recommend that you always use **Special Delivery post** so you are able to track your delivery.

What evidence will I need to make my application?

You will need to send the following evidence:

- Your contract of employment
- A letter from your employer confirming that the contract is a true reflection of your work
- Your latest P60 (if you were working in April)
- Your payslips since the date of the P60 or since you started work
- Evidence that you were resident in the UK before 1 September of the year your course started (Eg bank statements)

If you are under 25 and not regarded as Independent (see above) your parent/s will need to provide evidence of their income for the last complete tax year and they would also need to complete a separate online or paper application in support of your one. Student Finance England may require translations of your parents' income statements, especially if their statement is in a different alphabet, such as Cyrillic.

Is there a deadline for applications?

Yes. You can apply for Student Finance up to 9 months after the start of each academic year. Do remember that making an EEA Migrant Worker application will take between 6 weeks and 3 months (sometimes more!) to be processed by the SFE Migrant Worker Team.

I am currently getting an EU Fee Loan from the Student Finance European Team, what happens to that loan?

If your application for Student Finance England funding as a Migrant Worker is accepted, your EU Fee Loan will be cancelled. You may find that your EU Fee Loan is withdrawn once you apply to Student Finance England, while they consider your application as a Migrant Worker. If the University 'blocks' your attendance because your fee loan has been withdrawn, please contact Student Advice immediately. We can then advise you further and if appropriate can ask the Finance Office to allow you access to the University while your Migrant Worker application is being considered.

I have been refused Student Finance, what can I do?

If you believe that you met the relevant criteria to be an EEA Migrant Worker you can request that Student Finance England reconsider their decision (particularly if you have more relevant evidence to submit) or you can make a formal appeal against the decision. More information about the appeals process is on the Student Finance website at www.gov.uk/student-finance

We recommend that you seek advice on whether you have grounds to challenge their decision. Please [contact Student Advice](#) before you submit your appeal so that we can advise you further

What if I am not an EEA Migrant Worker or Swiss 'worker', or the 'child or partner of a Migrant Worker'?

If you are a national of Norway, Iceland, Lichtenstein or Switzerland, you will not be eligible for any student finance funding. If you are an EU National, you can apply for a Tuition Fee Loan from the Student Finance EU team. You can find more information and the application form here: www.gov.uk/apply-for-student-finance

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