

STUDENT ADVICE

EU / EEA / Swiss national undergraduate students – Can I apply for Student Finance?

How will Brexit affect student finance?

The UK Government has confirmed that EU students who start a new course or are continuing a current course in September 2019 or September 2020 will remain eligible for 'home' fee status and for Student Finance England Financial Support even if the course concludes after the UK's exit from the EU.

For courses starting in September 2021, there has been no decision on whether EU nationals will continue to be entitled to home fee status or current student finance packages following the UK's withdrawal from the EU.

You can read more about this on the Student Loans Company website: www.slc.co.uk/media/latest-news/eu-nationals-and-student-finance-in-england-2.aspx

Who can apply for student finance?

EU nationals and relevant family members who have been living in the EU/EEA or Switzerland for the three years immediately prior to the 1st September of the year they will start their course will normally be eligible for an EU Tuition Fee 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 (or their relevant family members) can receive additional funding for their living costs based on 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 2020, the evidence of five year's UK residency will need to cover the period 01/09/2015 to 01/09/2020.

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 academic year of your course**. If you started living in England after this date, you cannot qualify for funding as a Migrant Worker for the duration of your course.

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.



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STUDENT ADVICE

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 a non-UK 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 who were, in certain circumstances) 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, 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. You can have more than one job, or a combination of part time work and freelance/self-employed work. Payment can also be "in kind". However, you normally need to work at least 10 hours a week to qualify as a Migrant Worker. If you work fewer hours, your application might still be considered. This will depend on your circumstances, but just short-term, vacation or part time student jobs are very unlikely to meet the criteria. Work needs to be deemed as "genuine and effective".

Can I be self-employed?

Yes. Information on the evidence you need to provide is listed below. There is no set minimum requirement for hours of work if you are self-employed.



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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 Student Finance Migrant Worker status.

How long do I have to continue working?

Yes, 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 during your course, and at the start of each academic year e.g. pay slips and P60. This means that your Student Finance Maintenance Loan payments are likely to 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 after the start of term.

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 an EU/EEA 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 the spouse 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.

You will need to send provide evidence of your parent's or partner's work. See below for what evidence is needed.



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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 maintenance loan, and grants for dependants if applicable, for that academic year.

I am under 25 years old; can I be classed as an 'independent' student?

Even if SFE accept that you are a migrant worker, you need to be over 25 at the start of an academic year 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 complete PFF2 from Student Finance England.

If you are under 25, Student Finance England will not consider your parents' income 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.



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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 about if I want to go back to my home country over the vacation periods?

Student Finance do state that they assess an employed student for an indicative threshold of 10 hours of paid work per week either in term time or during the holidays. However, it may not mean that you lose your Migrant Worker if do go on a holiday or back to your home country for a break for a short period of time, as long as you are able to resume working

If you are self-employed then Student Finance England may consider gaps where there is no work differently. This is because it is common for self-employed workers to have periods where no work is carried out. Irregular or intermittent work would not necessarily affect your migrant worker status. They have stated that it would be reasonable to consider a period of at least three months to assess a self-employed students' working hours or income.

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

You can apply for a Student Finance 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***



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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?

If you are employed, you need:

- Your contract of employment
- An original 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 (E.g. bank statements)

If you are self-employed, you need:

- Evidence from HMRC that you are self-employed
- Last 3 months' invoices and corresponding bank statements
- Last 3 months' business expenditure
- Most recent tax returns

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, but as long as you apply before the deadline your application will be considered.



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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 Finance Office contacts you because your fee loan has been withdrawn, please contact Student Advice immediately. We can then advise you further and if appropriate liaise with the Finance Office to explain your situation.

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

LW Feb 2020



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