

PRESS RELEASE

Students studying in the UK to benefit from home fee status

Following the announcement earlier this year that students from the British Overseas Territories could be treated as home students for fee purposes at Higher Education Institutions in England from the beginning of the 2007/2008 academic year, the Foreign and Commonwealth Office sought similar arrangements for students wishing to study in Scotland, Wales and Northern Ireland. Scotland, Wales and Northern Ireland have now agreed provisions that will enable British overseas territories students to benefit from home fee status in their countries.

The changes have been implemented through the Education (Fees and Awards) and the Education (Qualifying Courses and Persons) (England) Regulations 2007; The Student Fees (Qualifying Courses and Persons) Regulations (Northern Ireland) 2007; The Education (Fees and Awards) (Wales) Regulations 2007; and The Education (Fees and Awards) (Scotland) Regulations 2007.

From 1 September 2007, students from British overseas territories who satisfy the eligibility criteria specified in the Regulations will be charged the home fee rate for their further education and undergraduate degree courses at colleges and universities in the United Kingdom.

The criteria specified in the England, Northern Ireland and Wales Regulations are as follows. A student:

- must be an EC national on the first day of an academic year of the course; and
- be undertaking the course in England, Wales or Northern Ireland; and
- have been ordinarily resident in the overseas territory throughout the 3 year period preceding the first day of the first academic year of the course; and
- whose residence in the relevant territory has not for any part of the period been wholly or mainly for the purposes of receiving full time education.

The criteria for Scotland are that a student:

- must be a British Overseas Territory Citizen ; and
- be undertaking the course in Scotland; and
- have been ordinarily resident in the United Kingdom or any of the British Overseas Territories throughout the 3 year period preceding the first day of the academic year of the course; and
- whose residence in the relevant territory has not for any part of the period been wholly or mainly for the purposes of receiving full time education.

Students should note decisions on who qualify for home fee status are made by educational institutions in the United Kingdom based on the published criteria. These institutions can ask students to establish that they are an EC national or a British Overseas Territory Citizen, whichever is stipulated in the relevant Regulations and to provide evidence that they meet the residence criteria. Students wishing to study in England, Wales and Ireland may need to provide a British Citizen passport or Certificate of Naturalisation as evidence that they are an EC national. A BOTC passport is not proof of British nationality. Students if asked to provide these and fail to do so, would be charged the higher overseas student fees.

The changes only affect the level of fees charged by institutions and extends the group of students who can be considered for home fee status. There will be no change to the eligibility criteria for support in England, Northern Ireland and Wales under the Education (Student Support) Regulations in relation to this concession. Students studying in Scotland may be eligible for living costs support. Further details can be obtained from the *Students Awards Agency for Scotland (SAAS)* www.saas.gov.uk

Editor's note:

The UK has an obligation under the United Nations Charter to promote the well-being of the inhabitants of its Overseas Territories and we are committed under the White paper “partnership for Progress and Prosperity - Britain and the Overseas Territories” to ensuring their social and economic development.

Ministers in the Department for Education and Skills received representations from the British Overseas Territories through the FCO and the DfID about the fees charged to their residents whilst studying in the UK. Representation was subsequently made to the Ministers responsible for Further and Higher Education in the Devolved Administrations (Scotland, Wales and Northern Ireland). Because some of the overseas territories of EU countries are themselves in the EU, students from there qualify for the home fee rates, but students from Britain’s Overseas Territories are treated as international students and are charged higher fees. Gibraltar is the only British Overseas Territory whose students currently qualify for the home fee rates. This proposed change will mean that students in the overseas territories of EU Member States will be treated equally.

This change reflects the close and long-standing links between the Overseas Territories and the UK. It also reflects the changed citizenship status of the territories. Under the 2002 British Overseas Territories Act British citizenship was extended to all people in the British Overseas Territories who qualified for it on the basis that they were British Overseas Territories citizens (BOTCs) from particular territories. In practice not all, but the majority of British Overseas Territories Citizens automatically became British Citizens on 21 May 2002 when the Act came into force. The exception was those deriving their BOTC status from the Sovereign Base Areas of Cyprus. Children born after 21 May 2002 to those British Overseas Territories citizens that became British citizens become British citizens themselves.