

Changes to EU and International Eligibility for UKRI funded studentships from Academic Year 2021/22 onwards

Implementation Guidance for Training Grant Holders

Issued October 2020

This guidance should be read in conjunction with the UKRI Training Grant Terms and Conditions and Guidance documents.

1. Background

The UK's exit from the EU took place on 31 January 2020. A transition period following the UK's exit from the EU ends on 31 December 2020.

Free movement of EU, EEA and Swiss nationals and UK nationals will continue until the end of the transition period. From 1 January 2021, post-EU exit immigration rules will apply.

It has been confirmed that postgraduate support would be unaffected by the EU exit for all students who start a course in academic year (AY) 20/21 or earlier¹. Previously, EU students who did not meet the UK residency requirements were eligible for fees-only awards. Support will continue on the same eligibility grounds until these students have completed their period of study.

The current UKRI residential eligibility criteria will not be valid after 01 August 2021. EU and EEA students who are recruited and start from AY 2021/22 onwards, will become international students.

As previously announced², UKRI will be opening up UKRI studentships to international students from AY 2021/22. All students would receive a full award, to include a stipend and fees at the home level. Fees-only awards will no longer be an option. All UKRI studentships must be opened up to both home and international students.

UKRI will normally limit the proportion of international students appointed each year through individual doctoral training programmes to 30 percent of the total.

The eligibility criteria has been amended to reflect these changes, with home and international students now being eligible for UKRI funded studentships.

The new policy only relates to new UKRI-funded students commencing studies from the AY 2021/22 onwards. It does not affect students who commenced prior to that. Eligibility is established at the start of the UKRI studentship and does not change throughout the duration of the award.

Eligibility

To be classed as a home student, candidates must meet the following criteria:

- Be a UK National (meeting residency requirements), or
- Have settled status, or
- Have pre-settled status (meeting residency requirements), or
- Have indefinite leave to remain or enter

¹ <https://www.gov.uk/government/news/postgraduate-support-to-continue-for-eu-nationals-for-a-further-year>

² <https://www.ukri.org/news/ukri-funded-postgraduate-programmes-to-open-to-international-students/>

If a candidate does not meet the criteria above, they would be classed as an International student.

The full eligibility criteria can be found in **Annex 1**.

It is the responsibility of the research organisation to determine eligibility using the guidance in this document and the UKRI Training Grant terms and conditions and Guidance documents.

With the exception of European students with pre-settled and settled status, all pre-existing rules around the status of a student e.g. status of refugees, those with indefinite leave to remain or enter, remain unchanged. Research Organisations should determine the status of a student by reviewing the Education (Fees and Awards) (England) regulations 2007 in the usual way, noting that UKRI determine eligibility based on the first day of the studentship, rather than the first day of the academic year. Only where you determine someone has international status do you need to consider the new UKRI policy on international student support.

2. Implementation principles

The Cap

The cap will be calculated based on a maximum of 30% of the individuals funded by UKRI per cohort per training grant for all standard studentship competitions. Where the 30% does not equal a whole number, this should be rounded up or down to the nearest whole number. There are certain council specific schemes that will not be adopting these standard conditions for example where student numbers are very low or for strategic reasons a lower or higher cap is required. Individual Research Councils will inform their training grant holders where this applies. It will not be possible for institutions to restrict eligibility or impose different cap levels.

All associated studentships are not included in the cap as they are funded in addition to the main award and through a separate recruitment process. Integrated studentships which are part of the cohort but not funded through UKRI are also not included.

Fees

The new policy only relates to new UKRI-funded students commencing studies from the AY 2021/22 onwards. It does not affect students who commenced prior to that. Eligibility is established at the start of the UKRI studentship and does not change throughout the duration of the award.

Existing UKRI fees only students are not be eligible to receive stipends and additional 'international top-up' fees should not be claimed from existing UKRI students by the RO.

As currently, home students must not be charged additional fees above the fee level paid by UKRI. For international students, international fees may now be charged, however only the home fee level can be claimed from the UKRI training grant or other UKRI funding. UKRI funding may not be used to cover the difference between the home and international fee rate. Institutions will have the flexibility to find international tuition fees from other sources.

These sources can include contributions from the institution, co-funding partners or from the students directly. The institution can also choose to waive the additional fees. ROs must ensure that students are made aware of what their funding includes and what, if any, additional costs would need to be covered from other sources.

In implementing this policy institutions must continue to ensure that recruitment processes are fair, open and transparent with equality, diversity and inclusion policies supported throughout all stages.

Recruitment of international students should be based on ability and potential and not the candidates opportunity to access funding. Financial considerations must not be part of the recruitment decision.

You must also ensure that your approach to addressing the gap between the home and international fee rate is fair and meets all legal requirements. Whilst we would hope that consortia can have a common position on this, we do recognise that this is not always possible, especially where institutional policy varies. This is an area that should be considered as part of collaboration agreements.

Where institutional co-funding was agreed as part of a funded grant the training grant holder will need to contact the individual Research Council to discuss any changes to the agreed commitments required as a result of this new policy.

Standard UKRI funding rules will apply. At least 50% of the total cost of the Studentship (at home fee level) must be drawn from the Training Grant or Training Account of a single Council.

3. Information required from Training Grant Holders

The annual report template will be amended to include information on international student recruitment. This information will be required on an individual student basis and will include:

- Confirmation of which fee level the student belongs to
- Whether the fee was charged or waived (if applicable),
- where the shortfall in fees was made up from - institutions; co-funding partners; students etc (if applicable)

A full review of the data and how the cap is being implemented across the training grants will be conducted after two years.

4. Contacts

If additional information is required on the guidance above, please contact the individual council using the addresses below:

AHRC: dtp@ahrc.ukri.org

BBSRC: dtp@bbsrc.ukri.org

EPSRC: students@epsrc.ukri.org

ESRC: tdbpolicy@esrc.ukri.org

MRC: students@mrc.ukri.org

NERC: researchcareers@nerc.ukri.org

STFC: Studentships@stfc.ukri.org

Annex One - Full Eligibility Criteria

Please note that the below guidance should be used to confirm eligibility of home or international status for UKRI funded studentships. This should not be used to determine eligibility of an individual to study in the UK.

To be classed as a Home student, candidates must meet the following criteria:

- Be a UK National (meeting residency requirements), or
- Have settled status, or
- Have pre-settled status (meeting residency requirement) or,
- Have indefinite leave to remain or enter

UK National

The UK includes the United Kingdom and Islands (i.e. the Channel Islands and the Isle of Man).

In terms of residency requirements for UK nationals, for courses starting from 1 August 2021, candidates will continue to be eligible for home fee status as long as:

- they were living in the EEA or Switzerland on 31 December 2020, and have lived in the EEA, Switzerland, the UK or Gibraltar for at least the last 3 years before starting a course in the UK
- have lived continuously in the EEA, Switzerland, the UK or Gibraltar between 31 December 2020 and the start of the course
- the course starts before 1 January 2028

Eligibility on these grounds will only be available for courses starting up to seven years from the last day of the transition period (i.e. on 31 December 2027 at the latest).

Children of UK nationals will also be eligible for support on the same terms, even if they are not themselves UK nationals, as long as both the UK national and the child meet the conditions listed above.

This is following the announcement made by <https://www.gov.uk/guidance/uk-nationals-in-the-eea-and-switzerland-access-to-higher-education-and-19-further-education>

The above residency requirements will not apply to Irish nationals living in the UK and Ireland whose right to study and to access benefits and services will be preserved on a reciprocal basis for UK and Irish nationals under the Common Travel Area arrangement.

It will also not apply to those EU, other EEA and Swiss nationals benefitting from Citizens' Rights under the EU Withdrawal Agreement, EEA EFTA Separation Agreement or Swiss Citizens' Rights Agreement respectively.

Temporary absence

A UK national may have spent an extended period living outside the UK, either for study or employment and still be eligible for home fee status. Candidates in these circumstances are required to show that they have maintained a relevant connection with their home country and therefore claim that the absence was temporary. 'Temporary' does not depend solely on the length of absence.

EU Settlement Scheme

EU, EEA or Swiss citizens can apply to the EU Settlement Scheme to continue living in the UK after 30 June 2021. If successful, applicants will get either settled or pre-settled status.

Settled status

Applicants will usually get settled status if they:

- started living in the UK by 31 December 2020
- lived in the UK for a continuous 5-year period (known as 'continuous residence')

Five years' continuous residence means that for 5 years in a row they have been in the UK, the Channel Islands or the Isle of Man for at least 6 months in any 12-month period. The exceptions are:

- one period of up to 12 months for an important reason (for example, childbirth, serious illness, study, vocational training or an overseas work posting)
- compulsory military service of any length
- time spent abroad as a Crown servant, or as the family member of a Crown servant
- time spent abroad in the armed forces, or as the family member of someone in the armed forces

If they have settled status, they can spend up to 5 years in a row outside the UK without losing that status. If they are a Swiss citizen, they and their family members can spend up to 4 years in a row outside the UK without losing their settled status.

Pre-settled status

If applicants do not have 5 years' continuous residence when they apply to the EU settlement scheme, they will usually get pre-settled status. They must have started living in the UK by 31 December 2020.

Those with pre-settled status will qualify as a home student if they have 3 years residency in the UK/EEA/Gibraltar/Switzerland immediately before the start of their course.

It is then possible to apply to change this to settled status once they have got 5 years' continuous residence. They must do this before the pre-settled status expires. They can stay in the UK for a further 5 years from the date they get pre-settled status.

If they have pre-settled status, they can spend up to 2 years in a row outside the UK without losing their status. They will need to maintain their continuous residence if they want to qualify for settled status.

Indefinite leave to remain (ILR) or Indefinite leave to enter (ILE)

Indefinite leave to enter or remain (ILR) are types of immigration status.

It is possible to continue to live in the UK without applying to the EU Settlement Scheme if they have indefinite leave to enter or remain in the UK. However, if they choose to apply (and meet all the other conditions), they will get 'indefinite leave to remain under the EU Settlement Scheme' - also known as settled status.

They can spend up to 2 years in a row outside the UK without losing their indefinite leave to enter or remain status.

International Student

If a candidate does not meet the criteria above, they would be classed as an International student.