



T: 0300 244 4000
E: scottish.ministers@gov.scot

Stuart McMillan MSP
Convener
Delegated Powers and Law Reform Committee
The Scottish Parliament
Edinburgh
EH99 1SP

11 May 2022

Dear Convener

I am writing to confirm the changes that we are bringing forward regarding eligibility criteria applied to students who wish to undertake a course of study in Further Education (FE) or Higher Education (HE) in Scotland. These changes are subject to parliamentary approval with regulations due to be laid on 11 May 2023 and scheduled to come into force for the start of the 2023/24 Academic Year (AY).

These changes have been informed by a recent public consultation carried out by the Scottish Government: <https://consult.gov.scot/higher-education-and-science/changes-to-residency-criteria-for-access> The formal response to this consultation exercise will be published on the Scottish Government's website shortly.

Widening The Definition of Relevant Connection to Scotland

From the new academic year, the Scottish Government will expand the eligibility criteria in respect of the relevant connection to Scotland in order for eligible students to access home fee status/ student financial support.

The expanded eligibility will include all students who are:

- Ordinarily resident in the UK for three years prior to the relevant date;
- Ordinarily resident in Scotland on the relevant date; and
- Granted a form of leave to enter or remain in the UK, where that leave has not expired.

Students meeting this criteria will be eligible to home fee status and living cost support for the duration of their studies in both FE and HE.

Young Unaccompanied Asylum Seekers and Children of Asylum Seekers

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot



From the new academic year, the Scottish Government will extend access to the home tuition fee rate and tuition fee support to Young Unaccompanied Asylum Seekers and Children of Asylum Seekers who are resident in Scotland on the relevant date and were under the age of 18 on the date when the application for asylum was made.

Students meeting this criteria will be eligible for the home tuition fee rate and tuition fee support support for the duration of their studies in both FE and HE.

Applying the Relevant Date Requirement to Existing Support for Ukrainian Students Resettled in Scotland Through the Three Home Office Schemes

From the new academic year, the Scottish Government will require that any Ukrainian student applying for home fee status and living cost support for the duration of their studies in both FE and HE be ordinarily resident in Scotland from the relevant date of the start of their course.

Further supplemental information can be found within the Policy Note and Equality Impact Assessments that accompany the regulations.

I would be happy to meet with you in the event that you have questions regarding the Scottish Government's approach to the support we are offering for these students.

Yours Sincerely,

GRAEME DEY

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St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



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