



## EU Settlement Scheme grace period

The closing date for the EU Settlement Scheme (that is, the ending of the grace period) is 30 June 2021.

After this date, EU, other EEA and Swiss nationals applying for courses starting in academic year 2021/22 will generally not be awarded student finance from Student Finance England unless they applied for settled or pre-settled status on or before this date. Similarly, they will generally not be eligible if their application under the EUSS has been rejected.

As the grace period runs until 30 June 2021, there may be applicants for student finance for the 2021/22 academic year who have not yet applied for settled or pre-settled status under the EUSS but are within the time limit for doing so. Once the 2021/22 academic year begins, the grace period will have ended and these applicants should, in general, either have been granted pre-settled or settled status. There may also be some applicants who, when they apply for student finance, have already made an in-time EUSS application but are still waiting a final decision on their status from the Home Office after the end of the grace period, including those that have lodged an appeal.

Under article 18(2) and 18(3) of the Withdrawal Agreement<sup>1</sup>, these persons (provided they are within scope) are deemed to have the rights provided for in Part 2 (citizens' rights) of the Agreement during the grace period and pending a final decision on their status by the Home Office. This will be reflected in the Student Loans Company (SLC)'s approach to assessing eligibility for the 2021/22 academic year.

The SLC will make an initial assessment of eligibility for 2021/22. Following this, the application will be waiting for full confirmation of status and will be further assessed after 30 June 2021. Prior to or at the start of the next academic year, contact will be made with students who require pre-settled or settled status and have not yet provided a valid share code to request evidence of that status or of an ongoing application or appeal with the Home Office. If evidence is provided, the SLC will confirm the student's eligibility or, if evidence is not provided, will confirm that the student is not eligible.

For applicants that have an application pending with the Home Office at the beginning of the academic year, the SLC will treat them as eligible for the 2021/22 academic year if they meet the other standard residency criteria. If the Home Office makes a final determination that declines the application, the applicant will cease to be eligible in respect of the following academic year(s).

Where an applicant to the EU Settlement Scheme applies after the cut-off date of 30 June 2021 and the Home Office applies their discretion and grants the application, any period of unlawful residence in the UK from 1 July 2021 until the date of award of pre-settled or settled status can be disregarded for the purposes of considering the three-year ordinary residence requirement. In effect, SLC will

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<sup>1</sup> And equivalent provisions in the EEA EFTA Separation Agreement and Swiss Citizens' Rights Agreement.

treat the period as lawful residence in the UK and it can therefore form part of the required three-year lawful residence period. The Home Office can also exercise its discretion to accept an application after the pre-settled status expiry date – in that case, any period of unlawful residence in the UK following the date of expiry of pre-settled status until the date of award of settled status can be disregarded.

The SLC will publish their assessing eligibility guide in March 2021. We suggest institutions review this guidance and consider how to deal with these applicants, both in the grace period, and where applicants are still awaiting a decision from the Home Office, bearing in mind their rights under the Withdrawal Agreement. We anticipate that Institutions will take a similar approach to SLC, outlined above, when awarding home fee status. Institutions may also wish to note that, under the regulations relevant to home fee status, the relevant date for assessing whether a person falls into an eligibility category is the first day of an academic year.

The references to grace period applicants will cease to be relevant once the grace period has ended, and we will be removing them, along with references to applicants where the Home Office have not yet determined status (such as through ongoing appeals), from student finance regulations in due course.

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