

Short Guide for Advisers on Access to Further Education

This information paper is for advisers and outlines which learners should be considered as a home student for fee purposes¹ and eligible for fee remission². A learner must first be eligible for Learning and Skills Council (LSC) funding (ie home student fee status) in order to be considered for fee remission.

Eligible for LSC Funding

- asylum seekers aged 16-18
- asylum seekers who after six months are still waiting for a decision on their claim or appeal
- people who have been refused asylum, are unable to return because of circumstances beyond their control and are receiving Section 4 support
- asylum seekers granted refugee status, discretionary leave to remain, humanitarian protection or exceptional leave to remain, their spouses and dependents
- learners who have been legally resident in the UK for 3 years³ before the start of the course
- learners granted indefinite leave to remain in the UK or British citizenship within the 3 years before the start of the course⁴
- learners who were granted Exceptional Leave to Remain, Discretionary leave to remain or Humanitarian Protection and have applied for further leave to remain in time should be considered as having continuing leave to remain.⁵
- learners who were granted exceptional leave to remain and have continued to be ordinarily resident⁶

Eligible for Fee Remission⁷

- asylum seekers aged 16-18 (asylum seekers who turn 19 while on a course will remain eligible for funding until the end of that course)
- supported asylum seekers who after six months are still waiting for a decision on their claim or appeal
- people who are receiving Section 4 support

¹ Some courses in FE may require permission to work. See the Refugee Council's briefing on access to vocational training at http://www.refugeecouncil.org.uk/NR/rdonlyres/CEB597B9-9EB6-4340-861C-CAB7183CF294/0/right_to_work.pdf, last searched 15 March 2007

² Fee remission means that some or all of the course fees will be funded by the LSC

³ Sec 17a *LSC Learner Eligibility Guidance 2007-08*

⁴ Sec 17c *LSC Learner Eligibility Guidance 2007-08*

⁵ The Department for Innovation, Universities and Skills have stated that 'If a person applies for a further period of discretionary leave before the first period of discretionary leave has expired, then the applicant's discretionary leave may be extended by section 3C of the Immigration Act 1971...provided the application has not been withdrawn, the period of discretionary leave would be extended for the period it takes the Home Office to make a decision on the application.' See <http://www.refugeecouncil.org.uk/news/news/2007/august/20070829.htm>, last searched 6 September 2007

⁶ Sec 14e *LSC Learner Eligibility Guidance 2007-08*

⁷ The full list of learners eligible for fee remission, see Sec 93 *LSC Learner Eligibility Guidance 2007-08*

- learners studying their first full level 2 qualification (equivalent to 5 GCSEs A*-C) who are ordinarily resident in the UK
- learners aged between 19-25 and taking their first full level 3 qualification (equivalent to 2 or more A levels) who are ordinarily resident in the UK
- refugee learners in receipt of income-based benefits or unemployed
- learners taking a basic skills qualification, other than English for Speakers of Other Languages (ESOL)

Note of Ordinarily Resident

Ordinarily Resident for funding purposes is 'in a given country or region any person who habitually, normally and lawfully resides from choice and for a settled purpose in that country. Temporary absences from the relevant area should be ignored. Someone who has not been ordinarily resident because he or she or the person's parent or spouse or civil partner was working temporarily abroad will be treated as though the person had been ordinarily resident in the relevant area.'⁸

⁸ Sec 13 *LSC Learner Eligibility Guidance 2007-08* This includes the length of time claiming asylum and further representations.