

## Those with Section 67 leave

**(use this category only if the academic year you are paying fees for starts on or after 1 August 2023)**

The requirements for this category were different in academic years that started before 1 August 2023. So it is important you look at the category titled 'Those with Section 67 leave (use this category only if the academic year you are paying fees for starts before 1 August 2023)' too, if you started before 1 August 2023.

This category is only for students who are starting a course on or after 1 August 2019.

In order to qualify for 'home' fees under this category, all of the following criteria (a) to (c) must be met:

(a) you must be *ordinarily resident* in the *UK* on the day on which the first term of the first academic year actually begins (note this is a different date from the *first day of the first academic year of the course*)

**Note:** Usually you do not count as 'ordinarily resident' in a place unless your residence there is lawful. However, the regulations make a special adjustment to that for requirement (a) in this category. They say that if you became a 'person with Section 67 leave' (or a dependent child granted leave for the same period) after the day on which the first term of the first academic year actually began, you get special treatment. The special treatment means you are treated as though your residence was lawful, even if it was unlawful. The residence can therefore count as 'ordinary residence' for the purpose of requirement (a).

(b) on the *first day of the academic year* you are paying fees for (unless you are being assessed for the first academic year of your course, in which case use instead the day on which the first term of the first academic year actually begins), you must be either:

1. a person with Section 67 leave (it doesn't matter if the Section 67 leave is for a limited period, or an indefinite period); or
2. a dependent child of a person with Section 67 leave, who has been granted leave for the same period;

**Note:** Once you have qualified for this category for one year of your course, requirement (b) is less strict for later years of your course. So for later years of your course, it is acceptable if the Section 67 or dependant leave has stopped, as long as one of the two of you has any kind of leave to remain (or British or Irish citizenship) on the first day of whatever academic year you are paying fees for. This is a special adjustment to requirement (b) that the regulations make. It is available for academic years that start on or after 1 August 2024.

(c) you must have been ordinarily resident in the *UK and Islands* throughout the period since being granted your leave.

## **Expiry date for leave**

The leave might have an expiry date. If the person makes an application to extend or change their leave before it expires, and that application is not decided before the expiry date, then immigration law dictates that they carry on being treated as a person with the old leave while they wait for a decision to be made (and if their application is refused, then also while they wait for an appeal or administrative review of the decision). They count as a person with the old type of leave for fee assessment purposes during all of that time.

## **Becoming eligible**

If you are, or if your parent is, granted section 67 leave after the start of the course, you will be entitled to 'home' fees from the start of the next academic year, if you meet the requirements above.