

Those with indefinite leave on the bereaved partner route, and children

(use this category only if the academic year you are paying fees for starts on or after 1 August 2024)

The requirements for this category were different in academic years that started before 1 August 2024. So it is important you also look at the category titled 'Those with indefinite leave on the bereaved partner route (use this category only if the academic year you are paying fees for starts on or after 1 August 2023 but before 1 August 2024)', if you started before 1 August 2024. And if you started before 1 August 2023, it is important you also look at the category titled 'Those with indefinite leave as a bereaved partner (use this category only if the academic year you are paying fees for starts before 1 August 2023)'.

This category is only for students who start a course on or after 1 August 2021.

In order to qualify for 'home' fees under this category, you must meet both criteria (a) and (b):

(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 or your parent became a person with indefinite leave on the bereaved partner route 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 fit 1 or 2:

1. a person with indefinite leave to remain on the bereaved partner route, under any of the following provisions of the Immigration Rules: Appendix Bereaved Partner paragraph BP 11.1; paragraphs 287(b) and 288; Appendix FM paragraph D-BPILR 1.1; Appendix Armed Forces paragraph 36; paragraphs 295M and 295N; and
 - you have been ordinarily resident in the *UK and Islands* throughout the period since being granted your leave to remain on the bereaved partner route.
2. the *child* of person described in 1. You must have been their child at the time they made the immigration application that resulted in their leave on the bereaved partner route, and under 18 on that date; and

- you must have indefinite leave to remain; and
- you must have been ordinarily resident in the *UK and Islands* throughout the period since being given your own indefinite leave

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 either one or both of you has lost your indefinite leave, 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.

Expiry date for leave on the bereaved partner route

The leave to remain 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 your parent or you are granted indefinite 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.