

## **Persons granted leave under the Afghan Schemes, and family (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 very different in academic years that started before 1 August 2024 (particularly for spouses, civil partners and children). So if you started your course before 1 August 2024, it is important you also look at the category titled 'Persons granted leave under the Afghan Schemes (use this category only if the academic year you are paying fees for starts before 1 August 2024)'.

This category is only for students who start their course on or after 1 August 2023.

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, spouse or civil partner) became a 'person granted leave under one of the Afghan Schemes' 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:**

1. a "person granted leave under one of the Afghan Schemes", which means a person:
  - who has any one of these four types of leave (if they fit one, you can ignore the other three entirely):

- i. indefinite leave to enter or indefinite leave to remain in the UK, outside the immigration rules, on the basis of the Afghan Citizens Resettlement Scheme
- ii. leave to enter the UK on the basis of the Afghan Relocations and Assistance Policy Scheme (note that leave on the basis of the 'Afghanistan Locally Employed Staff Ex-Gratia Scheme' does not count for this, but see the section below headed 'If a biometric residence permit shows ALES' for an important warning)
- iii. indefinite leave to enter or indefinite leave to remain in the UK, outside the immigration rules, on the basis of the Afghan Relocations and Assistance Policy Scheme (note that leave on the basis of the 'Afghanistan Locally Employed Staff Ex-Gratia Scheme' does not count for this, but see the section below headed 'If a biometric residence permit shows ALES' for an important warning)
- iv. indefinite leave to enter or indefinite leave to remain in the UK granted to them under the immigration rules for the Afghan Relocations and Assistance Policy because of their own work in Afghanistan (not the work of a partner or parent). Note that leave on the basis of the 'Afghanistan Locally Employed Staff Ex-Gratia Scheme' does not count for this (but see the section below headed 'If a biometric residence permit shows ALES' for an important warning)

and

- who has been *ordinarily resident* in the *UK and Islands* throughout the period since they were granted such leave.

or

2. the *spouse* or *civil partner* of a "person granted leave under one of the Afghan Schemes" (look above the definition). You must have been their spouse or civil partner at the time they made the application that resulted in them being given their leave, and:

- you must have been *ordinarily resident* in the *UK and Islands* throughout the period since you were granted leave to enter or remain; and
- you must be ordinarily resident in the UK and Islands.

**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 this second bullet point of requirement (b)2 in this category. They say that if you are being assessed for the first academic year of your course, and your spouse or civil partner became a "person granted leave under one of the Afghan Schemes" 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'.

or

3. the *child* of either:

- a “person granted leave under one of the Afghan Schemes” (look above for the definition). You must have been their child at the time they made the application that resulted in them being given their leave, and under 18 on that date; or
- the spouse or civil partner of a “person granted leave under one of the Afghan Schemes” (look above for the definition). At the time when the “person granted leave under one of the Afghan Schemes” made the application that resulted in them being given their leave:
  - they must have been the spouse or civil partner; and
  - you must have been the child of the spouse or civil partner; and
  - you must have been under 18.

You (the child) must also:

- have been *ordinarily resident* in the *UK and Islands* throughout the period since you were granted leave to enter or remain; and
- be ordinarily resident in the UK and Islands.

**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 this second bullet point of requirement (b)3 in this category. They say that if you are being assessed for the first academic year of your course, and your parent became a "person granted leave under one of the Afghan Schemes" 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'.

**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 "person granted leave under one of the Afghan Schemes" loses their Afghan Scheme leave, as long as they have some 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.

## If a biometric residence permit shows 'ALES'

The letters 'ALES' are used on the biometric residence permits of two different groups of people:

1. People granted leave on the basis of the Afghan Relocations and Assistance Policy Scheme
2. People granted leave on the basis of the Afghanistan Locally Employed Staff Ex-Gratia Scheme

The Home Office confirmed this to UKCISA.

So if you have leave on the basis of the Afghan Relocations and Assistance Policy Scheme, do not just show your biometric residence permit. Show a letter or other document from a UK government department (for example, the Ministry of Defence or the Home Office) that mentions both the 'Afghan Relocations and Assistance Policy Scheme' (or 'ARAP') and your name. This will act as confirmation that the leave was granted on the basis of that scheme.

Make sure you emphasise to the fee assessor from the beginning that the leave was issued on the basis of the Afghan Relocations and Assistance Policy Scheme and **not** the Afghanistan Locally Employed Staff Ex-Gratia Scheme. You might want to send them a link to this paragraph, too.

## Expiry date for the leave (immigration permission)

The leave (immigration permission) 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 that type of 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 that leave for fee assessment purposes during all of that time.

## Becoming eligible

If one of the four types of leave is granted 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.