

## **3 years in Republic of Ireland/UK/Islands, settled in UK (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 if you started before 1 August 2024, it is important you also look at the following category: '3 years in Republic of Ireland/UK/Islands, settled in UK (use this category only if the academic year you are paying fees for starts before 1 August 2024)'.

Tip: Usually you should only use this category if you have been ordinarily resident in the Republic of Ireland at some point during the three-year period. If you have not, then try to use the category headed '3 years in UK and Islands, settled in UK' instead. It gives better access to Student Support.

You can use this category for all the academic years that start on or after 1 August 2024, even if you paid 'overseas' fees for an earlier year of the same course.

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

**(a) 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 'settled' in the UK**

To be 'settled' you must be both ordinarily resident in the UK and without any immigration restriction on the length of your stay in the UK. The regulations take this definition of 'settled' from immigration law (section 33(2A) of the Immigration Act 1971).

You have no immigration restriction on the length of your stay in the UK if you fall into one of the following groups (A or B or C or D or E or F):

### **A. Republic of Ireland citizen**

If you are a citizen of the Republic of Ireland, you have no immigration restriction on the length of your stay in the UK. You are also an EU national and an EEA national.

## **B. 'Indefinite Leave to Remain' or 'Indefinite Leave to Enter' ('ILR'/'ILE')**

If you have Indefinite Leave to Enter (ILE) or Indefinite Leave to Remain (ILR) in the UK, you have no immigration restriction on the length of your stay in the UK.

If you have been given 'settled status' under the EU Settlement Scheme, there is a special category for you to use instead of this one, if you meet the criteria for that category - it is the category headed '3 years in UK and Islands, EUSS settled status connection'. Even though you do have ILE or ILR, you will probably find that you do not meet the criteria for the '3 years in Republic of Ireland/UK/Islands, settled in UK' category, because of criterion (b), below. In that case, look at the other category instead.

If you have ILE or ILR in Jersey, Guernsey, or the Isle of Man, then this is considered to be ILE or ILR in the UK whenever you are in the UK.

## **C. British Citizen**

If your passport describes you as a 'British Citizen', you have no immigration restriction on the length of your stay in the UK.

### A special note for British Overseas Territories Citizens (BOTCs)

Many British Overseas Territories Citizens (BOTCs) are also British Citizens. The easiest way to show you are a British Citizen is to have a passport that lists your nationality as 'British Citizen'. If you do not have one, England's Department for Education indicates in its Assessing Eligibility Guidance 2024/25 (paragraph 3.1) that any of the following will be acceptable instead:

- a British Overseas Territories Citizen passport issued before 21 May 2002; or
- a British Dependent Territories Citizen passport issued before 21 May 2002; or
- a British Overseas Territories Citizen passport issued on or after 21 May 2002, but only if you also provide evidence that either:
  - you or your parent was born in a British overseas territory (check the list of 'qualifying territories' at [www.gov.uk/types-of-british-nationality/british-overseas-territories-citizen](http://www.gov.uk/types-of-british-nationality/british-overseas-territories-citizen)); or
  - you or your parent was registered or naturalised as a citizen (for example, as a British Subject, a Citizen of the UK and Colonies, a British Citizen, a British Dependent Territories Citizen, or a British Overseas Territories Citizen) before 21 May 2002.

If you are a British Overseas Territories Citizen who is also a British Citizen, another category you might fit is the one headed 'Residence in British overseas territories', where the residence area is bigger.

#### **D. Right of Abode**

If you have a Certificate of Entitlement to the Right of Abode in the UK in your passport, you have no immigration restriction on the length of your stay in the UK.

#### **E. Non-British Citizen serving in the British armed forces**

If you are not a British Citizen and you are serving in the British armed forces, you are treated as having no immigration restriction on the length of your stay in the UK, while you serve in the British armed forces. This is because of section 8(5) of the Immigration Act 1971.

#### **F. Unusual scenario**

This unusual scenario only operates if you meet all these 4 requirements:

1. You had the right of permanent residence under European law in the UK at 10.59pm on 31 December 2020; and
2. You have made an application for the EU Settlement Scheme (EUSS); and
3. You are still waiting for a decision on your EUSS application, and you have a Certificate of Application (it does not matter if you made the EUSS application late, after the deadline).  
Or you are waiting for the outcome of an administrative review or appeal about that application (your request for an administrative review or appeal needs to have been made in-time, or accepted by the authorities for consideration despite being outside the time limit), or you are still within the time limit for submitting one; and
4. You do not qualify for 'home' fees under the category headed '3 years in UK and Islands, EUSS settled status connection' (this might be, for example, because you have been ordinarily resident in the Republic of Ireland; or because you are being assessed for the first academic year of your course and you submitted your EUSS application in the period between the first day of the first academic year and the day your first academic year actually begins).

### **Examples of where status is not 'settled'**

You are not 'settled' if you:

- have a time limit on the length of your stay in the UK, as shown by your current immigration permission (you have 'limited leave'); or
- are exempt from immigration control (unless you fit box E). For example you are living in the UK as a diplomat or a member of their household/family; or
- have a type of British passport that does not give you British Citizenship (for example a British National (Overseas) passport), and you do not have Indefinite Leave

**(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 not be someone who qualifies for 'home' fees under the category headed '3 years in UK and Islands, EUSS settled status connection'**

If you are someone who qualifies for 'home' fees under that other category, you will be assessed under that category instead. The three-year residence area for that category is smaller, it does not include the Republic of Ireland. The category covers people who have settled status under the EU Settlement Scheme, Irish citizens who at some point have lived in the UK and Islands for a 5-year period, and some people who used to have a right of permanent residence under European law and then applied for the EU Settlement Scheme.

**(c) you must have been ordinarily resident in the Republic of Ireland and/or *UK and Islands* for the full three-year period before the *first day of the first academic year of the course*. For example, if your course begins in October 2024 you must have been ordinarily resident in the Republic of Ireland and/or UK and Islands from 1 September 2021 to 31 August 2024**

Note that it is not necessary to have had 'settled' immigration status for the full three years. You can obtain 'settled' immigration status as late as the first day of whichever academic year you are paying fees for (or as late as the day on which the first term of the first academic year actually begins, if you are being assessed for the first academic year of your course).

**Note:** A person who makes a late application to the EU Settlement Scheme (EUSS) will have any period of residence in the UK and Islands between missing the deadline for the EUSS and making their EUSS application treated as lawful residence, even if it was unlawful. This means the residence can count as 'ordinary residence'.

**(d) the main purpose for your residence in the large area described in (c) must not have been to receive full-time education during any part of that three-year period**

Tip: if you were in full-time education at some point during the three years, then ask yourself: If I had not been in education, where would I have been? If the answer is that you would have been somewhere in the large area that consists of the Republic of Ireland/UK/Islands anyway, then you meet criterion (d).

**(e) you must be *ordinarily resident* in the UK on the day on which the first term of the first academic year actually begins**