

## Persons granted Calais leave to remain

**(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 'Persons granted Calais leave to remain (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 2020.

In order to qualify for 'home' fees under this category, all of the following criteria (a) to (c) 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 a person granted Calais leave, which means "a person who has extant leave to remain in the UK under paragraph 352J, 352K, 352L or 352T (Calais leave and "leave in line" granted by virtue of being a dependent child of a person granted Calais leave) of the immigration rules"

**Note:** Once you have qualified for this category for one year of your course, requirement (a) is less strict for later years of your course. So for later years of your course, it is acceptable if the Calais leave 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.

(b) you must have been **ordinarily resident** in the **UK and Islands** since you were granted such leave

(c) 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 (c) in this category. They say that if you became a 'person granted Calais leave' 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 (c).

## **Expiry date for Calais 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 Calais 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 Calais leave' for fee assessment purposes during all of that time.

## **Becoming eligible**

If you are granted Calais 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.