

‘Persons with leave to enter or remain’ (family life or Appendix FM or private life or Article 8 or discretionary leave), and family

In order to qualify for ‘home’ fees under this category, both criteria (a) and (b) must be met:

(a) you must be *ordinarily resident* in the *UK* on the *first day of the first academic year of the course*

(b) on the *first day of the academic year* you are paying fees for, you must be:

1. a "person with leave to enter or remain", which means a person:

- who has -
 - been granted leave to remain (not leave to enter) on the grounds of family life under the immigration rules - importantly this includes anyone with leave to remain granted under Appendix FM of the immigration rules; or
 - been granted leave to remain on the grounds of private life under the immigration rules; or
 - been informed by the Home Office that although he/she is not considered to qualify for leave to remain on the grounds of private or family life under the immigration rules, he/she has been granted leave to remain outside the immigration rules on the grounds of Article 8 of the European Convention on Human Rights; or
 - applied for refugee status but has, as a result of that application, been informed by the Home Office that, although he/she is considered not to qualify for recognition as a refugee, it is thought right to allow him/her to enter or remain in the UK on the grounds of discretionary leave, and who has been granted leave to enter or remain accordingly; or
 - not applied for refugee status but has been informed by the Home Office that it is thought right to allow him/her to enter or remain in the UK on the grounds of discretionary leave, and who has been granted leave to enter or remain accordingly; and
- whose period of leave to enter or remain has not expired, or has been renewed and the period for which it was renewed has not expired, or in respect of whose leave to enter or remain an appeal is pending; and
- who has been ordinarily resident in the UK and Islands throughout the period since he/she was granted leave to enter or remain.

or

2. the spouse or civil partner of a “person with leave to enter or remain” (look above for 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.

or

3. the *child* of either:

- a “person with leave to enter or remain” (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 with leave to enter or remain” (look above for the definition). At the time when the “person with leave to enter or remain” 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.

Becoming eligible

You, your parent (or your parent's spouse / civil partner), or your own spouse / civil partner might be granted Appendix FM leave, private or family life leave, Article 8 leave or discretionary leave after the start of the course. If that happens, seek advice about whether you have become eligible for 'home' fees.

Notes

The leave to enter or 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 leave to enter or remain” 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 leave to enter or remain” for fee assessment purposes during all of that time.