



Funding eligibility for Government employees abroad

Higher Education funding for Government employees abroad (non-military) and their families

Government employees and their families can be absent from the UK, for work purposes, for long periods of time. If you or your family members want to return to the UK to study, your absence from the UK can affect your entitlement to student support. This document covers the most common queries we receive which fall under this topic. If we have not covered your specific circumstances, we strongly advise you to contact us before starting your course to check what support you may be eligible for.

Please note, the information in this document does not apply to armed forces or diplomats working abroad.

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1 GENERAL RESIDENCE CONDITIONS

SAAS operate under the Students' Allowances (Scotland) Regulations 2007 (as amended). These regulations state that in order to be eligible for support, students must meet the following 3 conditions:

- Be ordinarily resident in the United Kingdom, the Channel Islands or the Isle of Man for the three years immediately before the relevant date (the first day of the first academic year of the course). If you fall short of being ordinarily resident in the UK for the three year qualifying period, even by one day, you will not be eligible to apply for support
- If you are not a UK or other EU national, you must also have 'settled status' in the UK (as set out in the Immigration Act 1971) on the relevant date. If you have not been living in the UK, you may still qualify depending on your circumstances.
- You must also be ordinarily resident in Scotland on the relevant date. We will not treat you as being ordinarily resident in Scotland if your main purpose in coming here has been to receive full-time education and that you would have otherwise been living elsewhere.

If you do not meet the residence requirements above, you may still be eligible for support under one or more of the exceptions to these. The exceptions that may apply to government staff and their family members are detailed in section 2 and 3 below.

2 TEMPORARY ABSENCE

We can only consider a period of absence from the UK as temporary, if it is for employment or to attend a course of study or postgraduate research.

When deciding if a period of absence is temporary, we take into account the following:

- How long you have been absent from the UK
- Your immigration status in the country you are currently living in
- The nature of your parents' husband, wife or civil partner's overseas contract
- If your parents, husband, wife or civil partner has been paying UK income tax
- Did your parents, husband, wife or civil partner maintain a home in the UK
- Do you return regularly to the UK, if so, why, for how long and where to?

Those who are on a short, one off, fixed-term contract of 3-5 years, who will return to Scotland to live there ordinarily at the end of the contract outside the UK, will normally be eligible for support from us. If you choose to remain abroad for a longer period of time, you may not be eligible for support. We will assess each case individually, on its own merits taking into account all the relevant information you give us.

Examples

John's family was sent abroad on a three year temporary posting. Although he was not resident in the UK for the three year qualifying period, we can fund him under the temporary absence conditions due to the short and temporary nature of the overseas posting.

Claire plans to go to university in 2016. For the last 48 months she has been living in Malawi with her mother due to her temporary posting. Her entire family plan to return to Scotland in October 2016. While they have been abroad, the family have been maintaining their home in Scotland which they did not rent out and they returned to several times a year for holidays and to visit family. Claire is eligible for support due to the short and temporary nature of the posting and the fact that they maintained close links with Scotland while living abroad.

Mathew plans to go to university in 2016. The family have all been living abroad since 2004 due to the father's various consecutive postings. They did not maintain a family home in Scotland. Mathew and his mother returned to Scotland on some of the school holidays and stayed with an aunt but the father remained abroad. Mathew would not be eligible for support as the length of time abroad is too long to be temporary and their return to Scotland was for holidays and not for an ordinary purpose.

Keira plans to go to university in 2016. The family have all been living abroad since 2000 due to her father's various consecutive postings. In July 2015, the family moved to Scotland to take up a post in the East Kilbride office. Although the family is ordinarily resident in Scotland for one year prior to Keira starting her studies, they do not meet the requirement of being ordinarily resident in the UK for the required three year period. Therefore they would have to satisfy our temporary absence conditions, which they don't, because the absence is too long for us to regard it as temporary. Keira would therefore not be eligible for support.

Eric plans to go to university in 2016. The family have all been living abroad since 2007 due to the mother's posting. Eric was born in Scotland in 1995. He came back to Scotland in June 2015 to attend the last year of secondary school and has been living with his aunt in Glasgow. The absence is too long for us to regard this as temporary, however, there is an exception to the 3 years residence in the UK that applies to those who were: born in the UK; who have spent the greater part of their life in the UK; who have been ordinarily resident in the UK for one year during the three year qualify period. As Eric meets this exception, he will be eligible for support.

Julie plans to go to university in 2016. The family went abroad in 1999 due to her father's posting. The family came back to the UK in 2010 for four years and lived in Scotland. In 2014 the family went abroad again due to the father's posting. The family will remain abroad until the end of the father's contract in February 2019 but may be posted abroad again immediately after this. Although Julie has spent most of her life outside the UK, because she lived in the UK for four years prior to her father's current posting, we can ignore all previous postings. This means as she is coming back to the UK in 2016, and only left the UK in 2014, we can treat her 2 year absence as temporary and offer support.

3 BORN IN AND SPENT THE GREATER PART OF THEIR LIFE IN THE UK

If you have been absent from the UK for some of the three year qualifying period, and we are not able to treat your absence as temporary, if you were born in the UK and have spent the greater part of your life in the UK, you will qualify for support if you meet the following conditions.

- You have been ordinarily resident in the UK and Islands for at least one out of the three years immediately prior to the relevant date and no part of that period of residence was wholly or mainly for the purpose of receiving full-time education. The one year period in the UK can be at the start, in the middle or at the end of the three year qualifying period; **or**
- If you are not an independent student, one or both of your parents have been ordinarily resident in the UK and Islands for the three years immediately prior to the relevant date; **and**
- You were ordinarily resident in Scotland on the relevant date.

Examples

Scott is 18 and is planning on going to university in autumn 2016. He was born in Scotland and lived there until his father's posting abroad in 2009. The entire family returned to Scotland in January 2015. Scott will be eligible for support as he was born in the UK, has spent the greater part of his life in the UK and has been back living in the UK for one full year out of the last three.

Rachel is 19 and is planning on going to university in autumn 2016. She was born in Newcastle and lived there until her father was posted abroad in July 2009. In June 2012, she came back to the UK (Scotland) to live and work. In October 2014 she returned to live with her family abroad. She intends to return to Scotland to live, study and work in April 2016. Rachel will be eligible for support as she was born in the UK, has spent the greater part of her life in the UK and has lived in the UK for one full year out of the last three.

4 FINAL POINTS TO NOTE

Each college or university decides what fee status to give you (home, EU or overseas) which in turn determines the amount of fees they charge you. Home and EU fees at Scottish institutions are £1,285 a year for an HNC or HND and £1,820 a year for a degree or equivalent level of qualification. Fee amounts for students studying in the rest of the UK can differ.

Overseas fees can be between £4,000 and £30,000 a year.

Colleges and universities operate under different legislation to us. This means if they assess you as home or EU, it does not mean we (SAAS) will in turn regard you eligible for support.

5 WHERE CAN I FIND OUT MORE INFORMATION?

Residency cases can be complicated, if you are not sure whether you or your family member should apply to SAAS for support, call the SAAS help line on 0300 555 0505 to discuss your individual circumstances.

Our events team attend UCAS career fairs, college and university open days and applicant days, to provide information on funding issues. We also visit schools throughout Scotland to provide potential students and parents with an overview of the funding available. You can find details of these events on our Facebook and Twitter pages.

Useful links:

SAAS:

- www.saas.gov.uk
- www.facebook.com/saasfb
- www.twitter.com/saastweet