



Research and Information Service Briefing Note

Paper 68/12

01 May 2012

NIAR 264-2012

Eóin Murphy

Scotland Tuition Fees and Northern Ireland Students

1 Introduction

When a student goes to university in another EU country (in this case, the 27 EU member states + Iceland, Liechtenstein and Norway), as an EU citizen they are entitled to pay the same course fees as a national. This treatment does not extend to support or maintenance grants and loans. Some countries may nevertheless choose to provide maintenance grants to foreign students, on their own initiative.¹ Within a nation (such as within the UK) it is possible for a country to differentiate fees between regions as they are not subject to the cross border aspect of EU regulations.

This gives rise to a potential issue regarding the unique constitutional circumstances of Northern Ireland residents, where it is possible for them to claim Irish and/or UK citizenship.

In these circumstances, the question must be asked – Is it possible for a Northern Ireland student holding an Irish passport to claim EU eligibility for free tuition fees in Scotland?

¹ European Union, Your Europe University – Financial Help
http://europa.eu/youreurope/citizens/education/university/financial/index_en.htm

2 Scotland eligibility requirements

Eligibility for Student Support is assessed by the Student Awards Agency for Scotland (SAAS), with Scottish domiciled students and EU national students having their tuition fees paid for by the Scottish Government.

It should be noted that the assessment of eligibility for level of payment of tuition fees is a two stage process. The SAAS carries out an assessment based on information supplied in a student's funding application to ascertain eligibility. This assessment is then passed on to an applicant's Higher Education Institution (HEI) of choice. The HEI then sets the tuition fee based on eligibility.²

2.1 Scottish Students Eligibility

To be eligible for support applicants must meet Scotland residence conditions and be on a course they support. Generally, to qualify for support they must be:³

- Ordinarily resident in the UK and Islands for 3 years immediately before the first day of the first academic year of the course;
- Settled in the UK as described in the Immigration Act 1971;
- Ordinarily resident in Scotland on the first day of the first academic year of the course; and
- Studying full time in higher education.

The first day of the first academic year of a course, known as the 'relevant date', is 1 August, for those who start a course in the autumn term.

2.2 EU Students

If an applicant qualifies as an EU student they will receive the same tuition fees support as a Scottish student (i.e. they will not have to pay fees).

An EU student can apply to SAAS for payment of tuition fees if they meet the following criteria:⁴

- They are an EU national, or the family member of an EU national;
- They have been ordinarily resident in a member state of the EU or elsewhere in the EEA and Switzerland for the three years immediately before the first day of the first academic year of their course; and
- They are undertaking a course of full time study in Scotland and plan to graduate in Scotland. If they are an EU national and you have lived in the UK and Islands (apart from temporary absences) for the three years before the first day of the first academic year of your course (1 August for a course starting in the autumn term),

² Based on discussions with SAAS representatives

³ Student Awards Agency for Scotland, Student Support Information Guide 2012-2013

⁴ Ibid

they may be eligible for a student loan, bursary and any supplementary grants that may apply.

Please note, an applicant must meet **all** of these criteria to be eligible.

Discussions with SAAS officials found that an NI student who holds an Irish passport would be considered an EU student (as they would hold Republic of Ireland citizenship). In addition, an NI domiciled student holding an Irish passport could also potentially meet the residency requirements as they would be living in an EU state.⁵

If questions regarding residency are raised, the SAAS may request for further information from the applicant to prove residency. Each application that reaches this point is considered on a case by case basis.

Please note, once these criteria are met, it will be up to Universities to set the final tuition fee amount. This is based on The Education (Fees) (Scotland) Regulations 2011 which states that:⁶

These Regulations provide that it is lawful for a fundable body to charge certain students fees at a higher level than other students.

A fundable body is a fundable body providing fundable higher education such as a first degree course or post graduate studies.⁷

It should be noted that a student who is classed as an EU national may also be able to apply for a UK maintenance loan or other student support. In order to access additional financial support, an EU student must meet a number of requirements, i.e. they must:⁸

- Be, on the relevant date, a non-UK EU national or family member of such;
- Have been ordinarily resident in the United Kingdom, the Channel Islands or the Isle of Man for the three years immediately before the first day of the first academic year of your course (the relevant date); and
- Be ordinarily resident in Scotland on the relevant date.

As such, this would imply that a Northern Ireland student with an Irish passport could potentially be able to have their tuition fees paid by the Scottish Government **and** receive a maintenance loan from the Student Loans Company. However – the prospective student would have to be ordinarily resident in Scotland, meaning their permanent address must be in Scotland in order to access funding provided by SAAS.

⁵ Based upon conversations with SAAS

⁶ The Scottish Government, The Education (Fees) (Scotland) Regulations 2011 Explanatory Note
http://www.legislation.gov.uk/ssi/2011/389/pdfs/ssi_20110389_en.pdf

⁷ The Scottish Government, Further and Higher Education (Scotland) Act 2005 Section 5 (3)
<http://www.legislation.gov.uk/asp/2005/6/section/5>

⁸ SAAS, Am I eligible to apply for support?
http://www.saas.gov.uk/student_support/eu_students/2001_or_later/eligibility.htm#full

However, in a recent response to an NI Assembly question, the Minister for Employment and Learning stated that covers this⁹:

My Departmental officials have recently advised Student Finance staff in the Education and Library Boards that Northern Ireland domiciled students who qualify to have their tuition fees paid by the Student Awards Agency for Scotland (SAAS) as non-UK EU nationals are not eligible to apply to SAAS for maintenance support. These students can, however, apply as normal for maintenance support in the form of loans and grants through Student Finance Northern Ireland via their local Education and Library Board.

⁹ Northern Ireland Assembly AIMS portal, AQW 8312/11-15 Mr Pat Ramsey, tabled 15/02/2012 and answered 29/02/2012 by the Minister for Employment and Learning Dr Stephen Farry