

EQIA: Residency Changes – Ukrainian students

June 2022

EQUALITY IMPACT ASSESSMENT - RESULTS

Title of Policy	Change to the residency criteria for eligibility to student support in Scotland
Summary of aims and desired outcomes of Policy	<p>Relevant National Outcomes:</p> <ul style="list-style-type: none"> • We respect, protect and fulfil human rights and live free from discrimination • We are well educated, skilled and able to contribute to society <p>This policy will review the current residency criteria with regards to eligibility for student support for Ukrainian nationals in the following schemes/Circumstances:</p> <ul style="list-style-type: none"> • The Ukraine Family Scheme • Homes for Ukraine Scheme • Ukraine Extension Scheme • Dnipro children and staff <p>The desired outcome is to extend residency criteria to enable such groups to access tuition fee and living cost support.</p>
Directorate: Division: team	Advanced Learning and Science Directorate. Higher Education and Science: Student Financial Support.

Executive summary

A review of the current residency criteria and eligibility for student support was carried out, of which this EQIA forms apart.

The EQIA identified that extending the current student support system would advance opportunities for all Ukrainians who have applied to be

settled in Scotland under the Ukraine Family, Home for Ukraine and Ukraine Extension Schemes, by allowing those in Further and Higher Education to access tuition fee and living-cost support while they study. This was also the case for the Dnipro children and staff granted leave outside of the rules by the Home Office.

The policy change indirectly discriminates in favour of Ukrainian nationals since other international students will be in a less favourable position than those Ukrainian nationals who are able to apply to the scheme prior to starting their course of education - this is because while the latter will be entitled to home fee status and full student support, other nationalities will be charged the international fee rate.

This is justified on the basis that other nationalities are not in an 'analogous position' to Ukrainian nationals who are at risk of physical harm if they return to their home country. In addition, asylum status can be sought by individuals of other nationalities who are also at risk of harm if returning to their home country.

Background

At present, in order to access tuition fee and living cost support, students are required to meet residency rules which are laid out in legislation and generally require students to:

- Be ordinarily resident in Scotland on the relevant date (the relevant date is the first day of the course; ordinary residence can be described as habitual or normal residence, by choice, over a period of time in one place and does not include residence solely for the purposes of education);
- Have been ordinarily resident in the UK and Islands for 3 years immediately prior to the relevant date;
- Be settled in the UK within the meaning of the Immigration Act 1971 (for example, be a UK national or otherwise have a right to stay in the UK without time restriction, for example, 'Indefinite Leave to Remain'). Or be:
 - Under the age of 18 and have lived in the UK throughout the seven-year period preceding the relevant date; or
 - Aged 18 years old or above and, preceding the relevant date, has lived in the UK throughout either half his or her life or a period of twenty years.

Currently, Ukrainian's entering the UK under the Dnipro group, Ukraine Family, Home for Ukraine and Ukraine Extension schemes are not eligible for tuition fee or living cost support as they are not settled under the Immigration Act 1971 and do not meet the ordinary residence rules or any of the exceptions to them.

The aim of this policy is to review the current regulations and consider a change to the policy that would allow Ukrainian nationals eligible for the relevant schemes or circumstances to access tuition fee and living-cost support while they study. This contributes to the following national outcomes:

- We are better educated, more skilled and more successful, renowned for our research and innovation.
- Our young people are successful learners, confident individuals, effective contributors and responsible citizens

The Scope of the EQIA

This policy has relevance to the protected characteristic of race and gender. Given that the change to the residency policy will open up opportunities to Ukrainians and their family members who have settled in Scotland under the Homes for Ukraine scheme, Ukraine family scheme, Ukraine Extension scheme and the Dnipro group, a concise and focused Equality Impact Assessment was carried out.

Data on the numbers for this student cohort will continue to change as applications for both schemes continue to be made by Ukrainians, however, as of 24th April 2022, there has been 117,600 visa applications received by the UK Government (42,900 family scheme and 74,700 sponsorship scheme). 86,100 UK visas have been issued (34,900 family scheme and 51,300 sponsorship scheme).

There have been 5,200 visas with a Scottish sponsor (3000 sponsored by the Scottish Government and 2,200 sponsored by private individuals).

University students - In 2020-21, there were around 80 Ukrainian domiciled students. If we consider nationality rather than domicile, we have around 125 Ukrainians.

College students - In 2020-21, there were around 0 Ukrainian domiciled students at Scottish Colleges (rounded to zero). If we consider nationality rather than domicile, we have around 45 Ukrainians.

Key Findings

The EQIA identified that there are gaps in the information available relating to the characteristics of Ukrainians entering Scotland via the Ukrainian Family, Home for Ukraine, Ukraine Extension schemes and Ukraine nationals who have been granted leave to remain in the UK outside of the immigration rules and therefore the impact that extending the residency criteria for student support in Scotland will have on the protected characteristics.

In general, positive impacts were identified as a result of extending the residency criteria to include Ukrainians entering Scotland through the Ukrainian Family scheme, Home for Ukraine scheme, Ukraine Extension schemes and the Dnipro group, for students in all equality groups, with the exception of race where both positive and negative impacts were identified.

This policy change indirectly discriminates in favour of Ukrainian nationals since other international students will be in a less favourable position than those Ukrainian nationals who are able to apply to the scheme prior to starting their course of education (because while the latter will be entitled to home fee status and full student support, other nationalities will be charged the international fee rates).

This is justified on the basis that other nationalities are not in an “analogous position” to Ukrainian nationals who are at risk of physical harm if they return to their home country. In addition, asylum status can be sought by individuals of other nationalities who are also at risk of harm if returning to their home country

Recommendations and Conclusion

In conclusion, the changes to the residency criteria to include Ukraine students on the eligible schemes is seen as a positive change, with any negative impacts justified.

The policy change will open up student support to eligible Ukrainians and their family members (depending on scheme), allowing the opportunity for them to access further and higher education in Scotland.

We will continue to monitor the number of people who take up residence in Scotland under these schemes and those who have applied for support in Scotland.

As SAAS/SFC gather statistical data on student applications, we will be able to monitor the impact of this policy change on relevant groups going forward.



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