

# **Change to residency criteria for access to tuition fee and living cost support – Relocated Afghan nationals**

## **Equality Impact Assessment Results**

## **Equality Impact Assessment – Results**

### **Title of Policy**

Change to the residency criteria for access to tuition fee and living cost support-  
Relocated Afghan nationals

### **Summary of aims and desired outcomes of Policy**

Relevant National Outcome(s):

- We are well educated, skilled and able to contribute to society.
- We respect, protect and fulfil human rights and live free from discrimination.

This policy reviews the current residency criteria and eligibility for student support for Afghan nationals and their family members who have been relocated to the UK under the Afghan Relocation and Assistance Policy (ARAP) and the Afghan Citizens Resettlement Scheme (ACRS). The desired outcome is to consider how to amend the current regulations to enable individuals in these categories to access tuition fee and living cost support.

### **Directorate: Division: Team**

Advanced Learning and Science Directorate

Higher Education and Science Division

Student Financial Support Team

### **Executive Summary**

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

The EQIA identified that extending the current student support system would advance opportunities for all those who have been relocated to the UK under the ARAP and ACRS by allowing access to tuition fee and living cost support to study further and higher education courses.

The Scottish Government does not consider there to be any direct or indirect discrimination as a result of this policy change. Those who will benefit from the extended eligibility rules are not being treated more favourably than others on the ground of nationality, but because they have a special immigration status resulting from the recent turmoil in Afghanistan. It is believed this is a proportionate means of achieving a legitimate aim.

## **Background**

The current criteria to access tuition fee and living cost support in Scotland requires students to meet certain residency rules which are laid out in legislation. They generally require students to:

- Be ordinarily resident in Scotland on the relevant date (the relevant date is the 1 August for Autumn start courses; 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').

At present, individuals entering the UK under the terms of the ACRS and ARAP are not eligible for tuition fee or living cost support as they do not have a settled status under the terms of the Immigration Act 1971 and they have not lived in the UK for 3 years prior to the relevant date.

The aim of this policy is to review the current residency criteria and propose a change to the regulations that would allow Afghan nationals and their family members who have been relocated to the UK under the ACRS and ARAP to access tuition fee and living cost support for courses of further and higher education.

This contributes to the following national outcomes:

- We are well educated, skilled and able to contribute to society.
- We respect, protect and fulfil human rights and live free from discrimination.

## **The Scope of the EQIA**

The policy has relevance to the protected characteristic of race. Therefore, given that the change to the residency policy would open up opportunities to Afghan nationals and their family members, and have a positive impact on prospective students, a concise and focused EQIA was carried out.

Information provided by the Home Office confirmed that 7,000 individuals and their family members have been relocated to the UK under the terms of the ARAP. 119 families (480 individuals) have been relocated to Scotland with another 5 families (28 individuals) expected to be coming to Scotland.

The ACRS opened in January 2022, with the Home Office expecting to welcome around 5,000 individuals to the UK in the first year. This would mean that around 500 could be relocated to Scotland under the terms of the ACRS. As at the end of April

2022, 19 families (72 individuals) have been relocated to Scotland with another 5 families (16 individuals) expected to arrive in Scotland in the coming weeks.

### **Key Findings**

The EQIA identified that there are gaps in the information available relating to the impact on the protected characteristics of the individuals who have arrived in the UK under the ARAP and ACRS. However, opening up student support to Afghan nationals and their family members who have been relocated to the UK under the ARAP and ACRS in general is seen as a positive change as it allows those in further and higher education to access tuition fee and living cost support while they study.

### **Recommendations and Conclusion**

In conclusion, extending the current student support system would have a positive impact on Afghan nationals and their family members who have been relocated to the UK under the ARAP and ACRS.



© Crown copyright 2022



This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](https://nationalarchives.gov.uk/doc/open-government-licence/version/3) or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at [www.gov.scot](http://www.gov.scot)

Any enquiries regarding this publication should be sent to us at

The Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

ISBN: 978-1-80525-187-3 (web only)

Published by The Scottish Government, November 2022

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS1189222 (11/22)

W W W . g o v . s c o t