

ANNEX 1

STUDENT ELIGIBILITY REQUIREMENTS

To be eligible for an EPSRC studentship, candidates must satisfy two key eligibility requirements:

- A relevant connection with the United Kingdom (UK), usually through residence;
- academic qualifications.

These, together with a recommendation from the nominating organisation and the head of department where the student graduated, form the basis of assessment of eligibility for a studentship. This guide is intended to help candidates and academic organisations find their way through the complexities of residence and academic qualifications eligibility.

Part 1 – RESIDENCE

Introduction

Part IV, Regulation 12 of the Education (Fees and Awards) Regulations 1983, and subsequent amendments, require that candidates for awards have a relevant connection with the United Kingdom. A relevant connection may be established, if at the date of nomination:

- a) The candidate has been ordinarily resident in the UK throughout the 3 year period preceding the date of application for an award, and
- b) has not been resident in the UK, during any part of the 3-year period, wholly or mainly for the purposes of full time education, and
- c) has settled status in the UK within the meaning of the Immigration Act 1971 (ie is not subject to any restriction on the period for which he/she may stay).

British citizens are not subject to immigration control but only those other nationals who have been granted written permission to stay in the UK permanently are settled.

Temporary absence

A UK citizen may have spent an extended period living outside the UK, either for study or employment. Most candidates in these circumstances will be able to show that they have maintained a relevant connection with their home country and therefore claim the absence was temporary. "Temporary" does not depend solely on the length of the absence.

For the purposes of eligibility, a period of ordinary residence will not be treated as being interrupted by an absence, which is caused by:

- a) the temporary absence abroad, by reasons of training or employment, of the candidate, the candidate's spouse or parents, or
- b) the temporary full time education abroad of the candidate or spouse.

An expatriate, or the child of an expatriate, who may have been born in the UK or abroad, and appears to have returned to the UK for full-time education, is required to establish temporary absence. In order to be eligible, it must be shown that:

The absence abroad was involuntary, and
Attempts were made to remedy the breach with the UK at the earliest opportunity

There was no individual intention to sever links with the UK, and

Links have been maintained or re-established through visits, vacation work, and
subsequent re-settlement in the UK.

It should be noted that anyone who is resident in a country, is normally subject to the residence and tax conditions of that country. A resident may or may not acquire other rights by virtue of living there, but birth or long-term residence does not automatically confer similar rights to citizens of that country. If a candidate has opted for full citizenship of a country other than the UK, then it should be assumed that the candidate will be ineligible.

Indefinite Leave to Remain

Candidates who have been granted Indefinite Leave to Remain (ILTR) by the Home Office have been given the right to reside in the UK, and thus have settled status. ILTR is usually given to those who have already spent a period in the UK, and are looking to take up British Citizenship. A candidate who holds ILTR must nevertheless, establish a relevant connection as set out in the introduction above.

Refugees and Exceptional Leave to Remain

A candidate who has been granted full refugee status by the Home Office, or is the child or spouse of a refugee, has settled status and is eligible on residence grounds, provided that he/she has not ceased to be resident since being granted asylee or refugee status. Such candidates must provide documentary evidence of their status, usually in the form of a letter from the Immigration and National Department of the Home Office.

Candidates who are 'asylum seekers' are required to demonstrate settled status to be eligible.

Candidates who have not been recognised by the Home Office as meeting the terms of the 1951 United Nations Convention on Refugees may be granted Exceptional Leave to Remain (ELTR) or Exceptional Leave to Enter (ELE). The granting of ELTR recognises that the current situation in the candidate's country of origin makes it impossible for him/her to return home. Thus, the holder of ELTR may be allowed to settle in the UK if the home situation does not improve. Also, he/she is entitled to work in the UK and claim unemployment benefit and, after a certain period of residence, may be able to apply for ELTR, and subsequently British Citizenship.

Candidates who have been granted ELTR/ELE do not have the same entitlements as refugees. They will, however, be eligible on residence grounds if they have spent the previous three years in the UK, not wholly or mainly for the purpose of receiving full-time education.

Visas, work permits etc

Candidates who are resident in the UK on a student visa, work permit or dependant visa have restrictions on the time they may stay in the UK and cannot demonstrate a relevant connection or settled status. They will not therefore, be eligible on residence grounds.

Fees Only Awards

Candidates from EU countries other than the UK are generally eligible (subject to their eligibility on grounds of academic qualifications) for awards restricted to the payment of university fees only; no maintenance award will be payable. In order to be eligible for a fees only award, a candidate must be ordinarily resident in a member state of the EU, in the same way as UK candidates must be ordinarily resident in the UK.

Currently, the member states of the European Union (EU) are as follows:

Austria
Belgium
Denmark^{*1}
Finland
France^{*2}
Germany^{*3}
Greece
The Irish Republic (Eire)
Italy
Luxembourg
The Netherlands^{*4}
Portugal^{*5}
Spain^{*6}
Sweden

*1 **Greenland and the Faroes**, are not part of the EU.

*2 The French Overseas Departments (DOMs) of **Guadeloupe, Martinique, French Guyana**, and Reunion are part of Metropolitan France, and the treaties apply. However, French Overseas Territories (TOMs) eg **French Polynesia**, are not part of the EU.

*3 **Heligoland**, although a tax free port, is part of the EU.

*4 **The Netherlands Antilles** are not part of the EU.

*5 **Maderia** and The **Azores** are part of the EU under special terms. **Macao** is not part of the EU.

*6 **The Balearic Islands, the Canary Islands, Ceuta** and **Melilla** are all part of the EU.

(Gibraltar is part of the EU, and students from Gibraltar are to be treated as other EU nationals. The Channel Islands and the Isle of Man are not part of the EU, and students from these should approach their own Education Departments. The Sovereign Bases on Cyprus, and UK Dependent Territories are also not part of the EU).

The Independent states of Andorra, Monaco, San Marino and the Vatican are not part of the EU.

Migrant Workers

Articles 7 (2) and Article 12 of Council Regulation (EEC) No. 1612/68 allow for candidates who have established a relevant connection with the EU to be eligible for a full award to include maintenance, as 'migrant workers'. A migrant worker can be defined as an EU citizen who is employed in a member state of the EU who should be treated as a national of that member state. However, the following conditions should be met:

The employment should be full-time and of significant duration. Therefore, a candidate engaged in part-time or short-term casual employment, or who has been effectively unemployed, cannot be considered to hold migrant worker status. Additionally, the employment should normally be expected to be relevant to the candidate's previous or future course of study, although employment of a 'professional' nature should be considered on its merits.

The employment should not be considered to be ancillary ie taken up with a view towards engaging in subsequent studies, or subject to the candidate being accepted for the training for which he/she is to be nominated. An example of this would be a candidate

who has been employed as a Research Assistant in a university department where a future award is to be held.

Similarly, a child or spouse of a migrant worker is also eligible to be treated in the same way, providing that they themselves have been resident in the EU/EEA for the previous three years. With regard to the children of migrant workers (Article 12), it must be shown that the candidate's residence is a consequence of the parent's past or present employment. A child who has not been resident in the UK during the parent's employment, or departed with the parent at the cessation of that employment, will not be eligible to claim migrant worker status.

Candidates from European Economic Area (EEA) Member States

The arrangements for migrant workers are also extended to candidates who are national of the EEA member states of Iceland, Liechtenstein and Norway. Where such candidates meet the migrant worker requirements they will be eligible for full awards. However, as these countries are not member states of the EU, candidates will be ineligible for fees only awards.

Part 2 – QUALIFICATIONS

Introduction

Candidates must have qualifications of the level of a good honours degree from a UK academic organisation:

Doctoral studentships: First or upper second class honours

In a majority of cases, candidates will have undertaken an undergraduate course at a recognised UK organisation. However, some may have qualifications from outside the UK, or be able to offer a combination of qualifications and/or experience. In both cases, it will be necessary to ascertain whether these qualifications can be equated to an honours degree, and at what level.

Enhancement

A less than sufficient first degree may be enhanced one step by attainment of a Masters degree eg a Masters degree may be considered to enhance a lower second class honours degree to upper second.

Additionally, the EPSRC will consider that completion of 2 ½ years (full time equivalent) relevant postgraduate work experience will enhance a less than sufficient first degree by one step (5 years experience by two steps, etc).

A second Masters degree will not, by itself, constitute a further step. However, it can be regarded as postgraduate employment.

'Relevant' employment is regarded as employment, which is relevant either to the first degree or to the proposed course of postgraduate study. For example, a graduate in computer studies who has been employed as a computer programmer will have relevant employment experience.

Employment undertaken before the commencement of undergraduate study will not count for the purposes of enhancement.

Aegrotats or unexpectedly low class degrees

In some circumstances, candidates who did not sit their final examinations due to a certified illness may be awarded an aegrotat (unclassified) degree. Also, illness or other adverse domestic circumstances may result in a candidate attaining a lower than expected level of degree. In these cases, the candidate may have the ability to

undertake postgraduate training, and in order to be considered, the HEI authorities should be asked to provide a testimonial verifying that:

- a) the candidate was ill or suffered specific adverse conditions during the **final** year, **and,**
- b) the candidate's performance was such that during the first and second year of study they would have been expected to have achieved the appropriate level **and,**
- c) the examination procedures did not allow for the adverse conditions to be taken into account.

Assessment of overseas qualifications

Qualifications that have been attained outside the UK will need to be equated to the UK honours degree standard. The nominating organisation should use its judgement in making such assessments, bearing in mind the EPSRC's wish to see high academic standards maintained. Some information may be obtainable from the British Council's NARIC guide and the EPSRC may be able to provide assistance.

Professional qualifications, etc

Membership of professional bodies or learned societies usually requires the candidate to have achieved, through formal training or work experience, a level of expertise which can be equated to that achieved by an honours degree student.

Other undergraduate qualifications

Some universities may offer diploma courses which are equivalent to a degree standard, (although not necessarily honours degree), or an undergraduate qualification which cannot be readily identified as degree standard. As an example of the latter, medical degrees offered by teaching hospitals may equate to an honours degree.