

Grant BN(O) Hong Kong students home fee status after three years of residence

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Petitions Committee | 18 November 2024

Reference: SR24/10008

Petition Number: [P-06-1486](#)

Petition title: Grant BN(O) Hong Kong students home fee status after three years of residence

Text of petition: The British National (Overseas) visa, launched in January 2021 after the National Security Law in Hong Kong, offers a pathway to UK citizenship for Hongkongers. Many BN(O) visa holders and their dependents have since moved to the UK, including Wales. While the UK Government calls this visa a reflection of its "historic and moral commitment" to Hongkongers, classifying BN(O) students as international students undermines this, as they face higher tuition fees and financial barriers to education.

Here in Wales, the Senedd can do more to create a welcoming environment for those from Hong Kong. In Scotland, BN(O) Hong Kong students are granted home fee status after three years of residence. In contrast, in Wales (and other UK countries), BN(O) Hongkongers are only eligible for home fee status after five years of residence, once considered "settled." The Senedd has the power to grant exemptions for groups like Afghan and Ukrainian students, and we urge the same for BN(O) Hong Kong students.

This petition calls for the Senedd to grant BN(O) Hong Kong students home fee status after three years of residence, or adopt a more progressive measure. Currently, while the home fee in Wales is capped at £9,000 per year, international fees, set by universities, can be double or more, creating a significant financial burden. Without access to student finance due to the



"settled status" rule, many BN(O) students face insurmountable barriers to higher education.

1. Background

1.1. Hong Kong British Nationals (Overseas)

People from Hong Kong were able to register as **British Nationals (Overseas)** before 1 July 1997. As a result, they and their family members may be eligible for a **British National (Overseas) visa**, or BN(O) visa, which would allow them to live, work, and study in the UK.

BN(O) visa holders can apply to stay in the UK for either:

- Two years and six months
- Five years

They can **extend their visa once they are in the UK** if they want to stay longer. After they have lived here for five years, BN(O) visa holders can apply for 'settlement' to remain in the UK indefinitely.

1.2. Home fee status

Across the UK, higher education providers allocate their students a fee status that determines how much they pay for tuition. The Welsh Government determines who pays 'home' fees for higher education courses in Wales. The categories that qualify for home fee status are set out in Student Support regulations. Higher education providers assess the fee status of their students following these regulations.

In Wales, **tuition fees for full time undergraduate courses are capped at £9,250** per year in 2024/25 for 'home' students. Fees for 'international' (or 'overseas') students are determined by providers and vary by course and can often be much higher.

In general, individuals must be resident and 'settled' in the UK on 'the first day of the first academic year' of their course to be eligible for home fee status and

student support. They must also have been 'ordinarily resident' in the UK for the three years before that date.

A settled person is someone ordinarily resident in the UK without any immigration restrictions on the length of their stay. Students with indefinite leave to remain or granted the right to stay in the UK under the EU Settlement Scheme will meet the criteria.

1.3. BN(O) visa holders in Wales

Someone with a BN(O) visa has restrictions on their stay in the UK and can only study and work for either two years and six months or five years. This means they are not settled, and so in Wales (and in England and Northern Ireland) they are not eligible for home fee status or publicly funded student support.

After they have lived in the UK for five years, they can apply to live in the UK permanently, and so would become eligible for home student status.

There are exceptions for some groups of students, such as those who have been granted leave to enter or remain in the UK:

- Under the Ukraine Family Scheme;
- the Homes for Ukraine Sponsorship Scheme;
- the Ukraine Extension Scheme;
- the family member of someone who has and those who have been granted leave under the Afghan Relocations and Assistance Policy (ARAP);
- the Afghan Citizen's Resettlement Scheme (ACRS) or are the family member of someone who has.

There is no similar exceptional category for people with BN(O) visas in England, Wales, and Northern Ireland.

2. Position in Scotland

In Scotland, those holding BN(O) visas will be eligible for home fee status if they meet the three-year residency criteria. In June 2023, Graeme Dey the Minister for Higher and Further Education said:

From Academic Year 2023-24 all students who meet the following criteria will be eligible for home fees status and student financial support in Further Education and Higher Education:

- Ordinarily resident in the UK for three years prior to the relevant date;
- Ordinarily resident in Scotland on the relevant date; and
- Granted a form of leave to enter or remain in the UK, where that leave has not expired.

As the British National (Overseas) visa would be considered a form of leave to enter or remain in the UK, a student holding this visa would be eligible for support in the event that they satisfy the remaining criteria.

3. Further information

There have been a number of petitions to the UK Parliament in relation to home fee status for BN(O) students:

- [Grant University Home Fee Status to Holders of British National Overseas Visas](#) (2021) attracted 1,863 signatures.
- [Grant Home Fee status for all who are in the UK under the BNO visa](#) (2023) attracted 6,342 signatures.

The most recent, [Home fee status for BN\(O\) students after 3 years continuous stay in the UK](#), attracted 14,827 signatures and closed in May 2024.

As part of its response, the UK Government said:

Under existing legislation in England, HK BN(O)s would qualify for home fee status and financial support once they have acquired settled status in the UK, provided they also meet the three-year ordinary residence requirement. This is in line with how the majority of persons [on] a five-year route to settlement are treated. This also applies to any dependants of HK BN(O)s.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.