

Guidance on admission of children from overseas

Surrey County Council



SURREY
COUNTY COUNCIL

1. Introduction

- 1.1 This guidance provides advice to parents and schools on the admission of children from overseas and sets out information on which children are entitled to a school place once they have arrived in the United Kingdom. It covers:
- Children who have moved from overseas and are already residing in the United Kingdom with their parents
 - Children who have moved from overseas and are residing in the United Kingdom without their parents
 - Children from overseas, not yet in the United Kingdom
 - Children who are temporarily visiting the United Kingdom
 - Moving abroad whilst on a waiting list
 - Children not living with a natural parent (privately fostered)
 - Children attending a state funded school who are not entitled to a state education
- 1.2 Within these notes, definition of parent includes any person who has parental responsibility or who has care of the child.
- 1.3 When making an application for a school place , it is the responsibility of the parent to ensure that their child has a right, under their visa entry conditions, to study at a school and that they will not be contravening the conditions of any visa or United Kingdom immigration law if they take up the school place.
- 1.4 School admission authorities must not refuse to accept an application or refuse to admit a child on the basis of their nationality or immigration status, nor remove them from the school roll on this basis.
- 1.5 These notes should be read in conjunction with the Department for Education guidance on [School admissions: applications for overseas children - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/school-admissions-applications-for-overseas-children).

2. Children who have moved from overseas and are residing in the United Kingdom with their parents

- 2.1 In most cases, children who have moved from overseas and are residing in the United Kingdom with their parents (see Section 4 for information on temporary visits) are eligible for a place at a maintained school or academy. Any application for a place must be considered according to each school's admission arrangements, regardless of the child's immigration status.
- 2.2 Before considering an application for a place, the local authority or the admission authority for the school will need to establish that the child is in the United Kingdom.
- 2.3 Children who hold a full British Citizen passport (but not those with British Dependent Territories or British Overseas passports), have Irish citizenship (including British and Irish dual citizenship) and those whose passport has been endorsed to show that they have the right of abode in the United Kingdom have an automatic right to enter the United Kingdom and their passports are unlikely to have been endorsed on entry. As such, alternative evidence that the child is in the United Kingdom will need to be provided.

- 2.4 Nationals of the European Economic Area (all member states of the European Union together with Iceland, Norway and Liechtenstein) and Swiss nationals (who have had the same right to live and work in the United Kingdom as other EEA nationals) are also unlikely to have had their passports endorsed if they enter the United Kingdom prior to 31 December 2020. Alternative evidence that the child is in the United Kingdom will also need to be provided for these applicants. This may be evidence that they have been granted settled or pre-settled status under the EU Settlement Scheme, which will allow a child who was already living in the UK by 31 December 2020 to continue to study in a school in England after 30 June 2020.
- 2.5 Other children will need a visa to enter the United Kingdom and their passport or national identification document (ID) is likely to be endorsed to show the date that they entered the United Kingdom. This will include children of asylum seekers, parents who have limited leave to enter or remain and teachers coming to the United Kingdom with their children on a teacher exchange scheme. For these applicants, sight of the child's passport or ID document should establish whether or not they are in the United Kingdom. If the passport has not been stamped with a date and port of entry, alternative evidence that the child is in the United Kingdom will need to be provided.

3. Children who have moved from overseas to reside in the United Kingdom without their parents

- 3.1 In cases where children have moved from overseas to reside in the United Kingdom without their parents, eligibility for a school place will depend on whether or not they have the right of abode:

Lone child with the right of abode

There are no restrictions on entry to the United Kingdom for children who hold full British Citizen passports (but not those with British Dependent Territories or British Overseas passports), have Irish citizenship (including British and Irish dual citizenship) or those whose passports have been endorsed to show they have the right of abode in the United Kingdom. These children are eligible for a place at a maintained school or academy even if they have moved from overseas without their parents. Before considering an application for a place, the local authority or the admission authority for the school will need to see evidence that the child is in the United Kingdom.

Lone child without the right of abode

A lone child without the right of abode will only be accepted into the United Kingdom for education purposes. From 31 December 2020 this includes nationals of the European Economic Area (all member states of the European Union together with Iceland, Norway and Liechtenstein) and Swiss nationals (who previously had the same right to live and work in the United Kingdom as other EEA nationals up to 31 December 2020). In each case the child must have been accepted for a place at an independent fee-paying institution or bona fide private educational institution. These children are not eligible for a place at a maintained school or academy and any application would infringe the conditions of their leave to enter or remain and action could be taken against them by the United Kingdom Border Agency. Foreign nationals cannot use the 6-month Standard visa or 11-month Short-term Study (English language) visa to enter the UK and enrol at a school.

- 3.2 However, school and local authority staff must consider the broader welfare of a lone child in the United Kingdom, whatever their immigration status. If a lone child with no legal right to

enter or remain in the United Kingdom comes to the local authority's attention and is found to be out of school, the local authority will still seek to place them in school. The United Kingdom Border Agency guidance on unaccompanied asylum seeker children says that they will not seek to enforce removal if they are not satisfied that adequate reception and accommodation arrangements are in place in the proposed country of return.

- 3.3 Any child under the age of 16 years old not living with a parent may also have need of support from the local authority social care service (see Section 7 for information on children not living with a natural parent).

4. Children from overseas, not yet in the United Kingdom

- 4.1 In Surrey, applications for a school place may be made for children who are not yet residing in the United Kingdom but the processes are different depending on whether the application is for admission as part of the normal intake to a school or as an in year admission. Different arrangements also apply to children of United Kingdom service personnel (United Kingdom Armed Forces) and Crown Servants returning from abroad who need a school place outside the normal admissions round.

a) Starting primary school or transfer to secondary school

Applications for admission as part of a normal admissions round must be made to the local authority where the child lives. As children living abroad do not have a home local authority, their parent will not ordinarily be able to apply until the child has returned/arrived in the United Kingdom. However, exceptions may apply and it will be up to each local authority to determine whether or not a family can apply from abroad, in accordance with their policy on applications from children living overseas.

As the timetable for these applications starts nearly a year before admission, Surrey County Council will accept applications for children who are not currently in the United Kingdom if they have provided evidence that confirms:

- They are planning a return/arrival to the United Kingdom in time for the start of the academic year; and
- A residential link has been established in Surrey that would indicate that the child will be living in Surrey when they are due to start school.

The parent of a child who has not yet established a residential link to Surrey will not normally be able to apply for a school place until this has been established or until the child has returned/arrived in Surrey. Once either of these occurs the parent should submit an application to Surrey County Council. However, if the child is not due to return/arrive in Surrey until after the start of the academic year for which a school place is needed, the parent should submit an application for in year admission in accordance with section 4.2 b).

Satisfactory evidence of a return/arrival to the United Kingdom should include a combination of the following, although this list may not be exhaustive:

- A written statement from the parent(s) of their intention to return to/enter the United Kingdom, giving their reasons and an expected date
- Termination of a work contract abroad
- Sale/notice of rental of property abroad
- Copy of work contract within the United Kingdom
- Confirmation of study arrangements within the United Kingdom
- Confirmation of travel arrangements

Satisfactory evidence of an established residential link in Surrey might include the following, although this list may not be exhaustive:

- Notice to existing tenants to terminate the tenancy of an owned property in Surrey
- Completion of purchase of property in Surrey
- Confirmation of an exchange on a property in Surrey along with a confirmed completion date
- Tenancy of property in Surrey

However, whilst an application may be accepted under these circumstances, the address to be used in the allocation will be the address that the child is living at on the closing date, unless a subsequent house move has been accepted up to the last date for changes in Surrey's coordinated scheme. As such, a United

Kingdom address will only be used once the child is residing at that address, and evidence will be required of this.

In some cases, a parent may not intend to return to the United Kingdom with their child. This might apply where parents work abroad and they are applying for a boarding place at a state boarding school. In these cases, the parent should make this clear in their application. Where an application is not for a boarding place at a state boarding school, the parent should provide confirmation of what care arrangements have been made for their child should they be offered a place at a school in the United Kingdom.

If an offer is made on the basis of an anticipated move to the United Kingdom, it will be on the condition that the child will be available to take up his/her school place on the first day of the first term of the new academic year.

b) In year admissions

In year applications must usually be made to either the local authority where the school is situated or the school itself, if it is an academy, trust, foundation or voluntary aided school, although different arrangements may apply for some schools and in some local authorities. Either the local authority or the school will determine whether a parent can apply from abroad, in accordance with the local authority's guidance on applications from children living overseas and the most recent DfE guidance.

Generally, parents who move to the United Kingdom will only make an in-year

application for their child once the child is in the United Kingdom and available to take up a school place. However, in order to place a child in school quickly following their arrival in the United Kingdom, Surrey County Council or the admission authority for a school in Surrey will accept applications for children up to four weeks before their anticipated arrival date, if they can provide evidence of their planned move to the United Kingdom.

Satisfactory evidence of a move should include a combination of the following, although this list may not be exhaustive:

- A written statement from the parent(s) of their intention to return to/enter the United Kingdom, giving their reasons and an expected date
- Termination of a work contract abroad
- Sale/notice of rental of property abroad
- Notice to existing tenants to terminate the tenancy of an owned property in the United Kingdom
- Completion of purchase of property in the United Kingdom
- Tenancy of property in the United Kingdom
- Copy of work contract within the United Kingdom
- Confirmation of study arrangements within the United Kingdom
- Confirmation of travel arrangements.

However, whilst an application may be accepted under these circumstances, a United Kingdom address will only be used once the child is residing at that address, and evidence will be required of this.

If an offer is made on the basis of an anticipated move to the United Kingdom, it will be on the condition that the child will be available to take up the school place on the date of his/her arrival, or at the start of the following half term if they arrive during the school holidays.

Other than for children of United Kingdom Service personnel and Crown Servants (see section 4.2 c), in year applications will not be considered any earlier than four weeks before an anticipated move to the United Kingdom. This is because places cannot be reserved for children who are not ready to take up their place at a school.

c) Children of United Kingdom service personnel (United Kingdom Armed Forces) and Crown Servants returning from abroad who need a school place outside the normal admissions round

For Surrey schools, applications for a place outside the normal admissions round for the following categories of children will be accepted up to four calendar months in advance of a move providing the child has automatic right of entry to the United Kingdom:

- Children of United Kingdom service personnel (United Kingdom Armed Forces) with a confirmed posting in the area; and
- Children of Crown Servants who are returning from overseas to live in the area

In each case the application must be accompanied by an official letter that declares the relocation date and a Unit postal address/quartermaster address, as appropriate. This applies even if the family is currently located abroad.

Given the forced uncertainty on these families, where the parent is able to provide evidence of a new address, this address will be used when allocating a school place, even if the move has not yet taken place. In other cases, for United Kingdom service personnel, the address to be used in the allocation will be the unit posting address. For Crown Servants where a United Kingdom address is not yet available, the current address abroad will be used in the allocation of a school place.

Admission authorities in Surrey will not refuse a place for such children because the family does not currently live in the local authority area, but nor will they reserve blocks of places for these children.

For applications being made to schools outside Surrey, either the local authority or the school will determine whether United Kingdom Service personnel or Crown Servants can apply ahead of a move, in accordance with the local authority's policy on applications from children living overseas.

5. Children who are temporarily visiting the United Kingdom

Children without the right of abode

- 5.1 Children who do not have the right of abode in the United Kingdom and who have arrived as a short-term visitor, with or without their families, are not entitled to a state education. Where such a child has been permitted entry to the United Kingdom as a short term visitor, their passport will either include a visitor's visa for a limited period of time (for nationals who need a visa to enter the United Kingdom) or a stamp restricting entry for up to six months and prohibiting work and access to public funds (for nationals who do not need a visa to enter the United Kingdom). As a result, it is not the normal practice for the local authority to provide a school place in these circumstances.
- 5.2 Exceptions may apply for children who have entered the United Kingdom for the purpose of accompanying their parent who is a visiting academic and who is on sabbatical leave and undertaking research for up to 12 months in the United Kingdom. The decision in each case will rest with the admission authority for the school.
- 5.3 In some cases the nature of a child's stay in the United Kingdom may change after they have arrived. Where the parent of a child without the right of abode considers their stay in the United Kingdom to no longer be temporary and wishes to apply for a school place, they should submit an application with evidence that demonstrates that the United Kingdom has become their main place of residence and their current visa status in the United Kingdom.

Children with the right of abode

- 5.4 In other cases, where children do have the right of abode in the United Kingdom but where the parent has indicated that the visit is temporary, it is reasonable to consider the anticipated length of time that the child will be in United Kingdom.
- 5.5 Children with the right of abode who are expected to remain in the United Kingdom for 3 months or more will generally be considered for in year admission to a school once confirmation has been provided that the child is in the United Kingdom or that the child will be arriving within four weeks of the date of application.

5.6 Applications in respect of children who are expected to remain in the United Kingdom for less than 3 months will not generally be considered for a school place but, where there is an exceptional need, applications will be considered on a case-by-case basis. Schools and local authority staff will take into account the welfare and well being of the child, and if there is a vacancy within a school, they may deem it appropriate to offer a place to the child for the length of time that he/she will be in the country.

5.7 Where the parent of a child with the right of abode considers their stay in the United Kingdom is no longer temporary and wishes to apply for a school place, they should submit an application with evidence that their stay in the United Kingdom is now anticipated to be longer than three months.

6. Moving abroad whilst on a waiting list

6.1 When a child moves abroad whilst on a waiting list, the child then becomes a child who is living overseas. At this point the action to be taken will depend on the intake being applied for:

a) Starting primary school or transfer to secondary school

- If the parent can demonstrate that this is a temporary move abroad and can provide evidence as set out in 4.2 a) above that they will be returning to the United Kingdom before the start of the academic year, then it would be acceptable for them to remain on the waiting list for entry to Reception, Year 3 or Year 7, but their position on the waiting list will be based on their new address abroad. In many cases this is likely to mean that the child's waiting list position is likely to go down
- If, however, they can provide no such evidence, they should be advised that their child's name will be removed from the waiting list. The parent must be advised that they will have to reapply in accordance with 4.2 a) above, once they can provide evidence of a return to the United Kingdom.

b) In year admissions

- Unless the parent can provide evidence that they will be returning to the United Kingdom within the next four weeks, they should be advised that their child's name will be removed from the waiting list. The parent must be advised that they will have to reapply in accordance with 4.2 b) above, once they can provide evidence of a return to the United Kingdom within the next four weeks.

7. Children not living with a natural parent (privately fostered)

7.1 Schools and local authority staff may come across children who may or may not be from abroad and who are privately fostered within the meaning of Section 66 of the Children Act 1989. These may be children under 16 years of age who are not living with at least one of their natural parents. Whilst it is possible that they may be living with someone else who has parental responsibility, schools have a responsibility to notify the Referral and Assessment Service in Surrey's Children's Services team, who will determine whether or not the child is privately fostered, and if so determine the best way to approach the carers and the parents to take matters forward.

8. Children attending a state funded school who are not entitled to a state education

8.1 Schools may come across children who are attending their school who are not entitled to a state funded education. These would be:

- Children from European Economic Area countries who arrived after 31 December 2020 and are in the United Kingdom as a short-term visitor
- Children from non-European Economic Area countries who are in the United Kingdom as a short-term visitor
- Children from non-European Economic Area countries who have United Kingdom Border Agency's permission to study at an independent, fee paying school in the United Kingdom

8.2 Where such cases come to light, or if a school is concerned that a child may not have a right to enter the country to access a state-funded school, it must not deny them a place or remove them from the school roll. Schools should advise parents to check

their rights or email the Home Office's school referrals team so they can investigate further.