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## Guidance

# Schools admissions: applications from overseas children

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Applies to:  
England

What local authorities, local-authority-maintained schools and academies need to know about foreign nationals applying to attend a state-funded school.

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In most cases, children arriving from overseas have the right to attend state-funded schools in England.

Dependent children accompanying parents entering the UK on a work visa have a right to enter the country to attend a state-funded school.

In addition, any UK citizen or citizen of the European Economic Area ('EEA') and Switzerland is permitted to enter the country to attend a state-funded school.

When an admission authority for a school deals with an application for a child, whether or not they are a UK national, it must comply with the [school admissions code](#) and the Equality Act 2010. It cannot refuse a school place simply because of doubts about the child's immigration status.

However, entitlement to a state education does not necessarily confer a right to remain in the UK. Citizens

of countries that are not a part of the EEA should ensure that their child's visa entitles them to enter the country to attend a state-funded school before taking up such a school place.

Schools do not have a role in checking visas: it is entirely the parents' responsibility to check.

The following children are not entitled, by immigration law, to enter the country to attend to a state-funded school:

- children from non-EEA countries who are here as short-term visitors - these are children who live abroad but have been admitted to the UK for a short visit (for example as tourists or to visit relatives)
- children from non-EEA countries who have entered the country on a Tier 4 visa - these children are allowed to study in England on the basis that they attend an independent, fee-paying school listed in the register of Tier 4 licensed sponsors

If a school or school admission authority suspects that children belonging to either of these 2 categories have applied for or are attending a state-funded school, it must not deny them a place or remove them from the roll. It should advise parents to check their rights and alert the Home Office's school referrals team so they can investigate further.

### **Home Office school referrals team**

Email

[schoolreferrals@homeoffice.gsi.gov.uk](mailto:schoolreferrals@homeoffice.gsi.gov.uk)

The admission authority does not have to inform the child's parents or carers that it has contacted the Home Office, however it is good practice for them to do so .

The Home Office will aim to respond to the school within 48 hours.

If the Home Office finds that the child's visa does not entitle them to enter the country to attend a state-funded school, it will be up to the Home Office to take any further action it considers appropriate. An admission authority or school should not deny the child a place or remove them from the school roll on the basis of the Home Office's findings.

## **Safeguarding**

If admission authorities or schools are concerned about the safety of children from overseas who are in private fostering arrangements, they should read the '[Keeping children safe in education](#)' statutory guidance and act accordingly.

## **Home Office immigration rules**

For information on the UK immigration system, refer to [UK Visas and Immigration](#).

## **Schools in Scotland, Wales and Northern Ireland**

Education policy and law is separate across each country within the United Kingdom. The same immigration law applies but each country has its own education system. People looking for information on those education systems will need to contact those administrations directly.

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