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Guidance

School applications for foreign national children and children resident outside England

Advice for state-funded school admission authorities, independent schools, local authorities and parents.

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Applies to England

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Foreign national children resident in the UK normally have the right to attend state-funded and independent schools in England.

To lawfully enter the country to access a school, foreign national children resident outside the UK will normally need either:

- a [right of abode](#)
- an immigration status which otherwise permits them to enter the UK to study at a school

Parents' responsibility to check eligibility for a school place

It is the responsibility of the parents of foreign national children to check that their children have a right under their [UK entry conditions](#) to study at a school before applying for a place. It is not the role of state-funded schools or local authorities to ask for proof of eligibility before offering a place.

If foreign nationals resident outside the UK want to enter the UK to study at an independent school which is a [licensed student sponsor](#) they should contact the school directly. If it accepts the application, it will send them a reference number (called a Confirmation of Acceptance for Studies (CAS)). Parents will need a CAS before they can apply for their [child's visa](#). They cannot enter to study at schools which are not licensed student sponsors.

Parents can find more information at [Visas and Immigration](#).

Local authority responsibilities

Local authorities should not require parents to provide proof of immigration status before allowing them to apply for a school or require proof as any part of the application process.

They should instead advise foreign nationals who do not normally reside in the UK but who wish to apply for a state-funded school place, to check that their children have an immigration status which permits them to enter the UK to access a state-funded school. Checking is the parents' responsibility, not the local authority's responsibility. The links on this page should assist parents.

Children may be breaching their UK entry conditions by entering the country in order to attend a state-funded school if they do not have an immigration status that permits such study.

Local authorities can help parents further by adding a reminder of this to their admissions webpage and within their composite admissions prospectus. They can link to this webpage if local authorities find this helpful.

The responsibilities of state-funded schools and their admission authorities

The admission authorities for state-funded schools (maintained schools and academy schools) must not check the immigration or nationality status of foreign national children as a pre-condition for admission.

Admission authorities for state-funded schools:

- must not refuse to admit a child on the basis of their nationality or immigration status nor remove them from the roll on this basis
- must not ask to see passports or other immigration information as a condition of admission (this would be a breach of paragraphs 1.9(a) and 2.8 of the [school admissions code](#))
- [with the exception of children who are Irish nationals](#), must not actively recruit foreign national children who are still resident overseas as pupils

Responsibilities of independent schools which are licensed student sponsors

Independent schools which are [licensed student sponsors](#) will need to issue a Confirmation of Acceptance for Studies to any foreign national children they are recruiting from overseas for the parents or young person to be able to apply for a visa.

The rights of children who are citizens of the European Union, European Economic Area and Switzerland to enter the UK to access a school

Until 31 December 2020, [European Economic Area](#) (EEA), and Swiss national children, had the right under freedom of movement and UK immigration law, to enter the country to access a school. Freedom of movement into the UK ended at the end of 2020.

Any EEA or Swiss national who arrived in the UK by 31 December 2020 was eligible to apply to the [EU Settlement Scheme](#) by 30 June 2021, to continue to be able to live, work and study in the UK if their application was successful. The scheme is still open for joining family members and those who have 'reasonable grounds' for not applying by the 30 June 2021 deadline. The criteria for both cohorts are set out on the EU Settlement Scheme page.

If they are not eligible to apply to the EU Settlement Scheme, EEA and Swiss national children entering the UK after the end of 2020 will be treated the same as other foreign nationals. This means they will not have the right to enter the country to access a state-funded school unless they fall within the categories of children who can enter the UK and attend a school (see following sections).

Those EEA and Swiss citizens already living in the UK have a right to continue to attend a state-funded or independent school in England. State-funded schools must not ask them to prove their right to live in the UK

before offering them a place.

Irish citizens

The [Common Travel Area](#) arrangements permit Irish citizens to access state-funded and independent schools in the UK. Their rights have not changed as a result of the UK leaving the EU – they still do not normally require permission to enter, live and study in the UK.

Other categories of foreign national children who can enter the UK and attend a school

Children aged under 18 can enter the UK:

- as a dependant of a foreign national parent who has settled status in the UK
- as a dependant of their parent(s) who are in the UK on a [Work visa](#) or [Student visa](#)
- as part of a family entering and residing in the UK under the [immigration route for Hong Kong British National \(Overseas\) \(BNO\) and their dependents](#)
- as part of a family entering and residing in the UK under the [Ukraine Sponsorship Scheme or Ukraine Family Scheme](#)
- as part of a family entering and residing in the UK under
 - the [Afghan Citizens' Resettlement Scheme](#)
 - the [Afghan Relocations and Assistance Policy](#)
 - the [Afghanistan Locally Employed Staff Ex-Gratia Scheme](#)

All these categories of children can study at a state-funded or independent school once in the UK. Dependant children who do not arrive in the UK at the same time as their parents would need to [apply for a visa separately](#) as a dependant child.

Dependant children of a person on the BNO route must make an application, under the BNO immigration route, at the same time as their parent(s) if they wish to be considered under that route.

In addition, children who have been recognised as refugees and asylum seeking children (including dependant children of an asylum seeker) in the UK who are still awaiting a decision, are entitled to access a school-based education. The outcome of their claim will not affect their entitlement to attend school. They do not need to 'prove' this status to apply: they have the same rights to a school place as any other children resident in the UK.

Categories of children whose immigration status gives them no right to enter the UK to access schools

To comply with their visa terms, unaccompanied foreign national children and young people who are entering on a [Child Student visa](#) or [Student visa](#) must, when accessing education in England, study at the independent school, sixth form college or further education college which is a licensed student sponsor which has offered them an unconditional place on a course. They cannot lawfully, under their UK entry conditions, study at a state-funded school.

Foreign nationals may also visit the UK for up to 6 months under the visitor route. Those visiting the UK under this route, or the [11-month Short-term Study \(English language\) visa](#), are not permitted to enter the UK to enrol as a pupil at a state-funded school but may study a course at an independent school provided this is an accredited institution.

Some short exchange and school visit programmes at state-funded schools may be possible on the visitor route, providing there is no participation in a course of study as part of the programme.

Actions schools and local authorities can take if they are concerned about a foreign national child's migration status, safety or welfare

If a state-funded school or its admission authority is concerned that a child whose parents are seeking a place may not have a right, under their UK entry conditions, to enter the country to access a school, it must not deny them a place nor remove them from the school roll. Schools should advise parents to check their children's rights (as set out in this guidance).

If a state-funded or independent school has a concern about a child's welfare and safety, it should raise the matter with their local authority's children's social services as a matter of urgency.

Schools and local authorities can also [report an immigration or border crime](#) if they think someone is:

- living or working in the UK illegally
- employing someone who is not allowed to work in the UK
- involved in smuggling
- involved in illegal immigration

Schools in Scotland, Wales and Northern Ireland

While the same immigration policy applies across all nations within the UK, each country has its own education system, guidance and laws.

Information on applying for schools can be found here:

- [Scotland](#)
- [Wales](#)
- [Northern Ireland](#)

Processing school applications from parents moving to England

The following advice sets out how school admission authorities and local authorities should process applications for places for children who are living in another country at the point the application is made.

Parents who are not UK or Irish nationals should check they, and their children, have a right to reside in the UK before applying for a school place in England. It is not the responsibility of the admission authority or local authority to check.

A school admission authority cannot refuse to admit a child until the school

to which the parents have applied is full – for example, it has reached its published admission number. Parents who are moving or returning to England or the UK and who apply for a place in England must therefore have their applications for state-funded schools considered. Admission authorities cannot, for example:

- require the applicant has a permanent home address either in the UK or overseas before processing an application
- require the submission of immigration documentation proving the applicant's right to reside in the UK before processing an application

Where a place is refused, admission authorities must offer an appeal to an independent appeal panel.

As is the case with admission authorities more generally, nothing in legislation prevents a local authority from co-ordinating an application from a family living in another country or posted overseas but moving or returning to England or the UK so that the child will be living in the area when they start school.

If a local authority refuses to co-ordinate an application for a school place from parents currently living in another country but moving or returning to England, an admission authority for the school would have significant difficulty in being able to lawfully apply its admission arrangements.

We recommend that determined co-ordinated schemes follow the process set out in this advice.

Applications in the normal admissions round and late applications

If an application is made from another country, local authorities should consider the application as adequate proof of an intention to move or return to the area and include it within the local authority co-ordinated process.

A local authority should not refuse an application made from overseas (or from Scotland, Wales, Northern Ireland, the Isle of Man or the Channel Islands) on the grounds that the applicant does not currently live in its area. A local authority can reasonably request the evidence set out in the following sections, so the admission authority holds sufficient information to determine the application.

In-year applications

Where a local authority co-ordinates in-year applications on behalf of a school, it should not require applicants to currently live in the area (or the country) before passing the application on to the admission authority for it to consider.

Where a local authority does not co-ordinate in-year applications, and applications are made directly to the admission authorities for schools, those schools can only refuse the application based on 'prejudice' as defined in legislation (for example, the school is full). The relevant admission authority must not require applicants to currently live in the area before considering their applications.

Establishing 'home' address

It is common for admission arrangements to give some degree of priority based on where an applicant lives – for example, where a school has a catchment area or uses distance from home to school as a means of allocating the final available places. In these cases, admission authorities will need an address in order to fully apply their admission arrangements and rank applicants for their oversubscription criteria. However, not every family returning to England from another country will be able to provide this at the point they apply for a school and the application should be processed whether or not the family is able to provide a permanent address.

Admission authorities could ask prospective movers or returners where they will be living (see paragraph 2.5 of the [school admissions code](#)). This might include whether parents:

- own or rent a property in the area to which they intend to return or move
- are UK crown servants or are in the UK military and are returning or moving to the area
- live in temporary hotel or other accommodation in the UK
- have provided other compelling evidence that they are returning or moving to the area

Subject to the special provisions that apply to UK military families and crown servants as set out in paragraph 2.21 of the [school admissions code](#), school admission authorities and local authorities can decide what evidence they require from parents to show that they intend returning or moving to the area, but this might include:

- a mortgage or rental agreement for a property in the area
- deeds for a property in the area
- a letter from an employer showing a transfer date to the area
- registration with a local GP

Admission authorities must consider all in-year applications and should not refuse an application simply because a parent or child currently lives in another country.

If a parent is unable to provide evidence of a return to the area (before the new school year for applications made during the normal admissions round or for late applications, or by the start of the next term for in-year applications), admission authorities could apply a catchment area policy or distance tie-break, if they have such admission criteria, using the parents' place of residence at the point the application is made. If this is in another country, it might give the child a lower priority for admission if the admission authority operates a catchment area or if the child is tied for the final place available with other applicants.

Asylum seekers, some refugees and migrants (including those from Afghanistan and Ukraine) may not have a permanent home address at the point they apply for a school. Local authorities and admission authorities must not refuse to process the application because the family does not have a permanent address. In such cases, they should use their temporary address as the home address for applying any admission arrangements.

Applications from UK crown servants or military families

As set out in the [school admissions code](#), admission authorities and local authorities must process applications from UK crown servants or UK

military families on the basis of evidence from their employers or commanding officers that they are returning or moving to the area ahead of any move. They must not refuse to process an application and must not refuse a place solely because the family does not yet have an intended address, or does not yet live in the area.

Where a family is returning to the UK or the specific area and the parent(s) is in the UK military or is a crown servant, admission authorities must accept the parents' intended address – if that is what parents prefer – providing some evidence of the intended address is provided by the parents. For example, admission authorities must use a unit or quartering address as the child's home address where a parent requests this.

We provide further advice in 'Admission of children of crown servants: explanatory note' available on the [school admissions code page](#).

Withdrawing offers of places

When an application is made from an address in another country the local authority or school may ask for evidence before the school year or term begins to confirm that the child now lives in the UK. If the child does not attend school on the first day of term the admission authority could, in some circumstances, remove the offer and allocate the place to a child on the waiting list.

Before taking this action, the local authority and admission authority should contact the parent(s) to give them an opportunity to explain why there has been a delay in taking up the place and to find out when the child might begin attending.

Paragraph 2.13 of the [school admissions code](#) states that: 'An admission authority must not withdraw an offer unless it has been offered in error, a parent has not responded within a reasonable period of time, or it is established that the offer was obtained through a fraudulent or intentionally misleading application. Where the parent has not responded to the offer, the admission authority must give the parent a further opportunity to respond and explain that the offer may be withdrawn if they do not.'

The [Pupil Registration Regulations 2006](#), as amended, permit a child to be deleted from a school register if they have been continuously absent from the school for a period of not less than 20 school days and:

- at no time was their absence during that period authorised by the school
- the school governing body does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause
- both the school and the local education authority have failed, after reasonable enquiry, to ascertain where the pupil is

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, which includes informing local authority children's social services.

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