



HONG KONG  
WATCH

# Tuition Fees for BNO Visa Holders: The Case for Home Fee Status

March 2024



## TUITION FEES FOR BNO VISA HOLDERS: THE CASE FOR HOME FEE STATUS

### HONG KONG WATCH BRIEFING

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#### EXECUTIVE SUMMARY

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British National (Overseas) visa holders from Hong Kong face substantial barriers in accessing Higher Education in the UK, forced to pay international tuition fees which far outstrips financial ability.

Residents from almost all British Overseas Territories have been eligible for home fee status at UK universities since 2007, yet BNOs, a different category of overseas British citizenship applying only to people from Hong Kong, are not eligible for home fee status because they had this overseas territories citizenship (then BDTC) stripped away before the handover of Hong Kong in 1997.

A younger cohort of people from Hong Kong (18–26-year-olds) are now able to apply for the BNO visa, yet the ability to access education will hold back their potential to prosper in the UK.

On average, graduates earn £10,000 more per year than those who do not go to university. On a macro level, higher earnings are linked to better life satisfaction. An undergraduate degree additionally offers access to greater opportunities through the skills learnt through a particular course and connections made at Higher Education institutions.

Last year, the Scottish Government announced that it would change the tuition fee eligibility requirements for migrant students,<sup>1</sup> meaning that BNO visa holders will be able to access free tuition fees at Scottish Higher Education institutes after three years residency in Scotland.<sup>2</sup>

The UK Government should consider the following recommendations to help Hong Kongers access Higher Education in the rest of the UK:

- **Option one: Requiring three years of residence instead of five for access to ‘home fee’ status for tuition fees.** Mirroring a recent policy change by the Scottish Government, the UK Government could follow suit and reduce the requirements for access to home fee status in England, removing the settlement clause while requiring ordinary residence, granting BNO visa holders access to home fee status after three years in the UK instead of five.
- **Option two: Continue charging international tuition fees, but offer BNO visa holders student finance options.** Offer those holding the BNO visa access to student finance options so that

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<sup>1</sup> <https://www.bbc.co.uk/news/uk-scotland-65601318>

<sup>2</sup> <https://www.parliament.scot/chamber-and-committees/questions-and-answers/question?ref=S6W-18389>

the UK Government would effectively take on a greater responsibility for the tuition fee burden (but paid back by the graduate over a 30-year term), while providing greater access to Higher Education. It would still be far away from parity with British citizens, or other categories of overseas British citizens who enjoy home fee status as standard, but it would recognise the fact that BNOs and their descendants should not be seen as just another migrant group.

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## **BACKGROUND TO THE BNO VISA AND EXTENSION**

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Since the opening up of the UK's British National (Overseas) visa in January 2021,<sup>3</sup> 192,000 people from Hong Kong have applied for the scheme that allows those with BNO status – and their dependents – to live, work and study in the UK.<sup>4</sup> It provides a pathway to settlement in five years, with citizenship a year thereafter.

The policy was announced in parliament by then Foreign Secretary Dominic Raab on 1 July 2020,<sup>5</sup> the day after the implementation of the National Security Law in Hong Kong which represented a flagrant breach of the Sino-British Joint Declaration of 1984.

After a concerted effort led by Damian Green MP in the House of Commons, and Lord Alton of Liverpool, Lord Patten of Barnes, and Lord Falconer of Thoroton in the House of Lords over the past two years, the Government announced plans to open the scheme to those born after the handover in 1997, are over 18 years old, and who have a BNO status parent.<sup>6</sup>

Previously, these young people could only come together in a family unit with their BNO status parents. This change was implemented at the end of November 2022.

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## **HONG KONGERS ARE STRUGGLING TO ACCESS HIGHER EDUCATION**

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BNO status holders and their descendants do not qualify for domestic fees or student finance delivered by the Student Loans Company, despite previously being British subjects holding British Dependent Territories citizenship (BDTC) prior to 1 July 1997 when BNO status was instead conferred.<sup>7</sup> Because of this historical status, Hong Kongers should not be considered as just another group of international students.

In other areas of former and current British overseas territories, BDTC became British Overseas Territories citizenship (BOTC) in 2002, and almost all BOTC holders became British citizens on 21 May 2002,<sup>8</sup> with new BOTCs after May 2002 being able to register as British citizens if certain conditions

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<sup>3</sup> <https://www.gov.uk/british-national-overseas-bno-visa>

<sup>4</sup> <https://www.gov.uk/government/statistics/immigration-system-statistics-year-ending-june-2023/how-many-people-come-to-the-uk-each-year-including-visitors#british-national-overseas-bno-route>

<sup>5</sup> <https://www.gov.uk/government/speeches/foreign-secretary-statement-on-national-security-legislation-in-hong-kong>

<sup>6</sup> <https://questions-statements.parliament.uk/written-statements/detail/2022-02-24/hcws635>

<sup>7</sup> <https://www.gov.uk/government/collections/ips-passports-policy>

<sup>8</sup> <https://www.gov.uk/types-of-british-nationality/british-overseas-territories-citizen>

are met. **Residents from almost all British overseas territories – the exception being those deriving BOTC status from the Sovereign Base Areas of Cyprus – have been eligible for ‘home fee’ status at UK universities since 2007, with the change brought in by the Education (Fees and Awards) and the Education (Qualifying Courses and Persons) Regulations 2007.**<sup>9</sup>

With the policy change on the BNO visa which was implemented at the end of November 2022, there is a new cohort of young adults who are wanting to study and get into work quickly. Currently there are huge barriers for them to do so. The cost of the visa is already a high hurdle to jump as one must pay the Immigration Health Surcharge (£3,120) and have proof of funds to support oneself for six months in the UK (housing costs plus £2,000). To successfully apply for the visa, one will need around £8,000 in their bank account. This is very difficult for many people to show, before the costs of international tuitions fees are even brought into the equation.

Annual tuition fees for undergraduate courses for international students at UK universities vary widely, but average at around £25,000 for Russell Group universities. This is compared to the £9,250 cap – and access to student loans – that ‘home fee’ status bestows. To make a comparison, many of the universities in Hong Kong are ranked in the top 150 worldwide, yet almost all charge Hong Kong students only 42,100 HKD (£3,878) per year.

At present, to qualify for ‘home fee’ status in the UK and be eligible for loans from the Student Loans Company, students must have settled status in the UK (which requires five years under the BNO visa scheme) and be ordinarily present in the UK for the full three-year period before the first day of the first academic year of the course.<sup>10</sup> For those young adults who are coming over to the UK on the newly expanded visa, and for families with secondary school aged children who would not have time to gain settled status in the UK before going to university, there is a risk of a move to the UK being prohibitively expensive.<sup>11</sup>

In comparison, citizens from the EU who have ‘settled’ or ‘pre-settled’ status under the EU Settlement Scheme can generally have access to ‘home fee’ status and the student loan system as long as they meet the usual residency rules of living in the UK, Gibraltar, European Economic Area (EEA) or Switzerland for the three years immediately before the start of the course.

Additionally, Ukrainian refugees fleeing from Russian aggression are provided with various provisions in the area of Higher Education in each of the respective nations in the UK. The then Minister of State for Higher and Further Education, Michelle Donelan, wrote in April 2022 that the government was extending access to HE student support, ‘home fee’ status, tuition fee caps, Advanced learner loans and FE19+ funding for those who are granted leave under one of the three schemes for Ukrainians introduced recently by the Home Office.<sup>12</sup>

BNO visa holders of school age (dependents of main BNO status holders) are able to enrol in state schools in the UK in the usual way that other UK-born children apply for state schools, based on

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<sup>9</sup>See: <https://www.legislation.gov.uk/uksi/2007/779/contents/made>

<sup>10</sup>

[https://www.ukcisa.org.uk/uploads/files/1/england\\_he\\_who\\_pays\\_\\_home\\_fees\\_public\\_version1\\_10.5.21.pdf](https://www.ukcisa.org.uk/uploads/files/1/england_he_who_pays__home_fees_public_version1_10.5.21.pdf)

<sup>11</sup> Concerns expressed in the Welcoming Committee for Hong Kongers study, *Settling in: Hong Kongers and their new lives in the UK*: <https://www.welcomehk.org/research/settling-in-report>

<sup>12</sup> [https://www.officeforstudents.org.uk/media/ab0984af-02fe-4c35-b652-3252a30e9bf1/minister-donelan\\_letter-to-heis\\_ukraine.pdf](https://www.officeforstudents.org.uk/media/ab0984af-02fe-4c35-b652-3252a30e9bf1/minister-donelan_letter-to-heis_ukraine.pdf)

catchment area. However, when it comes to Higher Education, BNO visa holders are at a disadvantage. Student fees and access to student finance in Higher Education for BNOs – and primarily their dependents – continues to be a key source of concern and it is an area that is regularly raised with Hong Kong Watch.

UK government statistics show that graduates earn £10,000 more per year (based on median earnings) than those who do not go to university (£24,000 vs £34,000).<sup>13</sup> On a macro level, higher earnings are linked to better life satisfaction. An undergraduate degree additionally offers access to greater opportunities through the skills learnt through a particular course and connections made at Higher Education institutions.

In May 2023, the Scottish Government announced that it would change the tuition fee eligibility requirements for migrant students,<sup>14</sup> meaning that BNO visa holders will be able to access free tuition fees at Scottish Higher Education institutes after three years residency in Scotland.<sup>15</sup>

#### **Case study 1: Christina\***

Christina is 18-years-old and studying for her A-levels in Yorkshire. She arrived in the UK, along with her parents, on the BNO visa in the past two years. She is studying Maths, Further Maths and Economics and is predicted to get an A\* in each of these subjects. She would like to study PPE (Philosophy, Politics and Economics) at university before entering a career working in public policy.

She has received conditional offers from two top Russell Group universities to start in September 2023, but she and her family cannot afford the exorbitant fees for international students which she is currently classed as having to pay even though she and her family cannot return to Hong Kong because of the level of political threat to them.

In order to be eligible for ‘home fee’ status and get access to student loans, she would have to wait over four years. Christina is not positive about this extended gap which would put her in a difficult situation for her career development.

She is searching for scholarships, but the majority of them are only open to ‘home fee’ classified students. Some of them claim to be open to Hong Kongers, but they include additional conditions such as having to graduate from secondary school in Hong Kong – but this does not apply to Christina.

#### **Case study 2: Daniel**

Daniel is 18-years-old and finished his International GCSEs and International A Levels last year in Hong Kong before coming to the UK with his parents on the BNO visa. He got As in History, Psychology and Economics and would like to go to a Russell Group University to study PPE. It’s impossible for him to return to Hong Kong due to him and his family’s political exposure.

<sup>13</sup> <https://www.gov.uk/government/news/graduates-continue-to-benefit-with-higher-earnings>

<sup>14</sup> <https://www.bbc.co.uk/news/uk-scotland-65601318>

<sup>15</sup> <https://www.parliament.scot/chamber-and-committees/questions-and-answers/question?ref=S6W-18389>

He is not from an affluent family and his parents are in their 60s, preparing for retirement, and also experiencing health problems. It's impossible to pay the £60,000-£90,000 which would be required to go through university in the UK based on international fee prices and the cost of living.

To be eligible for 'home fee' status and student loans, he will have to wait until he is 23-years-old which will result in graduating at 26, a prolonged break before he can pursue his career. He currently contributes to his local community by hosting events for newly-arrived Hong Kongers to the UK. For his income, he does freelance copywriting, social media management and Chinese language teaching, but has realised that he needs a degree to put himself in a position to get more permanent work in the field of public policy.

### **Case study 3: Bryony**

Bryony was in the third year of her four-year course in art and education in Hong Kong when she had to leave in February 2021 due to her political activity. She was able to come as a dependent of her mother on the BNO visa, but had to abandon her studies in Hong Kong.

She was fully supported by student loans when she was studying in Hong Kong, but those do not apply to higher education institutes elsewhere. Bryony wants to continue her art and education studies in the UK in order to enter into this field of work, but she cannot do so as she would have to pay international tuition fees, something she and her family cannot afford.

### **Case study 4: Kieran**

Kieran arrived in Glasgow as a dependent of his mother on the BNO visa in August 2022. They left Hong Kong in the wake of the crushing of freedoms, which he said had become very stressful and exhausting since the National Security Law was implemented in 2020. They wanted to live in a safe country with freedoms and democratic values hence the decision to leave and move to the UK.

He is a secondary school student and studying for S5 (Sixth Form equivalent in England). He is currently studying Art and Design, English, and Modern Studies for his Highers, and Maths and Scottish Studies in National 5. He would like to study Philosophy or Maths at university.

He is part of a family with a single mother who works a skilled but low-paid job. Her current income only just covers the family's living costs, meaning that it is impossible for Kieran to pay the international tuition fees for which he is liable and would have to wait for another four-and-a-half years for settled status as per the requirements of the Immigration Act (1971).

*\*Case study names have been anonymised to protect the identity of those contributing.*

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## RECOMMENDATIONS

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### **Option one: Requiring three years of residence instead of five for access to 'home fee' status for tuition fees.**

BNO visa holders are currently eligible for 'home fee' status at UK universities five years after they arrive – that being the minimum length of time it takes to apply for settled status on the BNO visa pathway.

However, the Scottish Government has changed its policies to allow BNO visa holders who are resident for three years to be eligible for the free tuition fees that all Scottish students are entitled to.

The Scottish Government has reduced requirements to 'ordinarily living' in Scotland, removing the 'settled status' requirement and instead requiring three years of proof of residence in the nation.

Following this change by the Scottish Government, the UK Government could mirror the requirements in England, meaning that BNO visa holders have access to 'home fee' status after three years instead of five.

### **Option two: Continue charging international tuition fees, but offer BNO visa holders student finance options**

Offer those holding the BNO visa access to student finance options so that the UK Government would effectively take on a greater responsibility for the tuition fee burden (but paid back by the graduate over a 30-year term), while providing greater access to Higher Education.

It would still be far away from parity with British citizens, or other categories of overseas British citizens who enjoy 'home fee' status as standard, but it would recognise the fact that BNOs and their descendants should not be seen as just another migrant group.

## Hong Kong Watch

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