



Guidance on admission of children from overseas

- **Definition of Parent:** Within these notes, definition of parent includes any person who has parental responsibility or who has care of the child

1. Children from overseas who have arrived with their parents

- 1.1 Parents who have moved from overseas to reside in England with their children may express a preference for their children to attend a maintained school or academy and must be considered for a place according to each school's admission arrangements, regardless of their immigration status.
- 1.2 The Local Authority and/or school will need to establish that the child is in the UK at the time of their application before considering them for a place.
- 1.3 Children who hold a full British Citizen passport (but not those with British Dependent Territories or British Overseas passports), EEA nationals (all member states of the European Union together with Iceland, Norway and Liechtenstein) and those whose passport has been endorsed to show that they have the right of abode in the United Kingdom have the automatic right to enter the UK and their passports are unlikely to have been endorsed on entry. Alternative evidence that the child is in the UK should be requested.
- 1.4 Other children will need a visa to enter the UK and their passport or ID document is likely to be endorsed to show the date that they entered the UK. 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 UK. If the passport has not been stamped with a date and port of entry, alternative evidence that the child is in the UK should be requested.

2. Children who have arrived from overseas without their parents

- 2.1 In cases where children enter the United Kingdom without their parents, the first consideration is whether the child has the right of abode:
 - Lone child with right of abode – there are no restrictions on entry to the United Kingdom for children who hold British passports (but not British Dependent Territories or British Overseas passports), nationals of the European Economic Area or children whose passports have been endorsed to show they have the right of abode in the United Kingdom. These children will be able to apply for a place in a maintained school or academy even if they have arrived from overseas without their parents.
 - 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 if they can show that they have been accepted for a place at an independent fee-paying institution or bona fide private educational institution. These children should not be submitting an application for a maintained school or academy as to do so would be to infringe the conditions of their leave to enter or remain and action could be taken against them by the UK Border Agency.

- 2.2. However, schools and Local Authority staff must consider the broader welfare of a lone child in the UK, 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, the Local Authority will still seek to place them in school. The UK 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.
- 2.3. Any child under the age of 16 years not living with a parent may also have need of service from their local authority social care service. See Section 6.

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

- 3.1. Only children who hold a full British Citizen passport (but not those with British Dependent Territories or British Overseas passports), EEA nationals (all member states of the European Union together with Iceland, Norway and Liechtenstein) and those whose passport has been endorsed to show that they have the right of abode in the United Kingdom have the automatic right to enter the UK. As such, subject to paragraphs 3.3 a), b) and c), an application can only be considered in respect of a child who still lives abroad if the child holds a full British Citizen passport, is an EEA national or has the right of abode. Applications in respect of other children can only be considered once the child is in the UK.
- 3.2. The child's Home Local Authority's policy on applications from children from overseas will determine whether or not a family can apply before the date of their return to the United Kingdom. Where such applications are allowed, families who do not currently have a designated address in the United Kingdom may apply directly to the Local Authority where a school is situated.
- 3.3. Generally, for Surrey schools, no application will be considered for a child until they are in the United Kingdom. However, the following exceptions might apply to children who hold a full British Citizen passport (but not those with British Dependent Territories or British Overseas passports), EEA nationals (all member states of the European Union together with Iceland, Norway and Liechtenstein) and those whose passport has been endorsed to show that they have the right of abode:

a) Starting primary school or transfer to secondary school

As the timetable for these applications starts nearly a year before admission, it is reasonable to accept applications from parents who have a right of abode if they can provide evidence that they are planning a return/arrival to the United Kingdom in time for the start of the academic year.

Satisfactory evidence of a return/arrival 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 can 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. 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 under these circumstances, it will be on the condition that the child will be available to take up his/her school place on the first day of term.

b) In year admissions

Generally, parents wishing to make an in year application for their child will do so once the child is in the United Kingdom. However, it would be reasonable for the Local Authority to accept applications from parents with a right of abode if they can provide evidence that they are planning a return/arrival to the United Kingdom up to 4 weeks before their anticipated arrival date.

Satisfactory evidence of a return/arrival 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 can 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 under these circumstances, it will be on the condition that the child will be available to take up his/her school place on the date previously specified by the parent.

In year applications will not be considered any earlier than 4 weeks before an anticipated arrival in the United Kingdom. This is because places should not be reserved for children who are not ready to take up their place at a school.

c) Children of UK Service personnel and Crown servants returning from overseas outside the normal admissions round

In accordance with the School Admissions Code, applications in respect of these children should be accepted in advance of the family arriving, provided the application is accompanied by an official letter that declares a relocation date and a Unit postal address or quartering area address. This applies even if the family is currently located abroad. Given the forced uncertainty on these families, where the parents are able to provide evidence of a new home address, it is reasonable to allocate a place based on this address, even if the move has not yet taken place.

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

4. Length of stay within the United Kingdom

- 4.1. In considering applications in respect of children from abroad, it is reasonable to consider the anticipated length of time that the child will be in United Kingdom. Children who are expected to remain in the United Kingdom for 3 months or more should be considered for admission subject to the other conditions of this guidance.
- 4.2. Applications in respect of children who are expected to remain in the United Kingdom for less than 3 months should be considered on a case-by-case basis. However, schools and Local Authority staff are asked to take into account the welfare and well being of the child, and if they have a vacancy within the school, they may deem it appropriate for the Local Authority to offer a place to the child for the length of time that he/she will be in the country.

5. Moving abroad whilst on a waiting list

- 5.1. When a family 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 3.3 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, based on their new address abroad.
 - If however they can provide no such evidence, the parent should be advised that their child's name will be removed from the waiting list. The family must be advised that if they return to the United Kingdom and still wish to apply for a place at the school, then they will have to reapply by submitting an application to their Home Local Authority.
 - b) **In year admissions**
 - Unless the family can provide evidence that they will be returning to the United Kingdom within the next 4 weeks, the parent should be advised that their child's name will be removed from the waiting list. The family must be advised that if they return to the United Kingdom and still wish to apply for a place at the school, they will have to reapply by submitting an application to their Home Local Authority.

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

- 6.1. 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 should notify the Referral and Assessment Service in the Social Care team, who can 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.