

GUIDANCE ON ADMISSION OF CHILDREN FROM OVERSEAS

Cumbria County Council procedures, will apply to children from overseas who are applying for a school place at a school, for which Cumbria County Council is the admitting authority.

When you deal with an application for a child who is not a UK national, you must comply with the school admissions code (<https://www.gov.uk/government/publications/school-admissions-code>). You must not refuse a school place simply because of doubts about the child's immigration status.

Most Children from overseas are entitled to a state education:

Admission applications for a child who is not a UK national must be dealt with in accordance with the School Admissions Code (as per link above) which states at section 2.19 that Admission authorities must treat applications for children coming from overseas in accordance with European Union law or Home Office rules for non-European Economic Area nationals. A child must not be refused a school place simply because of doubts about their immigration status.

Further guidance is available on the DFE website (<https://www.gov.uk/guidance/schools-admissions-applications-from-overseas-children>)

The following children are not entitled to a state education:

- Children from non-European Economic Area (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), and not to study. For a child to be eligible for a school place they would need to be granted a visa to come to the UK for more than 6 months i.e. longer than a short term visit visa. Any visa issued for 6 months or less is usually considered a short term visit/holiday visa.

- Children from non-EEA countries who have permission to study in the UK - these children are allowed to study in England on the basis that they attend an independent, fee-paying school.

If children belonging to either of these categories are found to be attending a state-funded school, they must not be denied a place. Instead, schools should alert the Home Office's school referrals team so they can investigate further - schoolreferrals@homeoffice.gsi.gov.uk.

It is up to the school to decide whether or not to let the child's parents or carers know that they have contacted the Home Office.

If the Home Office finds that the child is not entitled to state-funded education, it will be up to them to take any further action they consider appropriate. A school should not deny the child a place on the basis of the Home Office's findings.

CHILDREN FROM OVERSEAS IN PRIVATE FOSTERING

If a school is concerned about the safety of children from overseas who are in private fostering arrangements, the school should notify the Safeguarding Hub.'

SCHOOL ADMISSIONS AND SPECIFIC CASES

Schools are asked to contact The School Admissions team at Cumbria County Council if they have any queries re specific cases for children from overseas requesting a school place.

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