





7. On 25 September 2020, HQCSS informed the Applicant that, after contacting the

admissible”. In “its ordinary sense, an enrolment-related fee is an expense realized prior to the commencement of an academic program in relation to an educational admission process”. This does not include fees for “infrastructure,

which means that “[w]hen the language used in the respective disposition is plain, common and causes no comprehension problems, the text of the rule must be interpreted upon its own reading, without further investigation” (see *Scott* 2012-UNAT-225, para. 28, as affirmed in, for instance, *De Aguirre* 2016-UNAT-705, *Timothy* 2018-UNAT-847 and *Ozturk* 2018-UNAT-892, as well as also stated in *Sidell* 2013-UNAT-348 (para. 23), *Scheepers et al.* 2015-UNAT-556 (para. 31), *Al-Mussader* 2017-UNAT-771 (para. 28), *Faye* 2017-UNAT-801 (para. 23), *Rockcliffe* 2017-UNAT-807 (para. 28), *Moh*,

enrollment is essentially a one-time event, which occurs after the student is admitted to an educational course and/or program.

16. The Tribunal disagrees. The plain meaning of enrollment, or being enrolled, in an educational course and/or program is that it simply indicates that a student is registered thereto. This registration status begins with her/his admission to the course and/or program and only ends at its completion, unless the student is expelled therefrom in the meantime, for instance, for not paying all associated fees. In line herewith, sec. 5 of ST/AI/2018/1/Rev.1 (on reimbursement of capital assessment fees) also refers to the child's "enrollment or continued enrollment". Under sec. 3.1(a), it therefore does not matter when an enrollment-related fee is claimed by the educational institution or paid for by the student

contended by his Counsel, this should therefore also clearly and unambiguously follow from the relevant legal framework, in particular ST/AI/2018/1/Rev.1, which the Secretary-General has promulgated himself.

20. The Tribunal, however, agrees with the Respondent that an enrollment-related fee must be mandatory in order to be covered by sec. 3.1(a), which means that payment of the fee is not optional for the student. Consequently, for an enrollment-related fee to fall under the scope of sec. 3.1(a), its payment must be required for the student to complete the course and/or program.

21. In the present case, in the Chief of HQCSS's email of 25 September 2020, he "acknowledge[d]" after having contacted the relevant university that the fees claimed by the Applicant were "mandatory expenses for every full-time student". The reason for rejecting the Applicant's claims for certain fees was instead that they were "attributed to health care, athletics, student support" or, assumedly, some other inadmissible purposes under ST/AI/2018/1/Rev.1. As stated above, pursuant to sec. 3.1(a) or elsewhere in ST/AI/2018/1/Rev.1, the admissibility for education grant is, however, not excluded for any specific objective(s). In any event, in the lack of further statutory guidance, the Tribunal does not find that it would be unreasonable to declare a fee that aims to cover expenses for any of the stated purposes as admissible under sec. 3.1(a).

22. The Tribunal further notes that the Chief of HQCSS's understanding that the fees were mandatory for the Applicant to pay for his child's enrollment in the undergraduate program at the university is affirmed by the Under-Secretary-General for Management Strategy, Policy and Compliance in her 27 October 2020 response to the Applicant's management evaluation request. This is nowhere denied by the Respondent in any of his submissions before the Tribunal. Rather, in the Respondent's reply, he refers to an official form submitted by the Applicant, which was certified by the university and in which all the relevant



payment. An additional five per cent shall be applied to the United States Prime Rate 60 days from the date this Judgment becomes executable.

*(Signed)*

Judge Joelle Adda

Dated this 20<sup>th</sup> day of September 2021

Entered in the Register on this 20<sup>th</sup> day of September 2021

*(Signed)*

Nerea Suero Fontecha, Registrar, New York