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STATUTORY RULES OF NORTHERN IRELAND

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**2021 No. 50**

**The Education (Student Support, etc.)  
(Amendment) Regulations (Northern Ireland) 2021**

**Amendments relating to persons granted stateless leave and their family members**

**16.** The 2009 Regulations are amended as follows —

- (a) in regulation 2(1) (interpretation), after the definition of “person granted indefinite leave to remain as a victim of domestic violence and domestic abuse” (as inserted by these regulations) insert—

““person granted stateless leave” means a person who —

- (a) has extant leave to remain as a stateless person under the immigration rules (within the meaning given in section 33(1) of the Immigration Act 1971); and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave.”

- (b) in regulation 5 (eligible students), after paragraph (11C) (as inserted by these regulations) insert—

“(11D) Where—

- (a) the Department determined that, by virtue of being a person granted stateless leave or the spouse, civil partner, child or step-child of such a person, a person (“A”) was an eligible student in connection with —
- (i) an application for support for an earlier year of the current course;
- (ii) an application for support for a course in relation to which the current course is an end-on course; or
- (iii) an application for support in connection with a designated part-time course, designated distance learning course or other designated course from which A’s status as an eligible part-time student, eligible distance learning student or eligible student has been transferred to the current course; and
- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted stateless leave is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,

A’s status as an eligible or qualifying student terminates immediately before the first day of the academic year in respect of which A is applying for support.”;

- (c) in regulation 18 (events) in sub-paragraph (b) after “protection” (as inserted by these regulations) insert “or becomes a person granted stateless leave”;
- (d) in regulation 74(2) (students becoming eligible in the course of an academic year) in sub-paragraph (b) after “protection” (as inserted by these regulations) insert “or becomes a person granted stateless leave”;

- (e) in regulation 83(2) (students becoming eligible in the course of an academic year) in subparagraph (a) after “protection” (as inserted by these regulations) insert “or becomes a person granted stateless leave”;
- (f) in regulation 105 (eligible distance learning students)—
  - (i) after paragraph 11C (as inserted by these regulations) insert -  
“(11D) Where—
    - (a) the Department determined that, by virtue of being a person granted stateless leave or the spouse, civil partner, child or step-child of such a person, a person (“A”) was—
      - (i) an eligible distance learning student in connection with an application for support for an earlier year of the current course,
      - (ii) an eligible student in connection with an application for support in connection with a designated course, designated part-time course, or other designated distance learning course from which A’s status as an eligible part-time student, designated distance learning student or eligible student has been transferred to the current course; and
    - (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted stateless leave is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,  
A’s status as an eligible or qualifying student terminates immediately before the first day of the academic year in respect of which A is applying for support.”;
- (g) in regulation 106(4) (students becoming eligible in the course of an academic year) in subparagraph (b) after “protection” (as inserted by these regulations) insert “or becomes a person granted stateless leave”;
- (h) in regulation 122 (eligible part-time students) –
  - (i) after paragraph 10C (as inserted by these regulations), insert  
“(10D) Where—
    - (a) the Department determined that, by virtue of being a person granted stateless leave or the spouse, civil partner, child or step-child of such a person, a person (“A”) was an eligible part-time student in connection with—
      - (i) an application for support for an earlier year of the current part-time course; or
      - (ii) an application for support in connection with a designated course, designated distance learning course or other designated part-time course from which A’s status as an eligible student, eligible part-time student or eligible distance learning student has been transferred to the current course; and
    - (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted stateless leave is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,  
A’s status as an eligible student terminates immediately before the first day of the academic year in respect of which A is applying for support.”;

- (i) in regulation 123(3) (students becoming eligible in the course of an academic year) in sub-paragraph (b) after “protection” (as inserted by these regulations) insert “or becomes a person granted stateless leave”;
- (j) in regulation 139 (eligible postgraduate students)—
  - (i) after paragraph 12C (as inserted by these regulations), insert  
“(12D) Where—
    - (a) the Department determined that, by virtue of being a person granted stateless leave or the spouse, civil partner, child or step-child of such a person, a person (“A”) was an eligible postgraduate student in connection with—
      - (i) an application for support for an earlier year of the current postgraduate course; or
      - (ii) an application for support in connection with another designated postgraduate course from which A’s status as an eligible postgraduate student has been transferred to the current postgraduate course; and
    - (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted stateless leave is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,  
A’s status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which A is applying for support.”;
- (k) in regulation 140(2)(1) (students becoming eligible in the course of an academic year) in sub-paragraph (b) after “protection” (as inserted by these regulations) insert “or becomes a person granted stateless leave”;
- (l) in regulation 149(2) (eligible master’s, etc. students)—
  - (i) after paragraph 11C (as inserted by these regulations) insert—  
“(11D) Where—
    - (a) the Department determined that, by virtue of being a person granted stateless leave or the spouse, civil partner, child or step-child of such a person, a person (“A”) was an eligible Master’s, etc. student in connection with—
      - (i) an application for support for an earlier year of the current Master’s, etc. course; or
      - (ii) an application for support in connection with another designated Master’s, etc. course from which A’s status as an eligible Master’s, etc. student has been transferred to the current Master’s, etc. course; and
    - (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted stateless leave is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,  
A’s status as an eligible Master’s, etc. student terminates immediately before the first day of the academic year in respect of which A is applying for support.”;

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(1) Regulation 140 was amended by [S.R. 2019 No. 35](#)

(2) Regulation 149 was amended by [S.R.s 2017 No. 43, 2018 No. 35, 2020 No. 79](#)

- (m) in regulation 151 (events) in sub-paragraph (b) after “protection” (as inserted by these regulations) insert “or becomes a person granted stateless leave”;
- (n) in Part 2 (categories) of Schedule 2 (eligible students), after paragraph 4E (as inserted by these regulations), insert—

**“Persons granted stateless leave and their family members**

**4F. —**

(1) A person granted stateless leave who is ordinarily resident in Northern Ireland on the first day of the first academic year of the course.

(2) A person—

(a) who—

(i) is the spouse or civil partner of a person granted stateless leave; and

(ii) on the leave application date, was the spouse or civil partner of the person granted stateless leave; and

(b) who is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and

(c) who is ordinarily resident in Northern Ireland on the first day of the first academic year of the course.

(3) A person—

(a) who—

(i) is the child of a person granted stateless leave or the child of the spouse or civil partner of a person granted stateless leave; and

(ii) on the leave application date, was the child of the person granted stateless leave or the child of a person who, on the leave application date, was the spouse or civil partner of the person granted stateless leave;

(b) who was under 18 years of age on the leave application date; and

(c) who is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and

(d) who is ordinarily resident in Northern Ireland on the first day of the first academic year of the course.

(4) In this paragraph, “leave application date” means the date on which the person granted stateless leave made an application to remain in Northern Ireland as a stateless person under the immigration rules (within the meaning given in section 33(1) of the Immigration Act 1971).”.