
STATUTORY RULES OF NORTHERN IRELAND

2022 No. 75

**The Education (Student Support, etc.)
(Amendment) Regulations (Northern Ireland) 2022**

PART 2

CHAPTER 4

Citizens' Rights, residency and removal of references to grace period

Amendments to the 2009 Regulations

25. In regulation 2(1) (interpretation)—

- (a) omit the definition of “grace period”;
- (b) re-position the definition of “person with protected rights” in the appropriate place after the definition of “person with leave to enter or remain on the grounds of discretionary leave”;
- (c) in the newly positioned definition of “person with protected rights”(1)—
 - (i) re-number the existing text after “means—” as paragraph (1) of the definition;
 - (ii) in that paragraph as so numbered, omit sub-paragraph (a)(iii);
 - (iii) after sub-paragraph (a)(iv), insert—
 - “(v) otherwise has rights deemed to apply by virtue of any citizens’ rights deeming provisions; or”;
 - (iv) after that paragraph as so numbered, insert—
 - “(2) In paragraph (1)(a)(v), “citizens’ rights deeming provisions” means—
 - (a) Article 18(2) and (3) (issuance of residence documents) of the EU withdrawal agreement;
 - (b) Article 17(2) and (3) (issuance of residence documents) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020(2)); or
 - (c) Article 16(2) and (3) (issuance of residence documents) of the Swiss citizens’ rights agreement.”.

26. In regulation 5 (eligible students)—

- (a) omit paragraph (12B)(3);
- (b) in paragraph (12C)(a)(i)(4), for “paragraph (a)(iv)” substitute “paragraph (1)(a)(iv) or (v)”.

27. In regulation 105 (eligible distance learning students)—

(1) Definition inserted by [S.R. 2021 No. 85](#).
(2) [2020 c. 1](#).
(3) Paragraph (12B) was inserted by [S.R. 2021 No.85](#).
(4) Paragraph (12C) was inserted by [S.R. 2021 No.85](#).

- (a) omit paragraph (12B)(5);
 - (b) in paragraph (12C)(a)(i)(6), for “paragraph (a)(iv)” substitute “paragraph (1)(a)(iv) or (v)”.
- 28.** In regulation 122 (eligible part-time students)—
- (a) omit paragraph (11B)(7);
 - (b) in paragraph (11C)(a)(i)(8), for “paragraph (a)(iv)” substitute “paragraph (1)(a)(iv) or (v)”.
- 29.** In regulation 139 (eligible postgraduate students)—
- (a) omit paragraph (13B)(9);
 - (b) in paragraph (13C)(a)(i)(10), for “paragraph (a)(iv)” substitute “paragraph (1)(a)(iv) or (v)”.
- 30.** In regulation 149 (eligible master’s etc. students)—
- (a) omit paragraph (12B)(11);
 - (b) in paragraph (12C)(a)(i)(12), for “paragraph (a)(iv)” substitute “paragraph (1)(a)(iv) or (v)”.
- 31.** In Part 2 of Schedule 2—
- (a) in paragraph 3(1)(a)(13)—
 - (i) omit sub-paragraph (iii);
 - (ii) in sub-paragraph (iv)(bb), after “Regulations” insert “or otherwise has rights deemed to apply by virtue of any of the citizens’ rights provisions specified in paragraph (3)”;
 - (iii) in sub-paragraph (iv)(cc), after “relevant period” insert “or otherwise has a deemed right of permanent residence by virtue of any of the citizens’ rights provisions specified in paragraph (3)”;
 - (b) after paragraph 3(2) insert—
 - “(3) For the purposes of sub-paragraph (1)(a)(iv), the citizens’ rights provisions referred to are—
 - (a) Article 18(3) (issuance of residence documents) of the EU withdrawal agreement;
 - (b) Article 17(3) (issuance of residence documents) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or
 - (c) Article 16(3) (issuance of residence documents) of the Swiss citizens’ rights agreement.”;
 - (c) in paragraph 9C—
 - (i) insert “(1)” before “A person”;
 - (ii) in the newly numbered sub-paragraph (1)(14), move the terminal “and” after sub-paragraph (c) to after sub-paragraph (d), and after that sub-paragraph insert—

(5) Paragraph (12B) was inserted by [S.R. 2021 No.85](#).
 (6) Paragraph (12C) was inserted by [S.R. 2021 No.85](#).
 (7) Paragraph (11B) was inserted by [S.R. 2021 No.85](#).
 (8) Paragraph (11C) was inserted by [S.R. 2021 No.85](#).
 (9) Paragraph (13B) was inserted by [S.R. 2021 No.85](#).
 (10) Paragraph (13C) was inserted by [S.R. 2021 No.85](#).
 (11) Paragraph (12B) was inserted by [S.R. 2021 No.85](#).
 (12) Paragraph (12C) was inserted by [S.R. 2021 No.85](#).
 (13) Paragraph 3 was amended by [S.R. 2021 No.85](#).
 (14) Paragraph 9C was inserted by [S.R. 2021 No. 85](#).

- “(e) who did not move to Northern Ireland from the Islands for the purpose of undertaking the current course or a course which, disregarding any intervening vacation, the person undertook immediately before undertaking the current course.”.

Amendments to the 2007 Regulations

32. In the Schedule—

- (a) in paragraph 1(1), in the definition of “person with protected rights”—
- (i) re-number the existing text after “means—” as paragraph (1) of that definition;
 - (ii) in that paragraph as so re-numbered, omit the terminal “or” after sub-paragraph (a)(ii), and after sub-paragraph (a)(iii), insert—
 - “(iv) otherwise has rights deemed to apply by virtue of any citizens’ rights deeming provisions; or”;
 - (iii) after that paragraph as so numbered, insert—
 - “(2) In paragraph (1)(iv) “citizens’ rights deeming provisions” means—
 - (a) Article 18(2) and (3) (issuance of residence documents) of the EU withdrawal agreement;
 - (b) Article 17(2) and (3) (issuance of residence documents) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or
 - (c) Article 16(2) and (3) (issuance of residence documents) of the Swiss citizens’ rights agreement.”.
- (b) in sub-paragraph 3(1)(a)(iii)—
- (i) in division (bb), after “Regulations” insert “or otherwise has rights deemed to apply by virtue of any of the citizens’ rights provisions specified in paragraph (3)”,
 - (ii) in division (cc) after “relevant period” insert “or otherwise has a deemed right of permanent residence by virtue of any of the citizens’ rights provisions specified in sub-paragraph (3)”,
 - (iii) after sub-paragraph (2) insert—
 - “(3) For the purposes of sub-paragraph (1)(a)(iii), the citizens’ rights provisions referred to are—
 - (a) Article 18(3) (issuance of residence documents) of the EU withdrawal agreement;
 - (b) Article 17(3) (issuance of residence documents) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or
 - (c) Article 16(3) (issuance of residence documents) of the Swiss citizens’ rights agreement.”.