
STATUTORY RULES OF NORTHERN IRELAND

2022 No. 75

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

PART 2

CHAPTER 5

Eligibility of Afghan locally employed staff

Amendments to the 2009 Regulations

33. In regulation 2(1) (interpretation), at the appropriate place in the alphabetical order, insert—

““person granted leave under one of the Afghan Schemes” means a person granted leave under the Afghan Citizens Resettlement Scheme or a person granted leave under the Afghan Relocations and Assistance Policy Scheme;

“person granted leave under the Afghan Citizens Resettlement Scheme” means a person—

- (a) who has—
 - (i) indefinite leave to enter or remain in the United Kingdom, outside the Immigration Rules as defined in section 33(1) of the Immigration Act 1971⁽¹⁾ on the basis of the Afghan Citizens Resettlement Scheme; or
 - (ii) indefinite leave to enter or remain in the United Kingdom, outside those rules, as the spouse, civil partner or dependent child of such a person, or dependent child of the spouse or civil partner; and
- (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;

“person granted leave under the Afghan Relocations and Assistance Policy Scheme” means a person—

- (a) who has—
 - (i) indefinite leave to enter the United Kingdom under paragraph 276BA2, or has indefinite leave to remain under paragraph 276BS2 of the Immigration Rules, having been relocated to the United Kingdom pursuant to paragraph 276BB1(iii) (a) of the Immigration Rules as defined in section 33(1) of the Immigration Act 1971,
 - (ii) leave to enter the United Kingdom on the basis of the Afghan Relocations and Assistance Policy Scheme,
 - (iii) indefinite leave to enter or remain, outside those rules, on the basis of the Afghan Relocations and Assistance Policy Scheme, or

⁽¹⁾ 1971 c. 77 to which there are amendments not relevant to this instrument.

- (iv) leave to enter or indefinite leave to enter the United Kingdom as the spouse, civil partner or dependent child of such a person, or dependent child of the spouse or civil partner, having been granted that leave under paragraph 276BJ2 or 276BO2 of those rules; and
 - (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”
- 34.** In regulation 5(2) (eligible students)—
- (a) in paragraph (2)(a) for “and 13” substitute “, 13 and 14”;
 - (b) after paragraph (11D), insert—
 - “(11E) Where—
 - (a) the Department determined that, by virtue of being a person granted leave under one of the Afghan Schemes, a person (“A”) was—
 - (i) an eligible student in connection with an application for support for an earlier year of the current course, an application for support for a course in relation to which the current course is an end-on course or 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 student, eligible part-time student or eligible distance learning student has been transferred to the current course; or
 - (ii) a qualifying student in connection with an application for support for an earlier year of the qualifying course or other qualifying course from which A’s status as a qualifying student has been transferred to the qualifying course in respect of which the student is applying for support; 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 leave under one of the Afghan Schemes is allowed to stay in the United Kingdom has expired,

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.”
- 35.** In regulation 18(3) (events)—
- (a) in paragraph (l) omit the terminal “or”;
 - (b) in paragraph (m) for “.” substitute “; or”;
 - (c) after paragraph (m) insert—
 - “(n) the student becomes a person granted leave under one of the Afghan Schemes.”
- 36.** In regulation 39(7)(4) (general qualifying conditions for grants for living and other costs) for “or (m)” substitute “, (m) or (n)”;
- 37.** In regulation 42(6)(5) (amount of the disabled students’ allowance) for “or (m)” substitute “, (m) or (n)”;
- 38.** In regulation 46(11)(6) (childcare grant) for “or (m)” substitute “, (m) or (n)”;

(2) Regulation 5 was amended by [S.R. 2013 No. 128](#), [S.R. 2017 No. 7](#), [S.R. 2019 No.135](#) and S.R. 2021 Nos. [50](#) and [85](#).

(3) Regulation 18 was amended by [S.R. 2019 No. 35](#), [S.R. 2020 No. 295](#), S.R. 2021 Nos. [50](#) and [85](#).

(4) Regulation 39(7) was amended by [S.R. 2012 No. 398](#) and S.R. 2021 Nos. [85](#) and [260](#).

(5) Regulation 42(6) was amended by S.R. 2021 Nos. [85](#) and [260](#).

(6) Regulation 46(11) was amended by S.R. 2021 Nos. [85](#) and [260](#).

39. In regulation 50A(2)(7) for “or (m)” substitute “, (m) or (n)”;

40. In regulation 57(5)(8) (qualifying conditions for the maintenance grant) for “or (m)” substitute “, (m) or (n)”;

41. In regulation 59(5)(9) (qualifying conditions for the special support grant) for “or (m)” substitute “, (m) or (n)”;

42. In regulation 74(2)(10) (students becoming eligible in the course of an academic year)—

(a) in paragraph (k) omit the terminal “or”;

(b) in paragraph (l) for “.” substitute “; or”;

(c) after paragraph (l) insert—

“(m) the student becomes a person granted leave under one of the Afghan Schemes.”

43. In regulation 105(11) (eligible distance learning students)—

(a) in paragraph (2)(a) for “and 13” substitute “, 13 and 14”;

(b) after paragraph (11D), insert—

“(11E) Where—

(a) the Department determined that, by virtue of being a person granted leave under one of the Afghan Schemes, a person (“A”) was an eligible distance learning student in connection with—

(i) an application for support for an earlier year of the current course, or

(ii) an application for support in connection with a designated course, designated part-time course, or other designated 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 leave under one of the Afghan Schemes is allowed to stay in the United Kingdom has expired,

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

44. In regulation 106(12) (students becoming eligible in the course of an academic year)—

(a) in paragraph 1A for “or (n)” substitute “, (n) or (o)”;

(b) in paragraph 2 for “or (n)” substitute “, (n) or (o)”;

(c) in paragraph 3 for “or (n)” substitute “, (n) or (o)”;

(d) in paragraph (4)—

(i) in sub-paragraph (m) omit “or”;

(ii) in sub-paragraph (n) after “2” for “.” substitute “; or”;

(iii) after sub-paragraph (n), insert—

(7) Regulation 50A(2) was amended by S.R. 2021 Nos. 85 and 260.

(8) Regulation 57(5) was amended by S.R. 2021 Nos. 85 and 260.

(9) Regulation 59(5) was amended by S.R. 2021 Nos. 85 and 260.

(10) Regulation 74(2) was amended by S.R. 2019 No. 35, S.R. 2020 No. 295, S.R. 2021 Nos. 50 and 85.

(11) Regulation 105 was amended by S.S.I 2007/503, S.R. 2010 No. 383, S.R. 2013 No. 128, S.R. 2017 No. 7 and S.R. 2021 Nos. 50 and 85.

(12) Regulation 106 was amended by Order 2011/1043, S.R. 2019 No. 35 and S.R. 2021 No. 50 and 85.

“(o) the student becomes a person granted leave under one of the Afghan Schemes.”

45. In regulation 122(13) (eligible part-time students)—

(a) in paragraph (2)(a) for “and 13” substitute “, 13 and 14”;

(b) after paragraph (10D), insert—

“(10E) Where—

(a) the Department determined that, by virtue of being a person granted leave under one of the Afghan Schemes, 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 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 leave under one of the Afghan Schemes is allowed to stay in the United Kingdom has expired,

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

46. In regulation 123(14) (students becoming eligible in the course of an academic year)—

(a) in paragraph 1A for “or (n)” substitute “, (n) or (o)”;

(b) in paragraph 2 for “or (n)” substitute “, (n) or (o)”;

(c) in paragraph (3)—

(i) in sub-paragraph (m) omit “or”;

(ii) in sub-paragraph (n) after “2” for “.” substitute “; or”;

(iii) after sub-paragraph (n), insert—

“(o) the student becomes a person granted leave under one of the Afghan Schemes.”

47. In regulation 130(7)(15) (disabled part-time students’ allowance) for “or (n)” substitute “, (n) or (o)”.

48. In regulation 139(16) (eligible postgraduate students)—

(a) in paragraph (3)(a) for “and 13” substitute “, 13 and 14”;

(b) after paragraph (12D), insert—

“(12E) Where—

(a) the Department determined that, by virtue of being a person granted leave under one of the Afghan Schemes, 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

(13) Regulation 122 was amended by [S.R. 2013 No. 128](#), [S.R. 2017 No. 7](#), [S.R. 2019 No.135](#) and [S.R. 2021 Nos. 50 and 85](#).

(14) Regulation 123 was amended by [Order 2011/1043](#), [S.R. 2019 No. 35](#) and [S.R. 2021 Nos. 50 and 85](#).

(15) Regulation 130(7) was inserted by [S.R. 2012 No. 398](#) and amended by [S.R. 2021 Nos. 85 and 260](#).

(16) Regulation 139 was amended by [S.R. 2010 No. 383](#), [S.R. 2017 No. 43](#), [S.R. 2019 No.35](#) and [S.R. 2021 Nos. 50 and 85](#).

- (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 leave under one of the Afghan Schemes is allowed to stay in the United Kingdom has expired,

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."

49. In regulation 140(2)(17) (students becoming eligible in the course of an academic year)—

- (a) in paragraph (k) omit the terminal "or";
- (b) in paragraph (l) for "." substitute "; or";
- (c) after paragraph (l) insert—

"(m) the student becomes a person granted leave under one of the Afghan Schemes."

50. In regulation 149(18) (eligible master's, etc. students)—

- (a) in paragraph (2)(a) for "and 13" substitute ", 13 and 14";
- (b) after paragraph (11D), insert—

"(11E) Where—

- (a) the Department determined that, by virtue of being a person granted leave under one of the Afghan Schemes, 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 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 leave under one of the Afghan Schemes is allowed to stay in the United Kingdom has expired,

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."

51. In regulation 151(19) (events)—

- (a) in paragraph (l) omit the terminal "or";
- (b) in paragraph (m) for "." substitute "; or";
- (c) after paragraph (m) insert—

"(n) the student becomes a person granted leave under one of the Afghan Schemes."

52. In Schedule 2 (eligible students), after paragraph 13, insert—

(17) Regulation 140 was amended by [S.R. 2019 No. 35](#) and S.R. 2021 Nos. [50](#) and [85](#).

(18) Regulation 149 was amended by S.R.s [2017 No. 43](#), [2018 No. 35](#), [2020 No. 79](#) and S.R. 2021 Nos. [50](#) and [85](#).

(19) Regulation 151 was inserted by [S.R. 2017 No. 7](#) and was amended by [S.R. 2019 No. 35](#) and S.R. 2021 Nos. [50](#) and [85](#).

“Persons granted leave under one of the Afghan Schemes

14. A person granted leave under one of the Afghan Schemes, who is ordinarily resident in Northern Ireland on the first day of the first academic year of the course.”

Amendments to the 2007 Regulations

53. In regulation 5(1)(c)(20), after “4F,” insert “4G,”;

54. In regulation 5(1A)(a), after “4F,” insert “4G,”;

55. In the Schedule—

(a) in paragraph (1) at the appropriate place in the alphabetical order, insert—

““person granted leave under one of the Afghan Schemes” means a person granted leave under the Afghan Citizens Resettlement Scheme or a person granted leave under the Afghan Relocations and Assistance Policy Scheme;

“person granted leave under the Afghan Citizens Resettlement Scheme” means a person—

(a) who has—

(i) indefinite leave to enter or remain in the United Kingdom, outside the Immigration Rules as defined in section 33(1) of the Immigration Act 1971 on the basis of the Afghan Citizens Resettlement Scheme; or

(ii) indefinite leave to enter or remain in the United Kingdom, outside those rules, as the spouse, civil partner or dependent child of such a person, or dependent child of the spouse or civil partner; and

(b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”

“person granted leave under the Afghan Relocations and Assistance Policy Scheme” means a person—

(a) who has—

(i) indefinite leave to enter the United Kingdom under paragraph 276BA2, or has indefinite leave to remain under paragraph 276BS2 of the Immigration Rules, having been relocated to the United Kingdom pursuant to paragraph 276BB1(iii)(a) of the Immigration Rules as defined in section 33(1) of the Immigration Act 1971;

(ii) leave to enter the United Kingdom on the basis of the Afghan Relocations and Assistance Policy Scheme;

(iii) indefinite leave to enter or remain, outside those rules, on the basis of the Afghan Relocations and Assistance Policy Scheme; or

(iv) leave to enter or indefinite leave to enter the United Kingdom as the spouse, civil partner or dependent child of such a person, or dependent child of the spouse or civil partner, having been granted that leave under paragraph 276BJ2 or 276BO2 of those rules; and

(b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”

(b) after paragraph 4F, insert—

“Persons granted leave under one of the Afghan Schemes

4G. A person granted leave under one of the Afghan Schemes who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.”.