

STATUTORY RULES OF NORTHERN IRELAND

2024 No. 157

The Education (Student Support, etc.) (Amendment No.2) Regulations (Northern Ireland) 2024

PART 2

CHAPTER 1

Victims of domestic violence or domestic abuse

Amendment to the 2009 Regulations

3. In regulation 2 (interpretation: general), in paragraph (1), in the definition of “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse”(1)—

(a) for “leave to remain”, in both places, substitute “leave to enter or remain”;

(b) for paragraphs (i) to (iii) of sub-paragraph (a), substitute—

“(i) paragraph VDA 9.1 of the Appendix Victim of Domestic Abuse(2); or

(ii) where such leave was granted before the coming into force of the Appendix Victim of Domestic Abuse, paragraph 289B (victims of domestic violence), paragraph D-DVILR.1.1. of Appendix FM (victims of domestic abuse) or paragraph 40 of Appendix Armed Forces (victims of domestic violence: partners of members of the armed forces);”.

4. In both regulation 2A(3)(f)(3) (meaning of “protected category event”) and paragraph 4E(4) of Schedule 2 (eligible students), in each place it occurs, including in the heading to paragraph 4E of Schedule 2, for “leave to remain”, substitute “leave to enter or remain”.

Commencement Information

I1 Reg. 3 in operation at 14.8.2024 with application in accordance with reg. 1(3)(a)

I2 Reg. 4 in operation at 14.8.2024 with application in accordance with reg. 1(3)(a)

Amendments to the 2007 Regulations

5. In both regulation 5(10)(5) (prescribed description of a qualifying person), in paragraph (e) of the definition of “protected category event” and paragraph 4E(6) of the Schedule (persons granted

(1) Definition was added by [S.R. 2021 No. 50](#) and amended by [S.R. 2024 No. 19](#).

(2) The Appendix was added to the immigration rules by Statement of Changes to the Immigration Rules laid before Parliament on 7th December 2023 (HC 246). An electronic copy of HC 246 is available at <https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-246-7-december-2023>, and a hard copy is available by written request to Home Office, 2 Marsham Street, London, SW1P 4DF.

(3) Regulation 2A was inserted by [S. R. 2024 No.19](#).

(4) Paragraph 4E was inserted by [S.R. 2021 No. 50](#) and amended by [S.R. 2024 No.19](#).

(5) Paragraph (10) was inserted by [S.R. 2024 No. 19](#).

(6) Paragraph 4E was inserted by [S.R. 2021 No. 50](#) and amended by [S.R. 2024 No. 19](#).

indefinite leave to remain as a victim of domestic violence or domestic abuse), in each place it occurs, including in the heading to paragraph 4E of the Schedule, for “leave to remain”, substitute “leave to enter or remain”.

6. In the Schedule (qualifying persons), in paragraph 1(1), in the definition of “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse”(7)—

(a) for “leave to remain”, in both places, substitute “leave to enter or remain”;

(b) for sub-paragraphs (aa) to (cc), substitute—

“(aa) paragraph VDA 9.1 of the Appendix Victim of Domestic Abuse;
or

(bb) where such leave was granted before the coming into force of the Appendix Victim of Domestic Abuse, paragraph 289B (victims of domestic violence), paragraph D-DVILR.1.1. of Appendix FM (victims of domestic abuse) or paragraph 40 of Appendix Armed Forces (victims of domestic violence: partners of members of the armed forces);”.

Commencement Information

I3 Reg. 5 in operation at 14.8.2024 with application in accordance with reg. 1(3)(a)

I4 Reg. 6 in operation at 14.8.2024 with application in accordance with reg. 1(3)(a)

CHAPTER 2

Afghan Relocations and Assistance Policy Scheme

Amendments to the 2009 Regulations

7. In regulation 2 (interpretation: general), in paragraph (1), in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”(8), for sub-paragraph (a)(ia), substitute—

“(ia) indefinite leave to enter or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules(9);”.

Commencement Information

I5 Reg. 7 in operation at 14.8.2024, see [reg. 1\(2\)](#)

Amendments to the 2007 Regulations

8. In the Schedule (qualifying persons), in paragraph 1(1), in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”(10), for sub-paragraph (a)(ia), substitute—

(7) Definition was inserted by [S.R. 2021 No. 50](#).

(8) Definition was added by

(9) The Appendix was added to the immigration rules by the Statement of Changes in the Immigration Rules laid before Parliament on 18th October 2022 (HC 719). An electronic version of HC 719 is available at, <https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc719-18-october-2022>, and a hard copy is available by written request to Home Office, 2 Marsham Street, London, SW1P 4DF.

(10) Definition inserted by [S.R. 2022 No. 201](#).

“(ia) indefinite leave to enter or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules;”.

Commencement Information

I6 Reg. 8 in operation at 14.8.2024, see [reg. 1\(2\)](#)

CHAPTER 3

Children of persons granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse or as a bereaved partner

Amendments to the 2009 Regulations

9. In regulation 2A (meaning of terms including protected category event)(**11**), in paragraph (3), in sub-paragraphs (f) and (h), after “the student” insert “or the student’s parent”.

10. In Part 2 of Schedule 2 (eligible students)—

- (a) in the heading to paragraph 4D (persons granted indefinite leave to remain as a bereaved partner)(**12**), at the end, insert “and their children”;
- (b) paragraph 4D becomes sub-paragraph (1) of that paragraph;
- (c) after that sub-paragraph (1) insert—

“(2) A person—

- (a) granted indefinite leave to remain;
- (b) who—
 - (i) is the child of a person granted indefinite leave to remain as a bereaved partner; and
 - (ii) on the leave application date, was the child of the person granted indefinite leave to remain as a bereaved partner;
- (c) who was under 18 on the leave application date;
- (d) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave; and
- (e) who is ordinarily resident in Northern Ireland on the course start date.

(3) In this paragraph, “leave application date” means the date on which a person granted indefinite leave to remain as a bereaved partner made an application to remain in the United Kingdom on those grounds under the immigration rules.”;

- (d) in the heading to paragraph 4E (persons granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse)(**13**), at the end, insert “and their children”;
- (e) paragraph 4E becomes sub-paragraph (1) of that paragraph;
- (f) after that sub-paragraph (1) insert—

“(2) A person—

- (a) granted indefinite leave to enter or remain;
- (b) who—

(11) Regulation 2A was added [S.R. 2024 No. 19](#)

(12) Paragraph 4E was inserted by [S.R. 2021 No.50](#).

(13) Paragraph 4D was inserted by [S.R. 2021 No. 50](#).

- (i) is the child of a person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse; and
- (ii) on the leave application date, was the child of the person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse;
- (c) who was under 18 on the leave application date;
- (d) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave; and
- (e) who is ordinarily resident in Northern Ireland on the course start date.

(3) In this paragraph, “leave application date” means the date on which a person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse made an application to remain in the United Kingdom on those grounds under the immigration rules.”.

Commencement Information

- I7** Reg. 9 in operation at 14.8.2024 with application in accordance with reg. 1(3)(b)
I8 Reg. 10 in operation at 14.8.2024 with application in accordance with reg. 1(3)(b)

Amendments to the 2007 Regulations

11. In regulation 5 (prescribed description of a qualifying person), in paragraph (10)(d) and (e) in the definition of “protected category event”, after “the student” insert “or the student’s parent”.

12. In the Schedule (qualifying persons)—

- (a) in the heading to paragraph 4D(14) (persons granted indefinite leave to remain as a bereaved partner), at the end, insert “and their children”;
- (b) paragraph 4D becomes sub-paragraph (1) of that paragraph;
- (c) after that sub-paragraph (1) insert—

“(2) A person—

- (a) granted indefinite leave to remain;
- (b) who—
 - (i) is the child of a person granted indefinite leave to remain as a bereaved partner; and
 - (ii) on the leave application date, was the child of the person granted indefinite leave to remain as a bereaved partner;
- (c) who was under 18 on the leave application date;
- (d) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave; and
- (e) who is ordinarily resident in the United Kingdom on the course start date.

(3) In this paragraph, “leave application date” means the date on which a person granted indefinite leave to remain as a bereaved partner made an application to remain in the United Kingdom on those grounds under the immigration rules.”.

- (d) in the heading to paragraph 4E (persons granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse), at the end, insert “and their children”;
- (e) paragraph 4E becomes sub-paragraph (1) of that paragraph;
- (f) after that sub-paragraph (1) insert—
 - “(2) A person—
 - (a) granted indefinite leave to enter or remain;
 - (b) who—
 - (i) is the child of a person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse; and
 - (ii) on the leave application date, was the child of the person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse;
 - (c) who was under 18 on the leave application date;
 - (d) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave; and
 - (e) who is ordinarily resident in the United Kingdom on the course start date.
 - (3) In this paragraph, “leave application date” means the date on which a person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse made an application to remain in the United Kingdom on those grounds under the immigration rules.”.

Commencement Information

- I9** Reg. 11 in operation at 14.8.2024 with application in accordance with reg. 1(3)(b)
- I10** Reg. 12 in operation at 14.8.2024 with application in accordance with reg. 1(3)(b)

CHAPTER 4

Students settled in the United Kingdom

Amendments to the 2009 Regulations

- 13.** In regulation 2A (meaning of terms including in-year qualifying event and settled status event)(15)—
 - (a) in paragraph (2), after sub-paragraph (b), insert—
 - “(ba) the student becomes a person described in paragraph 2 of Schedule 2;”;
 - (b) in paragraph (4), for the words from “means the student becomes a family member” to the end substitute—
 - “means—
 - (a) the student becomes a person described in paragraph 2A of Schedule 2; or
 - (b) the student becomes a family member described in paragraph 9A(1)(a), 9C(1)(a) or 9D(1)(a) of Schedule 2.”.
- 14.** In Part 2 of Schedule 2 (eligible students)—
 - (a) in paragraph 2(1), omit “on the first day of the first academic year of the course”;

(15) Regulation 2A was inserted by S.R. 2024 No. 19.

- (b) in paragraph 2(1)(b) after “Northern Ireland”, insert “on the first day of the first academic year of the course”;
- (c) in paragraph 2A(1)(a)(16) omit “on the course start date”.

Commencement Information

- I11** Reg. 13 in operation at 14.8.2024 with application in accordance with reg. 1(3)(c)
- I12** Reg. 14 in operation at 14.8.2024 with application in accordance with reg. 1(3)(c)

Amendments to the 2007 Regulations

15. In the Schedule (qualifying persons)—

- (a) in the opening words of paragraph 2(1) omit “on the first day of the first academic year of the course”;
- (b) in paragraph 2(1)(b), after “United Kingdom”, insert “on the first day of the first academic year of the course”;
- (c) in paragraph 2A(1)(a)(17), omit “on the course start date”.

Commencement Information

- I13** Reg. 15 in operation at 14.8.2024 with application in accordance with reg. 1(3)(c)

CHAPTER 5

Termination of eligible student status

Amendment to the 2009 Regulations

16. In regulation 5 (eligible students)—

- (a) in paragraph (11)(b)(18), for the words from “has expired” to the end of sub-paragraph (b), substitute—
 - “has expired and—
 - (i) no further leave to remain has been granted,
 - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002(19)), and
 - (iii) the person (A or A’s spouse, civil partner, parent or step-parent) whose refugee status has expired has not become a British or Irish citizen,”;
- (b) in paragraphs (11A)(b)(20), (11D)(b)(21), and (11F)(b)(22), after “has been granted” insert “and that person has not become a British or Irish citizen”;
- (c) in paragraph (11B)(b)(23), after “has been granted” insert “and A has not become a British or Irish citizen”;

(16) Paragraph 2A was inserted by .S.R. 2021 No. 85 and amended by S.R.s 2022 No 75 and 2024 No. 19

(17) Paragraph 2A was inserted by S.R. 2021 No. 85 and amended by S.R.s 2022 No 75 and 2024 No. 19.

(18) Paragraph 11 was amended by S.R. 2024 No. 19.

(19) 2002 c. 41. Section 104 was amended by Schedule 9 to the Immigration Act 2014 and by S.I. 2005/565, 2010/21 and 2014/2771.

(20) Paragraph 11A was added by S.R. 2019 No.35 and amended by S.R. 2021 No. 50.

(21) Paragraph 11D was added by S.R. 2021 No. 50 and amended by S.R. 2024 No. 19.

(22) Paragraph 11F was added by S.R. 2022 No. 201 and amended by S.R. 2024 No. 19.

(23) Paragraph 11B was inserted by S.R. 2021 No. 50.

- (d) in paragraphs (11C)(b)(**24**) and (12)(b)(**25**), for the words from “has expired” to the end of sub-paragraph (b), substitute—
- “has expired and—
- (i) no further leave to remain has been granted;
 - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and
 - (iii) the person (A or A’s spouse, civil partner, parent or step-parent) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen.”;
- (e) in paragraph (11E)(b)(**26**), after “has expired” insert “and that person has not become a British or Irish citizen”;
- (f) in paragraph (12A)(b)(**27**), after “has been granted under those rules” insert “and A has not become a British or Irish citizen”;
- (g) in paragraph (12C)(b)(**28**) after “protected rights” insert “and has not become a British or Irish citizen”.

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

- (a) in paragraph (11)(b)(**29**), for the words from “has expired” to the end of sub-paragraph (b), substitute—
- “has expired and—
- (i) no further leave to remain has been granted;
 - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002(**30**)); and
 - (iii) the person (A or A’s spouse, civil partner, parent or step-parent) whose refugee status has expired has not become a British or Irish citizen.”;
- (b) in paragraphs (11A)(b)(**31**), (11D)(b)(**32**), and (11F)(b)(**33**), after “has been granted” insert “and that person has not become a British or Irish citizen”;
- (c) in paragraph (11B)(b)(**34**), after “has been granted” insert “and A has not become a British or Irish citizen”;
- (d) in paragraphs (11C)(b)(**35**) and (12)(b)(**36**), for the words from “has expired” to the end of sub-paragraph (b), substitute—
- “has expired and—
- (i) no further leave to remain has been granted;
 - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and

(24) Paragraph 11C was inserted by S.R. 2021 No. 50 and amended by S.R. 2024 No. 19.

(25) Paragraph 12 was amended by S.R.s 2021 No. 50 and 2024 No. 19.

(26) Paragraph 11E was added by S.R. 3033 No. 75 and amended by S.R. 2024 No. 19.

(27) Paragraph 12A was added by S.R. 2021 No. 85.

(28) Paragraph 12C was added by S.R. 2021 No. 85 and amended by S.R. 2022 No 75.

(29) Paragraph 11 was amended by S.R. 2024 No. 19.

(30) 2002 c. 41. Section 104 was amended by Schedule 9 to the Immigration Act 2014 and by S.I. 2005/565, 2010/21 and 2014/2771.

(31) Paragraph 11A was added by S.R. 2019 No.35 and amended by S.R. 2021 No. 50.

(32) Paragraph 11D was added by S.R. 2021 No. 50 and amended by S.R. 2024 No. 19.

(33) Paragraph 11F was added by S.R. 2022 No. 201 and amended by S.R. 2024 No. 19.

(34) Paragraph 11B was inserted by S.R. 2021 No. 50.

(35) Paragraph 11C was inserted by S.R. 2021 No. 50 and amended by S.R. 2024 No. 19.

(36) Paragraph 12 was amended by S.R.s 2021 No. 50 and 2024 No. 19..

- (iii) the person (A or A’s spouse, civil partner, parent or step-parent) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen,”;
 - (e) in paragraph (11E)(b)(37), after “has expired” insert “and that person has not become a British or Irish citizen”;
 - (f) in paragraph (12A)(b)(38), after “has been granted under those rules” insert “and A has not become a British or Irish citizen”;
 - (g) in paragraph (12C)(b)(39) after “protected rights” insert “and has not become a British or Irish citizen”.
- 18.** In regulation 122 (eligible part-time students)—
- (a) in paragraph (10)(b)(40), for the words from “has expired” to the end of sub-paragraph (b), substitute—
 - “has expired and—
 - (i) no further leave to remain has been granted;
 - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002(41)), and
 - (iii) the person (A or A’s spouse, civil partner, parent or step-parent) whose refugee status has expired has not become a British or Irish citizen,”;
 - (b) in paragraphs (10A)(b)(42), (10D)(b)(43), and (10F)(b)(44), after “has been granted” insert “and that person has not become a British or Irish citizen”;
 - (c) in paragraph (10B)(b)(45), after “has been granted” insert “and A has not become a British or Irish citizen”;
 - (d) in paragraphs (10C)(b)(46) and (11)(b)(47), for the words from “has expired” to the end of sub-paragraph (b), substitute—
 - “has expired and—
 - (i) no further leave to remain has been granted;
 - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and
 - (iii) the person (A or A’s spouse, civil partner, parent or step-parent) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen,”;
 - (e) in paragraph (10E)(b)(48), after “has expired” insert “and that person has not become a British or Irish citizen”;

(37) Paragraph 11E was added by [S.R. 3033 No. 75](#) and amended by [S.R. 2024 No. 19](#).

(38) Paragraph 12A was added by [S.R. 2021 No. 85](#).

(39) Paragraph 12C was added by [S.R. 2021 No. 85](#) and amended by [S.R. 2022 No. 75](#).

(40) Paragraph 10 was amended by [S.R. 2024 No. 19](#).

(41) [2002 c. 41](#). Section 104 was amended by Schedule 9 to the Immigration Act 2014 and by [S.I. 2005/565, 2010/21](#) and [2014/2771](#).

(42) Paragraph 10A was added by [S.R. 2019 No.35](#) and amended by [S.R. 2021 No. 50](#).

(43) Paragraph 10D was added by [S.R. 2021 No. 50](#) and amended by [S.R. 2024 No. 19](#).

(44) Paragraph 10F was added by [S.R. 2022 No. 201](#) and amended by [S.R. 2024 No. 19](#).

(45) Paragraph 10B was inserted by [S.R. 2021 No. 50](#).

(46) Paragraph 10C was inserted by [S.R. 2021 No. 50](#) and amended by [S.R. 2024 No. 19](#).

(47) Paragraph 11 was amended by [S.R.s 2021 No. 50](#) and [2024 No. 19](#).

(48) Paragraph 10E was added by [S.R. 3033 No. 75](#) and amended by [S.R. 2024 No. 19](#).

- (f) in paragraph (11A)(b)(49), after “has been granted under those rules” insert “and A has not become a British or Irish citizen”;
- (g) in paragraph (11C)(b)(50) after “protected rights” insert “and has not become a British or Irish citizen”.

19. In regulation 139 (eligible postgraduate students)—

- (a) in paragraph (12)(b)(51), for the words from “has expired” to the end of sub-paragraph (b), substitute—
 - “has expired and—
 - (i) no further leave to remain has been granted;
 - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002(52)); and
 - (iii) the person (A or A’s spouse, civil partner, parent or step-parent) whose refugee status has expired has not become a British or Irish citizen,”;
- (b) in paragraphs (12A)(b)(53), (12D)(b)(54), and (12F)(b)(55), after “has been granted” insert “and that person has not become a British or Irish citizen”;
- (c) in paragraph (12B)(b)(56), after “has been granted” insert “and A has not become a British or Irish citizen”;
- (d) in paragraphs (12C)(b)(57) and (13)(b)(58), for the words from “has expired” to the end of sub-paragraph (b), substitute—
 - “has expired and—
 - (i) no further leave to remain has been granted;
 - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and
 - (iii) the person (A or A’s spouse, civil partner, parent or step-parent) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen,”;
- (e) in paragraph (12E)(b)(59), after “has expired” insert “and that person has not become a British or Irish citizen”;
- (f) in paragraph (13A)(b)(60), after “has been granted under those rules” insert “and A has not become a British or Irish citizen”;
- (g) in paragraph (13C)(b)(61) after “protected rights” insert “and has not become a British or Irish citizen”.

20. In regulation 149 (eligible master’s, etc. students)—

(49) Paragraph 11A was added by [S.R. 2021 No. 85](#).
(50) Paragraph 11C was added by [S.R. 2021 No. 85](#) and amended by [S.R. 2022 No 75](#).
(51) Paragraph 12 was amended by [S.R. 2024 No. 19](#).
(52) [2002 c. 41](#). Section 104 was amended by Schedule 9 to the Immigration Act 2014 and by [S.I. 2005/565](#), [2010/21](#) and [2014/2771](#).
(53) Paragraph 12A was added by [S.R. 2019 No.35](#) and amended by [S.R. 2021 No. 50](#).
(54) Paragraph 12D was added by [S.R. 2021 No. 50](#) and amended by [S.R. 2024 No. 19](#).
(55) Paragraph 12F was added by [S.R. 2022 No. 201](#) and amended by [S.R. 2024 No. 19](#).
(56) Paragraph 12B was inserted by [S.R. 2021 No. 50](#).
(57) Paragraph 12C was inserted by [S.R. 2021 No. 50](#) and amended by [S.R. 2024 No. 19](#).
(58) Paragraph 13 was amended by [S.R.s 2021 No. 50](#) and [2024 No. 19](#).
(59) Paragraph 12E was added by [S.R. 3033 No. 75](#) and amended by [S.R. 2024 No. 19](#).
(60) Paragraph 13A was added by [S.R. 2021 No. 85](#).
(61) Paragraph 13C was added by [S.R. 2021 No. 85](#) and amended by [S.R. 2022 No 75](#).

- (a) in paragraph (11)(b)(62), for the words from “has expired” to the end of sub-paragraph (b), substitute—
- “has expired and—
- (i) no further leave to remain has been granted;
- (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002(63)); and
- (iii) the person (A or A’s spouse, civil partner, parent or step-parent) whose refugee status has expired has not become a British or Irish citizen,”;
- (b) in paragraphs (11A)(b)(64), (11D)(b)(65), and (11F)(b)(66), after “has been granted” insert “and that person has not become a British or Irish citizen”;
- (c) in paragraph (11B)(b)(67), after “has been granted” insert “and A has not become a British or Irish citizen”;
- (d) in paragraphs (11C)(b)(68) and (12)(b)(69), for the words from “has expired” to the end of sub-paragraph (b), substitute—
- “has expired and—
- (i) no further leave to remain has been granted;
- (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and
- (iii) the person (A or A’s spouse, civil partner, parent or step-parent) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen,”;
- (e) in paragraph (11E)(b)(70), after “has expired” insert “and that person has not become a British or Irish citizen”;
- (f) in paragraph (12A)(b)(71), after “has been granted under those rules” insert “and A has not become a British or Irish citizen”;
- (g) in paragraph (12C)(b)(72) after “protected rights” insert “and has not become a British or Irish citizen”.

Commencement Information

- I14** Reg. 16 in operation at 14.8.2024 with application in accordance with reg. 1(3)(d)
- I15** Reg. 17 in operation at 14.8.2024 with application in accordance with reg. 1(3)(d)
- I16** Reg. 18 in operation at 14.8.2024 with application in accordance with reg. 1(3)(d)
- I17** Reg. 19 in operation at 14.8.2024 with application in accordance with reg. 1(3)(d)
- I18** Reg. 20 in operation at 14.8.2024 with application in accordance with reg. 1(3)(d)

(62) Paragraph 11 was amended by [S.R. 2024 No. 19](#).

(63) [2002 c. 41](#). Section 104 was amended by Schedule 9 to the Immigration Act 2014 and by [S.I. 2005/565](#), [2010/21](#) and [2014/2771](#).

(64) Paragraph 11A was added by [S.R. 2019 No.35](#) and amended by [S.R. 2021 No. 50](#).

(65) Paragraph 11D was added by [S.R. 2021 No. 50](#) and amended by [S.R. 2024 No. 19](#).

(66) Paragraph 11F was added by [S.R. 2022 No. 201](#) and amended by [S.R. 2024 No. 19](#).

(67) Paragraph 11B was inserted by [S.R. 2021 No. 50](#).

(68) Paragraph 11C was inserted by [S.R. 2021 No. 50](#) and amended by [S.R. 2024 No. 19](#).

(69) Paragraph 13 was amended by [S.R.s 2021 No. 50](#) and [2024 No. 19](#).

(70) Paragraph 11E was added by [S.R. 3033 No. 75](#) and amended by [S.R. 2024 No. 19](#).

(71) Paragraph 12A was added by [S.R. 2021 No. 85](#).

(72) Paragraph 12C was added by [S.R. 2021 No. 85](#) and amended by [S.R. 2022 No 75](#).

CHAPTER 6

Eligibility for home fee status in certain circumstances where leave to remain expired

Amendments to the 2007 Regulations

21. In regulation 5 (qualifying person), after paragraph (1C)(73) insert—

“(1D) For the purposes of this regulation, where—

- (a) a person becomes, after the course start date or on the first day of an academic year of the course, a person who no longer falls within a paragraph of the Schedule as a result of that person’s leave to remain, or the leave to remain of that person’s spouse, civil partner or parent, as the case may be, having expired; and
- (b) further leave to remain has been granted or the person whose leave to remain has expired has become a British or Irish citizen,

the person who would otherwise no longer fall within a paragraph of the Schedule is to be treated as falling within the paragraph of the Schedule in which they previously fell for the remainder of the duration of the course.”.

Commencement Information

119 Reg. 21 in operation at 14.8.2024 with application in accordance with reg. 1(3)(e)

CHAPTER 7

Amendments relating to the Ukraine Permission Extension Scheme

Amendment to the 2009 Regulations

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

- (a) in the definition of “person granted leave under one of the Ukraine Schemes”(74), after “Ukraine Extension Scheme” insert “, a person granted leave under the Ukraine Permission Extension Scheme”(75);
- (b) after the definition of “person granted leave under the Ukraine Family Scheme”(76) insert—

““person granted leave under the Ukraine Permission Extension Scheme” means a person—

- (a) who has leave to remain in the United Kingdom under the Ukraine Permission Extension Scheme; and
- (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”.

(73) Paragraph 1C was inserted by S.R. 2021 No. 85.

(74) Definition was inserted by S.R. 2022 No. 201.

(75) On 19th February 2024 the Home Office announced its intention to create the Ukraine Permission Extension Scheme which will provide a new route for Ukrainians to apply for a further 18 months’ permission to stay in the UK on expiry of their current visa. Applications to the scheme will open from early 2025. Home Office guidance was published on 28 February 2024 and is available at <https://www.gov.uk/government/publications/ukraine-permission-extension-scheme-information>. A hard copy is available on written request to Home Office, 2 Marsham Street, London, SW1P 4DF.

(76) Definition was inserted by S.R. 2022 No.201 and amended by S.R. 2024 No. 19.

Commencement Information

I20 Reg. 22 in operation at 14.8.2024 with application in accordance with reg. 1(3)(f)

Amendment to the 2007 Regulations

23. In the Schedule (qualifying persons), in paragraph 1(1)—

- (a) in the definition of “person granted leave under one of the Ukraine Schemes”(77), after “Ukraine Extension Scheme” insert “, a person granted leave under the Ukraine Permission Extension Scheme”;
- (b) after the definition of “person granted leave under the Ukraine Family Scheme”(78) insert—
 - ““person granted leave under the Ukraine Permission Extension Scheme” means a person—
 - (a) who has leave to remain in the United Kingdom under the Ukraine Permission Extension Scheme; and
 - (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”.

Commencement Information

I21 Reg. 23 in operation at 14.8.2024 with application in accordance with reg. 1(3)(f)

CHAPTER 8

Amendments to the definition of person granted indefinite leave to remain as a bereaved partner

Amendments to the 2009 Regulations

24. In regulation 2(1) (interpretation), in the definition of “person granted indefinite leave to remain as a bereaved partner”(79), for paragraphs (i) to (iv) (but not the “and” after paragraph (iv)) of sub-paragraph (a) substitute —

- “(i) paragraph BP 11.1 of Appendix Bereaved Partner; or
- (ii) where such leave was granted before the coming into force of Appendix Bereaved Partner—
 - (aa) paragraph 288, as a person in relation to whom the requirements in paragraph 287(b) of those rules were met (bereaved partners);
 - (bb) paragraph 295N, as a person in relation to whom the requirements in paragraph 295M of those rules were met (bereaved partners);
 - (cc) paragraph D-BPILR.1.1 of Appendix FM (bereaved partners); or
 - (dd) paragraph 36 of Appendix Armed Forces (bereaved partner of a member of HM Forces);”.

(77) Definition was inserted by [S.R. 2022 No. 201](#).

(78) Definition was inserted by [S.R. 2022 No.201](#) and amended by [S.R. 2024 No. 19](#).

(79) Definition was inserted by [S.R. 2021 No. 50](#).

Commencement Information

I22 Reg. 24 in operation at 14.8.2024, see [reg. 1\(2\)](#)

Amendments to the 2007 Regulations

25. In the Schedule (qualifying persons), in paragraph 1(1), in the definition of “person granted indefinite leave to remain as a bereaved partner”⁽⁸⁰⁾, for paragraphs (i) to (iv) (but not the “and” after paragraph (iv)) of sub-paragraph (a) substitute —

- “(i) paragraph BP 11.1 of Appendix Bereaved Partner; or
- (ii) where such leave was granted before the coming into force of Appendix Bereaved Partner—
 - (aa) paragraph 288, as a person in relation to whom the requirements in paragraph 287(b) of those rules were met (bereaved partners);
 - (bb) paragraph 295N, as a person in relation to whom the requirements in paragraph 295M of those rules were met (bereaved partners);
 - (cc) paragraph D-BPILR.1.1 of Appendix FM (bereaved partners); or
 - (dd) paragraph 36 of Appendix Armed Forces (bereaved partner of a member of HM Forces);”.

Commencement Information

I23 Reg. 25 in operation at 14.8.2024, see [reg. 1\(2\)](#)

⁽⁸⁰⁾ Definition was inserted by [S.R. 2021 No. 50](#).

Changes to legislation:

There are currently no known outstanding effects for the The Education (Student Support, etc.) (Amendment No.2) Regulations (Northern Ireland) 2024, PART 2.