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STATUTORY INSTRUMENTS

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**2018 No. 137**

**The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018**

**PART 2**

**AMENDMENT OF THE EDUCATION  
(STUDENT SUPPORT) REGULATIONS 2011**

**Amendments relating to support available to persons granted stateless leave and their families**

7.—(1) In regulation 2(1) (interpretation), after the definition of “person granted humanitarian protection”, 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<sup>(1)</sup>); and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”.

(2) In regulation 4 (eligible students), after paragraph (12), insert—

“(12A) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted stateless leave or the spouse, civil partner, child or step-child of a person granted stateless leave, 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 or other designated course from which A’s status as an eligible part-time 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 student terminates immediately before the first day of the academic year in respect of which A is applying for support.”.

(3) In regulation 17(b) (events), after “becomes”, insert “a person granted stateless leave or”.

(4) In regulation 85(2)(b) (students becoming eligible in the course of an academic year), after “becomes”, insert “a person granted stateless leave or”.

- (5) In regulation 137 (eligible part-time students), after paragraph (10), insert—
- “(10A) Where—
- (a) the Secretary of State determined that, by virtue of being a person granted stateless leave or the spouse, civil partner, child or step-child of a person granted stateless leave, 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 part-time course or other designated course from which A’s status as an eligible part-time student or eligible student has been transferred to the current part-time 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 part-time student terminates immediately before the first day of the academic year in respect of which A is applying for support.”.
- (6) In regulation 138(4)(b) (students becoming eligible during the course of the academic year), after “becomes”, insert “a person granted stateless leave or”.
- (7) In regulation 159(2) (eligible postgraduate students), after paragraph (15), insert—
- “(15A) Where—
- (a) the Secretary of State determined that, by virtue of being a person granted stateless leave or the spouse, civil partner, child or step-child of a person granted stateless leave, 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.”.
- (8) In regulation 160(2)(b) (students becoming eligible in the course of an academic year), after “becomes”, insert “a person granted stateless leave or”.
- (9) In Schedule 1 (eligible students), in Part 2 (categories), after paragraph 4, insert—

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

- 4A.—**(1) A person granted stateless leave who—
- (a) is ordinarily resident in England on the first day of the first academic year of the course; and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.
- (2) A person—

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(2) Regulation 159 was amended by [S.I. 2012/1653](#), [2014/2765](#), [2015/1951](#), [2017/52](#) and [2017/114](#).

- (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 a person granted stateless leave;
  - (b) who is ordinarily resident in England on the first day of the first academic year of the course; and
  - (c) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding 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 a person granted stateless leave or the child of a person who, on the leave application date, was the spouse or civil partner of a person granted stateless leave;
  - (b) who was under 18 on the leave application date;
  - (c) who is ordinarily resident in England on the first day of the first academic year of the course; and
  - (d) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.

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