
STATUTORY INSTRUMENTS

2024 No. 85

The Education (Student Fees, Awards and Support) (Amendment) Regulations 2024

PART 3

Corresponding amendments to other subordinate legislation

CHAPTER 1

The Education (Fees and Awards) (England) Regulations 2007

Amendment of the Education (Fees and Awards) (England) Regulations 2007

13. The Education (Fees and Awards) (England) Regulations 2007(1) are amended in accordance with this Chapter.

Students settled in the United Kingdom

- 14.**—(1) In regulation 4 (fee charging), in paragraph (2)(a), for “8 or 8A” substitute “8, 8A or 9C”.
- (2) In Schedule 1—
- (a) in paragraph 2(1)(a), in the opening words, omit “on the first day of the first academic year of the course”;
 - (b) in paragraph 2(1)(a)(ii), after “United Kingdom” insert “on the first day of the first academic year of the course”;
 - (c) in paragraph 2A(1)(a)(2) omit “on the course start date”;
 - (d) in paragraph 9C(1)(a)(i)(3) omit “on the first day of the first academic year of the course”.

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

- 15.** In regulation 4 (fee charging), after paragraph (2) insert—
- “(2ZA) 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 Schedule 1 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,

(1) [S.I. 2007/779](#); relevant amendments were made by [S.I. 2010/1174](#), [2019/1027](#), [2021/127](#), [2021/929](#), [2021/1348](#), [2022/534](#) and [2023/74](#).

(2) Paragraph 2A was inserted by [S.I. 2021/127](#) and amended by [S.I. 2021/929](#) and [2023/74](#).

(3) Paragraph 9C was inserted by [S.I. 2021/127](#) and amended by [S.I. 2021/1348](#).

the person who would otherwise no longer fall within a paragraph of Schedule 1 is to be treated as falling within the paragraph of Schedule 1 in which they previously fell for the remainder of the duration of the course.”.

Victims of domestic abuse

16.—(1) In both regulation 4(2C)(c) and (2D)(e)(4) (fee charging) and paragraph 4C(5) of Schedule 1 (persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse), in each place it occurs, including in the heading to paragraph 4C of Schedule 1, for “leave to remain”, substitute “leave to enter or remain”.

(2) In paragraph 4C of Schedule 1, in paragraph (1)(a)(6) for sub-paragraphs (i) to (iii), substitute—

- “(i) paragraph VDA 9.1 of the Appendix Victim of Domestic Abuse; 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);”.

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

17.—(1) In regulation 4 (fee charging), in paragraph (2C)(c) and (e), after “the person” insert “or the person’s parent”.

(2) In Schedule 1—

- (a) in the heading to paragraph 4C (persons granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse), at the end, insert “and their children”;
- (b) paragraph 4C becomes sub-paragraph (1) of that paragraph;
- (c) 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.”;

(4) Paragraphs (2C) and (2D) of regulation 4 were inserted by [S.I. 2023/74](#).

(5) Paragraph 4C was inserted by [S.I. 2020/48](#) and amended by [S.I. 2023/74](#).

(6) Paragraph 4C(1) as renumbered by regulation 17(2)(b).

- (d) in the heading to paragraph 4E (persons granted indefinite leave to remain as a bereaved partner)(7), 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 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.”.

Afghan Relocations and Assistance Policy Scheme

18. In Schedule 1, in paragraph 1(1), in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”, for 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;”.

British citizens of Chagossian descent

19. In Schedule 1, in paragraph 9C—

- (a) in sub-paragraph (1)—
 - (i) at the beginning, insert “Subject to paragraphs (3) and (4), ”;
 - (ii) after paragraph (a)(i), omit “or”;
 - (iii) after paragraph (a)(ii), insert—
 - “or
 - (iii) a person who is a British citizen and who—
 - (aa) was born in the British Indian Ocean Territory or, prior to 8th November 1965, in those islands designated as the British Indian Ocean Territory on that date; or
 - (bb) is a direct descendant of a person who was born in the British Indian Ocean Territory or, prior to 8th November 1965, in those islands designated as the British Indian Ocean Territory on that date;”;
- (b) after sub-paragraph (2), insert—

“(3) For the purposes of paragraphs (c) and (d) of sub-paragraph (1), a person mentioned in paragraph (a)(iii) of sub-paragraph (1) is treated as being ordinarily resident in the specified British overseas territories in any period before the first day of the first academic year of the course in which they are not ordinarily resident in the United Kingdom or the Islands.

(4) Paragraph (e) of sub-paragraph (1) does not apply to a person mentioned in paragraph (a)(iii) of that sub-paragraph.”

CHAPTER 2

The Education (Student Support) (European University Institute) Regulations 2010

Amendment of the Education (Student Support) (European University Institute) Regulations 2010

20. The Education (Student Support) (European University Institute) Regulations 2010⁽⁸⁾ are amended in accordance with this Chapter.

Termination of eligible student status

21. In regulation 9 (eligible students)—

(a) in paragraph (10)(b), for the words from “the day before the that academic year begins” to the end of sub-paragraph (b), substitute—

“the day before the day that academic year begins—

(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 refugee status is due to expire has not become a British or Irish citizen,”;

(b) in paragraphs (10A)(b) and (10B)(b)⁽⁹⁾, after “has been granted” insert “and that person has not become a British or Irish citizen”;

(c) in paragraph (10C)(b)⁽¹⁰⁾, after “has been granted” insert “and A has not become a British or Irish citizen”;

(d) in paragraph (11)(b), for the words from “the day before the that academic year begins” to the end of sub-paragraph (b), substitute—

“the day before the day that academic year begins—

(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⁽¹¹⁾), 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 is due to expire has not become a British or Irish citizen,”;

⁽⁸⁾ S.I. 2010/447. Relevant amendments are in S.I. 2020/48, 2020/1203, 2021/127, 2021/929, 2022/57, 2022/534 and 2023/74.

⁽⁹⁾ Paragraph (10A) was inserted by S.I. 2018/137 and paragraph (10B) by S.I. 2019/142.

⁽¹⁰⁾ Paragraph (10C) was inserted by S.I. 2020/48.

⁽¹¹⁾ 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.

- (e) in paragraph (11A)(b)(12), after “has been granted under those rules” insert “and A has not become a British or Irish citizen”;
- (f) in paragraph (11B)(b)(13), after “protected rights” insert “and has not become a British or Irish citizen”;
- (g) in paragraph (11C)(b)(14), after “has expired” insert “and that person has not become a British or Irish citizen”;
- (h) in paragraph (11D)(b)(15), after “has been granted” insert “and that person has not become a British or Irish citizen”.

Afghan Relocations and Assistance Policy Scheme

22. In Schedule 1 (eligible students: interpretation), in paragraph 1(1), in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”, for 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;”.

CHAPTER 3

The Further Education Loans Regulations 2012

Amendment of the Further Education Loans Regulations 2012

23. The Further Education Loans Regulations 2012(16) are amended in accordance with this Chapter.

Victims of domestic abuse

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

- (a) for “leave to remain”, in both places, substitute “leave to enter or remain”;
- (b) for sub-paragraphs (i) to (iii), substitute—
 - “(i) paragraph VDA 9.1 of the Appendix Victim of Domestic Abuse; 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);”.

(2) In both regulation 6(2)(g) and paragraph 4C(17) of Schedule 1, in each place it occurs, including in the heading to paragraph 4C of Schedule 1, for “leave to remain”, substitute “leave to enter or remain”.

(12) Paragraph (11A) was inserted by [S.I. 2021/127](#).

(13) Paragraph (11B) was inserted by [S.I. 2021/127](#) and amended by [S.I. 2021/929](#) and [2021/1348](#).

(14) Paragraph (11C) was inserted by [S.I. 2021/1348](#) and amended by [S.I. 2022/57](#) and [2023/74](#).

(15) Paragraph (11D) was inserted by [S.I. 2022/534](#) and amended by [S.I. 2023/74](#).

(16) [S.I. 2012/1818](#); relevant amendments were made by [S.I. 2014/1766](#), [2020/48](#), [2020/1203](#), [2021/1348](#), [2022/57](#), [2022/534](#) and [2023/74](#).

(17) Paragraph 4C was inserted by [S.I. 2020/48](#).

Afghan Relocations and Assistance Policy Scheme

25. In regulation 2 (interpretation), in paragraph (1), in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”, 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,”.

Termination of eligible student status

26. In regulation 3 (eligible students)—

(a) in paragraph (7)(b), 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 refugee status has expired has not become a British or Irish citizen,”;

(b) in paragraphs (7A)(b), (7B)(b) and (8B)(b)(18), after “has been granted” insert “and that person has not become a British or Irish citizen”;

(c) in paragraph (7C)(b)(19), after “has been granted” insert “and A has not become a British or Irish citizen”;

(d) in paragraph (8)(b), 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 (8A)(b)(20), after “has expired” insert “and that person has not become a British or Irish citizen”;

(f) in paragraph (9)(b)(21), “has been granted under those rules” insert “and A has not become a British or Irish citizen”;

(g) in paragraph (10)(b)(22), after “protected rights” insert “and has not become a British or Irish citizen”;

(h) after paragraph (10) insert—

“(11) Where—

(18) Paragraph (7A) was inserted by [S.I. 2018/182](#); paragraph (7B) by [S.I. 2019/142](#) and paragraph (8B) was inserted by [S.I. 2022/534](#) and amended by [S.I. 2023/74](#).

(19) Paragraph (7C) was inserted by [S.I. 2020/48](#).

(20) Paragraph (8A) was inserted by [S.I. 2021/1348](#) and amended by [S.I. 2022/57](#) and [S.I. 2023/74](#).

(21) Paragraph (9) was inserted by [S.I. 2021/127](#).

(22) Paragraph (10) was inserted by [S.I. 2021/127](#) and amended by [S.I. 2021/929](#) and [S.I. 2021/1348](#).

- (a) the Secretary of State has determined that a person (“A”) is an eligible student by virtue of paragraph 13 of Schedule 1 (long residence) in connection with an application for a fee loan for a designated further education course; and
- (b) as at the day before the course begins, the period for which A is allowed to stay in the United Kingdom 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) A has not become a British or Irish citizen,

A’s status as an eligible student terminates immediately before the first day of the course.”.

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

27.—(1) In regulation 6 (students becoming eligible after a designated further education course has begun), in paragraph (2)(g) and (i), after “the student” insert “or the student’s parent”.

(2) In Schedule 1—

- (a) in the heading to paragraph 4C (persons granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse), at the end, insert “and their children”;
- (b) paragraph 4C becomes sub-paragraph (1) of that paragraph;
- (c) 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 first day of the designated further education course.

(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.”;

- (d) in the heading to paragraph 4E (persons granted indefinite leave to remain as a bereaved partner)(23), 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—

(23) Paragraph 4E was inserted by [S.I. 2020/1203](#) and amended by [S.I. 2023/74](#).

- (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 first day of the designated further education course.

(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.”.

Students settled in the United Kingdom

28.—(1) In regulation 6 (students becoming eligible after a designated further education course has begun)(24) in paragraph (2)—

- (a) after sub-paragraph (b) insert—
 - “(ba) the student becomes a person described in paragraph 2 of Schedule 1;
 - “(bb) the student becomes a person described in paragraph 2A of Schedule 1;”;
- (b) after sub-paragraph (d) insert—
 - “(da) the student becomes a person described in paragraph 9BB of Schedule 1;”.

(2) In Schedule 1—

- (a) in paragraphs 2(1), 2A(1)(a) and 9BB(1)(a)(i)(25) omit “on the first day of the designated further education course”;
- (b) in paragraph 2(1)(b), after “United Kingdom”, insert “on the first day of the designated further education course”.

British citizens of Chagossian descent

29. In Schedule 1, in paragraph 9BB—

- (a) in sub-paragraph (1)—
 - (i) at the beginning, insert “Subject to paragraphs (3) and (4), ”;
 - (ii) in paragraph (a), the words from “settled in” become sub-paragraph (i);
 - (iii) after that sub-paragraph (i), insert—
 - “or
 - (ii) a person who is a British citizen and who—
 - (aa) was born in the British Indian Ocean Territory or, prior to 8th November 1965, in those islands designated as the British Indian Ocean Territory on that date; or

(24) Regulation 6 was substituted by [S.I. 2023/74](#).

(25) Paragraph 9BB was inserted by [S.I. 2021/1348](#). Paragraph 9BB(1)(a) is renumbered, creating paragraph 9BB(1)(a)(i), by regulation 29(a)(ii) of this instrument.

(bb) is a direct descendant of a person who was born in the British Indian Ocean Territory or, prior to 8th November 1965, in those islands designated as the British Indian Ocean Territory on that date;”;

(b) after sub-paragraph (2), insert—

“(3) For the purposes of paragraphs (c) and (d) of sub-paragraph (1), a person mentioned in paragraph (a)(ii) of sub-paragraph (1) is treated as being ordinarily resident in the specified British overseas territories in any period before the first day of the designated further education course in which they are not ordinarily resident in the United Kingdom or the Islands.

(4) Paragraphs (e) and (f) of sub-paragraph (1) do not apply to a person mentioned in paragraph (a)(ii) of that sub-paragraph.”.

CHAPTER 4

The Education (Postgraduate Master’s Degree Loans) Regulations 2016

Amendments to the Education (Postgraduate Master’s Degree Loans) Regulations 2016

30. The Education (Postgraduate Master’s Degree Loans) Regulations 2016(26) are amended in accordance with this Chapter.

Victims of domestic abuse

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

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

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

“(i) paragraph VDA 9.1 of the Appendix Victim of Domestic Abuse; 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);”.

(2) In both regulation 7(2)(g) and paragraph 4C(27) of Schedule 1, in each place it occurs, including in the heading to paragraph 4C of Schedule 1, for “leave to remain”, substitute “leave to enter or remain”.

Afghan Relocations and Assistance Policy Scheme

32. In regulation 2 (interpretation), in paragraph (1), in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”, 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;”.

(26) S.I. 2016/606, relevant amending instruments are S.I. 2017/831, 2018/599, 2019/142, 2020/48, 2021/1348, 2022/57, 2022/534 and 2023/74.

(27) Paragraph 4C was inserted by S.I. 2020/48 and amended by S.I. 2023/74.

Termination of eligible student status

33. In regulation 3—

- (a) in paragraph (8A)(b)(**28**) 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 refugee status has expired has not become a British or Irish citizen;”;
- (b) in paragraph (8B)(b)(**29**), after “has been granted” insert “and that person has not become a British or Irish citizen”;
- (c) in paragraphs (8C)(b) and (8D)(b)(**30**), after “has been granted” insert “and A has not become a British or Irish citizen”;
- (d) in paragraph (8E)(b)(**31**), 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 (8F)(b)(**32**), after “has been granted under those rules” insert “and A has not become a British or Irish citizen”;
- (f) in paragraph (8G)(b)(**33**), after “has expired” insert “and the person (A or S) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen”;
- (g) in paragraph (8H)(b)(**34**), after “has been granted” insert “and the person (A or U) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen”;
- (h) after paragraph (8H) insert—
 - “(8I) Where—
 - (a) the Secretary of State has determined that a person (“A”) is an eligible student by virtue of paragraph 13 of Schedule 1 (long residence) in connection with an application for a postgraduate master’s degree loan for a designated course; and
 - (b) as at the day before the relevant day, the period for which A is allowed to stay in the United Kingdom has expired and—
 - (i) no further leave to remain has been granted;

(28) Paragraph (8A) was inserted by [S.I. 2023/74](#).

(29) Paragraph (8B) was inserted by [S.I. 2023/74](#).

(30) Paragraphs (8C) and (8D) were inserted by [S.I. 2023/74](#).

(31) Paragraph (8E) was inserted by [S.I. 2023/74](#).

(32) Paragraph (8F) was inserted by [S.I. 2023/74](#).

(33) Paragraph (8G) was inserted by [S.I. 2023/74](#).

(34) Paragraph (8H) was inserted by [S.I. 2023/74](#).

- (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002⁽³⁵⁾); and
- (iii) A has not become a British or Irish citizen,
A’s status as an eligible student terminates immediately before the relevant day.”;
- (i) in paragraph (9)(b)⁽³⁶⁾, after “protected rights” insert “and has not become a British or Irish citizen”;
- (j) in paragraph (10)(a)⁽³⁷⁾, for “, (8G) and (8H)” substitute “and (8G) to (8I)”.

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

34.—(1) In regulation 7 (students becoming eligible in the course of an academic year)⁽³⁸⁾, in paragraph (2)(g) and (i), after “the student” insert “or the student’s parent”.

(2) In Schedule 1—

- (a) in the heading to paragraph 4C (persons granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse), at the end, insert “and their children”;
- (b) paragraph 4C becomes sub-paragraph (1) of that paragraph;
- (c) 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 England 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.”;

- (d) in the heading to paragraph 4E (persons granted indefinite leave to remain as a bereaved partner)⁽³⁹⁾, 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 remain;

⁽³⁵⁾ 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](#).

⁽³⁶⁾ Paragraph (9)(b) was amended by [S.I. 2023/74](#).

⁽³⁷⁾ Paragraph (10) was inserted by [S.I. 2023/74](#).

⁽³⁸⁾ Regulation 7 was substituted by [S.I. 2023/74](#).

⁽³⁹⁾ Paragraph 4E was inserted by [S.I. 2020/1203](#) and amended by [S.I. 2023/74](#).

- (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 England 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.”.

Students settled in the United Kingdom

35.—(1) In regulation 7 (students becoming eligible in the course of an academic year) in paragraph (2)—

- (a) after sub-paragraph (b) insert—
 - “(ba) the student becomes a person described in paragraph 2 of Schedule 1;
 - (bb) the student becomes a person described in paragraph 2A of Schedule 1;”;
- (b) after sub-paragraph (d) insert—
 - “(da) the student becomes a person described in paragraph 9BB of Schedule 1;”.

(2) In Schedule 1—

- (a) in paragraphs 2(1)(a) and 9BB(1)(a)(i)(40), omit “on the first day of the first academic year of the course”;
- (b) in paragraph 2(1)(a)(ii), after “England”, insert “on the first day of the first academic year of the course”;
- (c) in paragraph 2A(1)(a)(41), omit “on the course start date”.

Substitution of amounts

36. In regulation 12 (amount of the postgraduate master’s degree loan), in paragraphs (1) and (2), for “£12,167” substitute “£12,471”.

British citizens of Chagossian descent

37. In Schedule 1 (eligible students), in paragraph 9BB—

- (a) in sub-paragraph (1)—
 - (i) at the beginning, insert “Subject to paragraphs (3) and (4), ”;
 - (ii) in paragraph (a), the words from “settled in” become sub-paragraph (i);
 - (iii) after that sub-paragraph (i), insert—
 - “or

(40) Paragraph 2 was substituted by [S.I. 2017/594](#) and sub-paragraph (1)(a) was amended by [S.I. 2021/127](#). Paragraph 9BB was inserted by [S.I. 2021/1348](#). Paragraph 9BB(1)(a) is renumbered, creating paragraph 9BB(1)(a)(i), by regulation 37(a)(ii) of this instrument.

(41) Paragraph 2A was inserted by [S.I. 2021/127](#) and sub-paragraph (1)(a) was amended by [S.I. 2021/929](#) and [S.I. 2023/74](#).

- (ii) a person who is a British citizen and who—
 - (aa) was born in the British Indian Ocean Territory or, prior to 8th November 1965, in those islands designated as the British Indian Ocean Territory on that date; or
 - (bb) is a direct descendant of a person who was born in the British Indian Ocean Territory or, prior to 8th November 1965, in those islands designated as the British Indian Ocean Territory on that date;”;
- (b) after sub-paragraph (2), insert—
 - “(3) For the purposes of paragraphs (c) and (d) of sub-paragraph (1), a person mentioned in paragraph (a)(ii) of sub-paragraph (1) is treated as being ordinarily resident in the specified British overseas territories in any period before the first day of the first academic year of the course in which they are not ordinarily resident in the United Kingdom or the Islands.
 - (4) Paragraphs (e) and (f) of sub-paragraph (1) do not apply to a person mentioned in paragraph (a)(ii) of that sub-paragraph.”.

CHAPTER 5

The Higher Education (Fee Limit Condition) (England) Regulations 2017

Amendment of the Higher Education (Fee Limit Condition) (England) Regulations 2017

38. The Higher Education (Fee Limit Condition) (England) Regulations 2017⁽⁴²⁾ are amended in accordance with this Chapter.

Victims of domestic abuse

39.—(1) In regulation 2 (interpretation), in paragraph (bba)⁽⁴³⁾ (the definition of “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse”)—

- (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);”.

(2) In both regulation 6(2)(j) (effect of event during academic year) and paragraph 5C⁽⁴⁴⁾ of the Schedule (persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse), in each place it occurs, including in the heading to paragraph 5C of the Schedule, for “leave to remain”, substitute “leave to enter or remain”.

⁽⁴²⁾ S.I. 2017/1189; relevant amending instruments are S.I. 2018/903, 2020/48, 2021/1348, 2022/57, 2022/534 and 2023/74.

⁽⁴³⁾ Paragraph (bba) was inserted by S.I. 2020/48 and amended by S.I. 2023/74.

⁽⁴⁴⁾ Paragraph 5C was inserted by S.I. 2020/48 and amended by S.I. 2023/74.

Afghan Relocations and Assistance Policy Scheme

40. In regulation 2 (interpretation), in paragraph (bbac) (the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”), 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;”.

Eligibility for fee caps in certain circumstances where leave to remain expired

41. In regulation 4 (qualifying person), after paragraph (6) insert—

“(6A) 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.”.

Qualified teacher learning and skills status

42. In regulation 5 (qualifying person: exceptions)—

(a) after paragraph (1), insert—

“(1A) A person is not a qualifying person if—

- (a) the current course is a course falling within regulation 2(1ZA)(e), (f), (g), (h) or (i) of the Education (Student Support) Regulations 2011; and
- (b) the person has completed a previous course falling within regulation 2(1ZA)(e), (f), (g), (h) or (i) of those Regulations and achieved the intended qualification.”;

(b) omit paragraph (2A)(45);

(c) in paragraph (3), omit sub-paragraph (f)(46).

Students settled in the United Kingdom

43.—(1) In regulation 6 (qualifying person: effect of event during academic year), in paragraph (2)—

(a) after sub-paragraph (d) insert—

“(da) the student becomes a person described in paragraph 3 in Part 2 of the Schedule;

(db) the student becomes a person described in paragraph 3A in Part 2 of the Schedule;”;

(b) after sub-paragraph (g) insert—

(45) Paragraph (2A) was inserted by [S.I. 2021/1348](#) and amended by [S.I. 2023/74](#).

(46) Sub-paragraph (f) was inserted by [S.I. 2021/1348](#).

“(ga) the student becomes a person described in paragraph 10C in Part 2 of the Schedule;”.

(2) In the Schedule—

- (a) in the opening words of paragraph 3(1) and in paragraph 10C(1)(a)(i)(47), omit “on the first day of the first academic year of the course”;
- (b) in paragraph 3(1)(b), after “United Kingdom”, insert “on the first day of the first academic year of the course”;
- (c) in paragraph 3A(1)(a)(48), omit “on the course start date”.

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

44.—(1) In regulation 6 (qualifying person: effect of event during academic year), in paragraph (2)(j) and (l)(49), after “the student” insert “or the student’s parent”.

(2) In the Schedule—

- (a) in the heading to paragraph 5C (persons granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse), at the end, insert “and their children”;
- (b) paragraph 5C becomes sub-paragraph (1) of that paragraph;
- (c) 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.”;

- (d) in the heading to paragraph 5E(50) (persons granted indefinite leave to remain as a bereaved partner), at the end, insert “and their children”;
- (e) paragraph 5E becomes sub-paragraph (1) of that paragraph;
- (f) after that sub-paragraph (1) insert—

“(2) A person—

(47) Paragraph 3 was amended by [S.I. 2021/127](#) and paragraph 10C was inserted by [S.I. 2021/127](#) and amended by [S.I. 2021/1348](#).

(48) Paragraph 3A was inserted by [S.I. 2021/127](#) and amended by [S.I. 2021/929](#) and [2023/74](#).

(49) Sub-paragraphs (j) and (l) were inserted by [S.I. 2020/48](#). Sub-paragraph (j) was amended by [S.I. 2020/1203](#). Sub-paragraph (l) was amended by [S.I. 2021/1348](#) and [S.I. 2022/534](#).

(50) Paragraph 5E was inserted by [S.I. 2020/1203](#) and amended by [S.I. 2023/74](#).

- (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.”.

British citizens of Chagossian descent

45. In the Schedule, in paragraph 10C—

- (a) in sub-paragraph (1)—
 - (i) at the beginning, insert “Subject to paragraphs (3) and (4), ”;
 - (ii) after paragraph (a)(i), omit “or”;
 - (iii) after paragraph (a)(ii), insert—
 - “or
 - (iii) a person who is a British citizen and who—
 - (aa) was born in the British Indian Ocean Territory or, prior to 8th November 1965, in those islands designated as the British Indian Ocean Territory on that date; or
 - (bb) is a direct descendant of a person who was born in the British Indian Ocean Territory or, prior to 8th November 1965, in those islands designated as the British Indian Ocean Territory on that date;”;
- (b) after sub-paragraph (2), insert—

“(3) For the purposes of paragraphs (c) and (d) of sub-paragraph (1), a person mentioned in paragraph (a)(iii) of sub-paragraph (1) is treated as being ordinarily resident in the specified British overseas territories in any period before the first day of the first academic year of the course in which they are not ordinarily resident in the United Kingdom or the Islands.

(4) Paragraph (e) of sub-paragraph (1) does not apply to a person mentioned in paragraph (a)(iii) of that sub-paragraph.”.

CHAPTER 6

The Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018

Amendment of the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018

46. The Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018⁽⁵¹⁾ are amended in accordance with this Chapter.

Victims of domestic abuse

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

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

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

“(i) paragraph VDA 9.1 of the Appendix Victim of Domestic Abuse; 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);”.

(2) In both regulation 7(2)(g) (students becoming eligible in the course of an academic year) and paragraph 5B⁽⁵²⁾ of Schedule 1 (persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse), in each place it occurs, including in the heading to paragraph 5B of Schedule 1, for “leave to remain”, substitute “leave to enter or remain”.

Afghan Relocations and Assistance Policy Scheme

48. In regulation 2 (interpretation), in paragraph (1), in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”, 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;”.

Termination of eligible student status

49. In regulation 3 (eligible students)—

(a) in paragraph (11A)(b)⁽⁵³⁾ 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;

⁽⁵¹⁾ S.I. 2018/599; relevant amending instruments are S.I. 2019/142, 2020/48, 2020/1203, 2021/127, 2021/1348 and 2023/74.

⁽⁵²⁾ Paragraph 5B was inserted by S.I. 2020/48 and amended by S.I. 2023/74.

⁽⁵³⁾ Paragraph (11A) was inserted by S.I. 2023/74.

- (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002⁽⁵⁴⁾); 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 paragraph (11B)(b)⁽⁵⁵⁾, after "has been granted" insert "and that person has not become a British or Irish citizen";
- (c) in paragraphs (11C)(b) and (11D)(b)⁽⁵⁶⁾, after "has been granted" insert "and A has not become a British or Irish citizen";
- (d) in paragraph (11E)⁽⁵⁷⁾, 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 (11F)(b)⁽⁵⁸⁾, after "has been granted under those rules" insert "and A has not become a British or Irish citizen";
- (f) in paragraph (11G)(b)⁽⁵⁹⁾, after "has expired" insert "and the person (A or S) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen";
- (g) in paragraph (11H)(b)⁽⁶⁰⁾, after "has been granted" insert "and the person (A or U) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen";
- (h) after paragraph (11H) insert—
 - "(11I) Where—
 - (a) the Secretary of State has determined that a person ("A") is an eligible student by virtue of paragraph 14 of Schedule 1 (long residence) in connection with an application for a postgraduate doctoral degree loan for a designated course; and
 - (b) as at the day before the relevant day, the period for which A is allowed to stay in the United Kingdom 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) A has not become a British or Irish citizen,

A's status as an eligible student terminates immediately before the relevant day.";

⁽⁵⁴⁾ 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.

⁽⁵⁵⁾ Paragraph (11B) was inserted by S.I. 2023/74.

⁽⁵⁶⁾ Paragraphs (11C) and (11D) were inserted by S.I. 2023/74.

⁽⁵⁷⁾ Paragraph (11E) was inserted by S.I. 2023/74.

⁽⁵⁸⁾ Paragraph (11F) was inserted by S.I. 2023/74.

⁽⁵⁹⁾ Paragraph (11G) was inserted by S.I. 2023/74.

⁽⁶⁰⁾ Paragraph (11H) was inserted by S.I. 2023/74.

- (i) in paragraph (12)(b)(61), after “protected rights” insert “and has not become a British or Irish citizen”;
- (j) in paragraph (13)(a)(62) for “, (11G) and (11H)” substitute “and (11G) to (11I)”.

Students settled in the United Kingdom

50.—(1) In regulation 7 (students becoming eligible in the course of an academic year), in paragraph (2)—

(a) after sub-paragraph (b) insert—

“(ba) the student becomes a person described in paragraph 2 of Schedule 1;

(bb) the student becomes a person described in paragraph 2A of Schedule 1;”;

(b) after sub-paragraph (d) insert—

“(da) the student becomes a person described in paragraph 10BB of Schedule 1;”.

(2) In Schedule 1—

(a) in paragraphs 2(1)(a) and 10BB(1)(a)(i)(63), omit “on the first day of the first academic year of the course”;

(b) in paragraph 2(1)(a)(ii), after “England”, insert “on the first day of the first academic year of the course”;

(c) in paragraph 2A(1)(a)(64), omit “on the course start date”.

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

51.—(1) In regulation 7 (students becoming eligible in the course of an academic year)(65), in paragraph (2)(g) and (i), after “the student” insert “or the student’s parent”.

(2) In Schedule 1—

(a) in the heading to paragraph 5B (persons granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse)(66), at the end, insert “and their children”;

(b) paragraph 5B becomes sub-paragraph (1) of that paragraph;

(c) 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;

(61) Paragraph (12) was inserted by [S.I. 2021/127](#) and amended by [S.I. 2021/929](#), [S.I. 2021/1348](#) and [S.I. 2023/74](#).

(62) Paragraph (13) was inserted by [S.I. 2023/74](#).

(63) Paragraph 2(1)(a) was amended by [S.I. 2021/127](#) and paragraph 10BB was inserted by [S.I. 2021/1348](#). Paragraph 10BB(1)(a) is renumbered, creating paragraph 10BB(1)(a)(i), by regulation 53(a)(ii) of this instrument.

(64) Paragraph 2A was inserted by [S.I. 2021/127](#) and sub-paragraph (1)(a) was amended by [S.I. 2021/929](#) and [S.I. 2023/74](#).

(65) Regulation 7 was substituted by [S.I. 2023/74](#).

(66) Paragraph 5B was inserted by [S.I. 2020/48](#) and amended by [S.I. 2023/74](#).

(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 England 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.”;

(d) in the heading to paragraph 5D (persons granted indefinite leave to remain as a bereaved partner⁽⁶⁷⁾, at the end, insert “and their children”;

(e) paragraph 5D becomes sub-paragraph (1) of that paragraph;

(f) 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 England 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.”.

Substitution of amounts

52.—(1) In regulation 12 (amount of the postgraduate doctoral degree loan), in paragraph (1)(a) for “£28,673” substitute “£29,390”.

(2) In regulation 13 (payment of postgraduate doctoral degree loans), in paragraph (4), for “£12,167” substitute “£12,471”.

British citizens of Chagossian descent

53. In Schedule 1, in paragraph 10BB—

(a) in sub-paragraph (1)—

(i) at the beginning, insert “Subject to paragraphs (3) and (4),”;

(ii) in paragraph (a), the words from “settled in” become sub-paragraph (i);

(iii) after that sub-paragraph (i), insert—

“or

(ii) a person who is a British citizen and who—

(67) Paragraph 5D was inserted by [S.I. 2020/1203](#) and amended by [S.I. 2023/74](#).

- (aa) was born in the British Indian Ocean Territory or, prior to 8th November 1965, in those islands designated as the British Indian Ocean Territory on that date; or
 - (bb) is a direct descendant of a person who was born in the British Indian Ocean Territory or, prior to 8th November 1965, in those islands designated as the British Indian Ocean Territory on that date;”;
- (b) after sub-paragraph (2), insert—
- “(3) For the purposes of paragraphs (c) and (d) of sub-paragraph (1), a person mentioned in paragraph (a)(ii) of sub-paragraph (1) is treated as being ordinarily resident in the specified British overseas territories in any period before the first day of the first academic year of the course in which they are not ordinarily resident in the United Kingdom or the Islands.
- (4) Paragraphs (e) and (f) of sub-paragraph (1) do not apply to a person mentioned in paragraph (a)(ii) of that sub-paragraph.”.

CHAPTER 7

The Higher Education Short Course Loans Regulations 2022

Amendment of the Higher Education Short Course Loans Regulations 2022

54. The Higher Education Short Course Loans Regulations 2022(**68**) are amended in accordance with this Chapter.

Victims of domestic abuse

55.—(1) In regulations 2(2)(d) (interpretation) and 7(2)(e) (students who cease to be eligible students before the start of an HE short course) and paragraph 9 of Schedule 1 (persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse), in each place it occurs, including in the heading to paragraph 9 of Schedule 1, for “leave to remain”, substitute “leave to enter or remain”.

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

- (a) for “leave to remain”, in both places, substitute “leave to enter or remain”;
- (b) in paragraph (a), for sub-paragraphs (i) to (iii), substitute—
 - “(i) paragraph VDA 9.1 of the Appendix Victim of Domestic Abuse, 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),”.

Termination of eligible student status

56.—(1) In regulation 3 (eligible students)—

- (a) in paragraph (5)(c)—
 - (i) after paragraph (i), omit “and”;
 - (ii) after paragraph (ii), omit the semi-colon and insert—

- “, and
- (iii) the person (P or R) whose refugee status has expired has not become a British or Irish citizen;”;
- (b) in paragraph (5)(d)—
- (i) after paragraph (i), omit “and”;
- (ii) after paragraph (ii), omit the semi-colon and insert—
- “, and
- (iii) the person (P or H) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen;”;
- (c) in paragraph (5)(e)—
- (i) after paragraph (i), omit “and”;
- (ii) after paragraph (ii), omit the semi-colon and insert—
- “, and
- (iii) the person (P or S) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen;”;
- (d) in paragraph (5)(f)—
- (i) after paragraph (i), omit “and”;
- (ii) after paragraph (ii), omit the semi-colon and insert—
- “, and
- (iii) P has not become a British or Irish citizen;”;
- (e) in paragraph (5)(g), at the end, insert “and has not become a British or Irish citizen”;
- (f) in paragraph (5)(h)(69), at the end, insert “and the person (P or A) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen”;
- (g) in paragraph (5)(i)(70), at the end, insert “and the person (P or U) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen”;
- (h) after paragraph (5)(i), insert—
- “(j) where the Secretary of State determined that P was an eligible student in connection with the reference course by virtue of paragraph 25 of Schedule 1 (long residence), the period for which P is allowed to stay in the United Kingdom has expired and P has not become a British or Irish citizen.”.
- (2) In regulation 6 (students who cease to be eligible students before the start of an HE short course)—
- (a) in paragraph (2)(b), 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

(69) Sub-paragraph (h) was substituted by [S.I. 2023/74](#).

(70) Sub-paragraph (i) was substituted by [S.I. 2023/74](#).

- (iii) the person (P or P’s spouse, civil partner, parent or step-parent) whose refugee status has expired has not become a British or Irish citizen.”;
- (b) in paragraph (3)(b), after “has been granted” insert “and the person (P or P’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.”;
- (c) in paragraphs (4)(b) and (5)(b) after “has been granted” insert “and P has not become a British or Irish citizen”;
- (d) in paragraph (6)(b), 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 (P or P’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 (7)(b), after “has been granted under those rules” insert “and P has not become a British or Irish citizen”;
- (f) in paragraph (8)(b), after “protected rights” insert “and P has not become a British or Irish citizen”;
- (g) in paragraph (9)(b), for “P is allowed to stay in the United Kingdom has expired” substitute “the person granted leave under one of the Afghan schemes is allowed to stay in the United Kingdom has expired and that person has not become a British or Irish citizen.”;
- (h) in paragraph (9A)(b)(71), for “P is allowed to stay in the United Kingdom has expired” substitute “the person granted leave under one of the Ukraine schemes is allowed to stay in the United Kingdom has expired and that person has not become a British or Irish citizen.”;
- (i) after paragraph (9A) insert—
 - “(9B) This paragraph applies in relation to a person (“P”) if—
 - (a) the Secretary of State has determined that, by virtue of being a person granted leave under paragraph 25 of Schedule 1 (long residence), P is an eligible student in connection with an application for an HESC loan for the relevant course, and
 - (b) as at the day before the current course begins, the period P is allowed to stay in the United Kingdom has expired and—
 - (i) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and
 - (ii) P has not become a British or Irish citizen.”.

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

57.—(1) In regulation 7 (students becoming eligible after the start of an HE short course), in paragraph (2)(e) and (f), after “the student” insert “or the student’s parent”.

(2) In Schedule 1—

- (a) in the heading to paragraph 9 (persons granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse), at the end, insert “and their children”;
- (b) paragraph 9 becomes sub-paragraph (1) of that paragraph;
- (c) 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 England on the first day of the HE short course.

(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 enter or remain in the United Kingdom on those grounds under the immigration rules.”;

- (d) in the heading to paragraph 11 (persons granted indefinite leave to remain as a bereaved partner), at the end, insert “and their children”;
- (e) paragraph 11 becomes sub-paragraph (1) of that paragraph;
- (f) 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 England on the first day of the HE short course.

(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.”.

Students settled in the United Kingdom

58.—(1) In regulation 7 (students who become eligible students after the start of an HE short course) in paragraph (2)—

- (a) after sub-paragraph (g) insert—

“(ga) the student becomes a person described in paragraph 3 of Part 2 of Schedule 1;

- (gb) the student becomes a person described in paragraph 4 of Part 2 of Schedule 1;”;
- (b) after sub-paragraph (i) insert—
 - “(ia) the student becomes a person described in paragraph 19 of Part 2 of Schedule 1;”.
- (2) In Schedule 1 (eligible students)—
 - (a) in paragraphs 3(1)(a), 4(1)(a) and 19(1)(a)(i)(72) omit “on the first day of the HE short course”;
 - (b) in paragraph 3(1)(a)(ii), after “England”, insert “on the first day of the HE short course”.

Afghan Relocations and Assistance Policy Scheme

59. In Schedule 1 (eligible students: interpretation), in paragraph 1(1), in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”, 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;”.

British citizens of Chagossian descent

60. In Schedule 1, in paragraph 19—

- (a) in sub-paragraph (1)—
 - (i) at the beginning, insert “Subject to paragraphs (3) and (4), ”;
 - (ii) in paragraph (a)(73), the words from “settled in” become sub-paragraph (i);
 - (iii) after that sub-paragraph (i), insert—
 - “or
 - (ii) a person who is a British citizen and who—
 - (aa) was born in the British Indian Ocean Territory or, prior to 8th November 1965, in those islands designated as the British Indian Ocean Territory on that date; or
 - (bb) is a direct descendant of a person who was born in the British Indian Ocean Territory or, prior to 8th November 1965, in those islands designated as the British Indian Ocean Territory on that date;”;
- (b) after sub-paragraph (2), insert—
 - “(3) For the purposes of paragraphs (c) and (d) of sub-paragraph (1), a person mentioned in paragraph (a)(ii) of sub-paragraph (1) is treated as being ordinarily resident in the specified British overseas territories in any period before the first day of the HE short course in which they are not ordinarily resident in the United Kingdom or the Islands.
 - (4) Paragraphs (e) and (f) of sub-paragraph (1) do not apply to a person mentioned in paragraph (a)(ii) of that sub-paragraph.”.

(72) Paragraph 19(1)(a) is renumbered, creating paragraph 19(1)(a)(i), by regulation 60(a)(ii) of this instrument.

(73) Paragraph (a) is amended by regulation 57(2)(a) of this instrument.