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STATUTORY RULES OF NORTHERN IRELAND

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**2012 No. 306**

**EDUCATION**

**The Further Education (Student Support)  
(Eligibility) Regulations (Northern Ireland) 2012**

*Made* - - - - *30th July 2012*

*Coming into operation* *1st September 2012*

The Department for Employment and Learning<sup>(1)</sup> makes the following Regulations in exercise of the powers conferred on it by Articles 3(1) and (2) and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998<sup>(2)</sup>, and now vested in it<sup>(3)</sup>:

**Citation and commencement** **N.I.**

1. These Regulations may be cited as the Further Education (Student Support) (Eligibility) Regulations (Northern Ireland) 2012 and shall come into operation on 1st September 2012.

**Commencement Information**

II [Reg. 1](#) in operation at 1.9.2012, see [reg. 1](#)

**Interpretation** **N.I.**

2. In these Regulations—

“the Order” means the Education (Student Support) (Northern Ireland) Order 1998;

“the 1997 Order” means the Further Education (Northern Ireland) Order 1997<sup>(4)</sup>;

“the Department” means the Department for Employment and Learning;

“designated course” means a course designated by regulation 5;

“further education” has the meaning assigned by Article 3 of the 1997 Order;

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(1) Formerly the Department of Higher and Further Education, Training and Employment; *see* 2001 c. 15 (N.I.)

(2) [S.I. 1998/1760 \(N.I. 14\)](#)

(3) Article 5(b) and Part II of Schedule 3 to the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 ([S.R. 1999 No. 481](#)) transferred functions under the Education (Student Support) (Northern Ireland) Order 1998 from the Department of Education to the Department of Higher and Further Education, Training and Employment, now renamed the Department for Employment and Learning.  
(*see* 2001 c. 15 (NI))

(4) [S.I. 1997/1772 \(N.I. 15\)](#)

“further education course” means a course other than a higher education course provided at an institution of further education;

“higher education” has the meaning assigned by Article 2(2) of the 1997 Order;

“institution of further education” means an educational establishment which is recognised by the Department as an institution of further education under Article 8 of the 1997 Order;

“support” means grants in respect of fees payable in connection with attendance on courses at an institution of further education.

#### Commencement Information

**I2** [Reg. 2](#) in operation at 1.9.2012, see [reg. 1](#)

#### Application **N.I.**

3. These Regulations apply to institutions of further education.

#### Commencement Information

**I3** [Reg. 3](#) in operation at 1.9.2012, see [reg. 1](#)

#### Eligible students **N.I.**

4.—<sup>[F1]</sup>(1) Subject to the following provisions of this regulation, a person is an eligible student in connection with a designated course if in assessing that person’s application for support the Department determines that the person falls within one of the categories set out—

- (a) in paragraphs 2, 2A, 2B, 3, 3A, 3B, 3C, 3D, 3E, 3F, 4, , 5A, 5B, 5D, 5F, 6A, 6B, 6C, 6D, 7A, 9 and 10 of the Schedule; or
- (b) in paragraphs 5, 5C, 5E, 6, 6E, 7 and 8 of the Schedule where paragraph (1A) applies.

(1A) This paragraph applies where—

- (a) in connection with a designated course beginning before 1st August 2021, the Department—
  - (i) in assessing an application for support by a person (“A”), determined that A fell within one of the categories set out in paragraphs 5, 5C, 5E, 6, 6E, 7 and 8 of the Schedule in relation to an academic year of the course beginning before 1st August 2021; or
  - (ii) would have so determined had A made an application for support in accordance with this Part in relation to an academic year of the course beginning before that date; and
- (b) A applies for support in connection with that course or a designated course to which A’s status as an eligible student is transferred from that course in accordance with this Part.

(1B) In connection with a designated course beginning on or after 1st January 2028, paragraph (1) (a) has effect as if paragraphs 5F, 6B and 6D were omitted.]

(2) A person ceases to be an eligible student if he abandons or is expelled from a designated course.

#### Textual Amendments

- F1** Reg. 4(1)-(1B) substituted for reg. 4(1) (1.8.2021) by [The Further Education \(Student Support\) \(Eligibility\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2021](#) (S.R. 2021/202), regs. 1(1), **3**

#### Commencement Information

- I4** [Reg. 4](#) in operation at 1.9.2012, see [reg. 1](#)

### Designated courses **N.I.**

5. A course is a designated course for the purposes of Article 3(1) of the Order and these Regulations if it is—

- (a) a further education course or a higher education course; and
- (b) wholly provided by an institution of further education in Northern Ireland.

#### Commencement Information

- I5** [Reg. 5](#) in operation at 1.9.2012, see [reg. 1](#)

### Applying for support and provision of information **N.I.**

6.—(1) An institution of further education shall apply for support in respect of each eligible student on a designated course by completing and submitting to the Department such documentation as the Department may require.

(2) The Department may take such steps and make such inquiries as it considers necessary to determine whether an application for support is in respect of an eligible student.

(3) If the Department is satisfied that an institution of further education has failed to comply with any requirement to provide information under these Regulations or has provided information which is incomplete or inaccurate in a material particular, the Department may—

- (a) determine that the institution no longer qualifies for any particular support or particular amount of support; and
- (b) treat any support paid to the institution as an overpayment which may be recovered by such means as the Department considers appropriate.

#### Commencement Information

- I6** [Reg. 6](#) in operation at 1.9.2012, see [reg. 1](#)

### Payments **N.I.**

7.—(1) Support shall not be paid to an institution of further education until the Department has received a valid request for payment from the institution.

(2) If the Department is satisfied that an application for support is valid for an eligible student on a designated course, then the Department will provide support to the institution of such amounts as it considers appropriate.

(3) Any amount payable under paragraph (2) may be paid in such instalments as the Department considers appropriate.

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**Changes to legislation:** There are currently no known outstanding effects for the The Further Education (Student Support) (Eligibility) Regulations (Northern Ireland) 2012. (See end of Document for details)

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**Commencement Information**

**17** [Reg. 7](#) in operation at 1.9.2012, see [reg. 1](#)

**Revocation** **N.I.**

**8.** The Further Education (Student Support) (Eligibility) Regulations (Northern Ireland) 2011(5) are revoked.

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**Commencement Information**

**18** [Reg. 8](#) in operation at 1.9.2012, see [reg. 1](#)

Sealed with the Official Seal of the Department for Employment and Learning on 30 July 2012.



*Dr. Stephen Farry*  
Minister for Employment and Learning

SCHEDULE **N.I.**

Regulation 4

ELIGIBLE STUDENTS

PART 1 **N.I.**

Interpretation

1.—(1) For the purposes of this Schedule—

[<sup>F2</sup>“the 2020 Citizens’ Rights Regulations” means the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020;]

“Directive 2004/38” means Directive 2004/38 of the European Parliament and of the Council of 29<sup>th</sup> April 2004 on the rights of citizens of the Union and their family members to move and reside freely in the territory of the Member States<sup>(6)</sup>;

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992<sup>(7)</sup> together with the Protocol adjusting that Agreement signed at Brussels on 17th March 1993<sup>(8)</sup>, as modified or supplemented from time to time;

<sup>F3</sup>  
...

“EEA frontier self-employed person” means an EEA national who-

- (a) is a self-employed person in Northern Ireland; and
- (b) resides in Switzerland or the territory of an EEA state <sup>F4</sup>... and returns to the national’s residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

“EEA frontier worker” means an EEA national who—

- (a) is a worker in Northern Ireland; and
- (b) resides in Switzerland or the territory of an EEA State <sup>F4</sup>... and returns to his residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

“EEA migrant worker” means an EEA national who is a worker, other than an EEA frontier worker, in the United Kingdom;

“EEA national” means a national of an EEA State <sup>F4</sup>...;

“EEA self-employed person” means an EEA national who is a self-employed person, other an EEA frontier self-employed person, in the United Kingdom;

“EEA state”, in relation to any time, means-

- (a) a state which at that time is a Member State; or
- (b) any other state which at that time is a party to the EEA Agreement;

“employed person” means an employed person within the meaning of Annex 1 to the Swiss Agreement;

“EU national” means a national of a Member State of the EU;

“European Economic Area” means the area comprised by the EEA States;

[<sup>F5</sup>“evacuated or assisted British national from Afghanistan” means a person—

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(6) OJ L158, 30.4.2004.p77-123

(7) Cm 2073

(8) Cm 2183

**Changes to legislation:** There are currently no known outstanding effects for the *The Further Education (Student Support) (Eligibility) Regulations (Northern Ireland) 2012*. (See end of Document for details)

- (a) who is a British citizen, a British overseas territories citizen, a British National (Overseas), a British Overseas citizen, a British subject under the British Nationality Act 1981 or a British protected person within the meaning of that Act;
- (b) who was either—
  - (i) evacuated from Afghanistan by or on behalf of the United Kingdom, a North Atlantic Treaty Organisation member state, Pakistan, Uzbekistan, Tajikistan, Iran or Qatar during the period of the operation known as Operation Pitting, which began on 14th August 2021 and ended on 28th August 2021; or
  - (ii) assisted by or on behalf of the United Kingdom, after 28th August 2021 and before 6th January 2022, to leave Afghanistan; and
- (c) who has been ordinarily resident in the United Kingdom and Islands since they were evacuated from or otherwise left Afghanistan;]

“family member” unless otherwise indicated, means—

- (a) in relation to an EEA frontier worker, an EEA migrant worker, an EEA frontier self-employed person [<sup>F6</sup>, an EEA self-employed person, or a relevant person of Northern Ireland who is treated as an EEA migrant worker or an EEA self-employed person by virtue of paragraph 5A(3)] —
  - (i) his spouse or civil partner;
  - (ii) direct descendants of his or of his spouse or civil partner who are—
    - (aa) under the age of 21; or
    - (bb) dependants of his or his spouse or civil partner or
  - (iii) dependent direct relatives in his ascending line or that of his spouse or civil partner;
- (b) in relation to a Swiss employed person, a Swiss frontier employed person, a Swiss frontier self-employed person or a Swiss self-employed person—
  - (i) his spouse or civil partner; or
  - (ii) his child or the child of his spouse or civil partner;
- (c) in relation to an EU national who falls within the meaning of article 7(1)(c) of Directive 2004/38 [<sup>F7</sup>or, for the purposes of paragraph 6A, in relation to a relevant person of Northern Ireland who would fall within article 7(1)(c) of Directive 2004/38 if that person were an EU national or solely an EU national] —
  - (i) his spouse or civil partner; or
  - (ii) direct descendants of his or of his spouse or civil partner who are—
    - (aa) under the age of 21; or
    - (bb) dependants of his or his spouse or civil partner;
- (d) in relation to an EU national who falls within the meaning of article 7(1)(b) of Directive 2004/38 [<sup>F8</sup>or, for the purposes of paragraph 6A, in relation to a relevant person of Northern Ireland who would fall within article 7(1)(b) of Directive 2004/38 if that person were an EU national or solely an EU national] —
  - (i) his spouse or civil partner;
  - (ii) direct descendants of his or of his spouse or civil partner who are—
    - (aa) under the age of 21; or
    - (bb) dependants of his or his spouse or civil partner; or
  - (iii) dependent direct relatives in his ascending line or that of his spouse or civil partner;

- (e) in relation to a United Kingdom national, for the purposes of <sup>F9</sup>, paragraphs 6, 6B, 6C and 6D] —
  - (i) his spouse or civil partner; or
  - (ii) direct descendants of his or of his spouse or civil partner who are—
    - (aa) under the age of 21; or
    - (bb) dependants of his or his spouse or civil partner;

<sup>F10</sup> ...

“Islands” means the Channel Islands and the Isle of Man;

<sup>F11</sup>“person granted Calais leave” means a person who—

- (a) has extant leave to remain in the United Kingdom under paragraph 352J, 352K, 352L or 352T (Calais leave and “leave in line” granted by virtue of being a dependent child of a person granted Calais leave) of the immigration rules, as defined in section 33(1) of the Immigration Act 1971; and
- (b) has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave;
- (c) “person granted humanitarian protection” means a person—
  - (a) who, on the grounds of humanitarian protection, has been granted leave to remain under the immigration rules as defined in section 33(1) of the Immigration Act 1971;
  - (b) whose leave to remain is extant, or in respect of whose leave to remain an appeal is pending (within section 104 of the Nationality, Immigration and Asylum Act 2002)(6);
  - (c) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave to remain;

“person granted indefinite leave to remain as a bereaved partner” means a person—

- (a) granted indefinite leave to remain in the United Kingdom under any of the following provisions of the immigration rules, as defined in section 33(1) of the Immigration Act 1971—
  - (i) paragraph 288, as a person in relation to whom the requirements in paragraph 287(b) of those rules are met (bereaved partners),
  - (ii) paragraph 295N, as a person in relation to whom the requirements in paragraph 295M of those rules are met (bereaved partners),
  - (iii) paragraph D-BPILR.1.1 of Appendix FM (bereaved partners), or
  - (iv) paragraph 36 of Appendix Armed Forces (bereaved partner of a member of HM Forces), and
- (b) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave;

“person granted indefinite leave to remain as a victim of domestic violence or domestic abuse” means a person—

- (a) granted indefinite leave to remain in the United Kingdom under any of the following provisions of the immigration rules, as defined in section 33(1) of the Immigration Act 1971—

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(6) OJ L158, 30.4.2004.p77-123

**Changes to legislation:** There are currently no known outstanding effects for the The Further Education (Student Support) (Eligibility) Regulations (Northern Ireland) 2012. (See end of Document for details)

- (i) paragraph 289B (victims of domestic violence);
  - (ii) paragraph D-DVILR.1.1. of Appendix FM (victims of domestic abuse); or
  - (iii) paragraph 40 of Appendix Armed Forces (victims of domestic violence: partners of members of the armed forces); and
- (b) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave;

[<sup>F12</sup>“person granted leave under one of the Afghan Schemes” means a person granted leave under the Afghan Citizens Resettlement Scheme or a person granted leave under the Afghan Relocations and Assistance Policy Scheme;

[<sup>F13</sup>“person granted leave under one of the Ukraine Schemes” means a person granted leave under the Homes for Ukraine Sponsorship Scheme, a person granted leave under the Ukraine Extension Scheme or a person granted leave under the Ukraine Family Scheme;]

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

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

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

- (a) who has—
  - (i) indefinite leave to enter the United Kingdom under paragraph 276BA2, or has indefinite leave to remain under paragraph 276BS2 of the Immigration Rules, having been relocated to the United Kingdom pursuant to paragraph 276BB1(iii)(a) of the Immigration Rules as defined in section 33(1) of the Immigration Act 1971;
  - (ii) leave to enter the United Kingdom on the basis of the Afghan Relocations and Assistance Policy Scheme;
  - (iii) indefinite leave to enter or remain, outside those rules, on the basis of the Afghan Relocations and Assistance Policy Scheme; or
  - (iv) leave to enter or indefinite leave to enter the United Kingdom as the spouse, civil partner or dependent child of such a person, or dependent child of the spouse or civil partner, having been granted that leave under paragraph 276BJ2 or 276BO2 of those rules; and (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;]

[<sup>F14</sup>“person granted leave under the Homes for Ukraine Sponsorship Scheme” means a person—

- (a) who has leave to enter or remain in the United Kingdom—
  - (i) under paragraph UKR 19.1 of Appendix Ukraine Scheme of the Immigration Rules as defined in section 33(1) of the Immigration Act 1971; or
  - (ii) outside the Immigration Rules as defined in section 33(1) of the Immigration Act 1971 where the person—



**Changes to legislation:** There are currently no known outstanding effects for the The Further Education (Student Support) (Eligibility) Regulations (Northern Ireland) 2012. (See end of Document for details)

- (aa) was residing in Ukraine immediately before 1st January 2022; and
- (bb) left Ukraine in connection with the Russian invasion which took place on 24th February 2022; and
- (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;

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

- (a) who has leave to remain in the United Kingdom under paragraph UKR 27.1 of Appendix Ukraine Scheme of the Immigration Rules as defined in section 33(1) of the Immigration Act 1971; and
- (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;

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

- (a) who has leave to enter or remain in the United Kingdom—
  - (i) under paragraph UKR 9.1 of Appendix Ukraine Scheme of the Immigration Rules as defined in section 33(1) of the Immigration Act 1971; or
  - (ii) outside the Immigration Rules as defined in section 33(1) of the Immigration Act 1971 where the person—
    - (aa) was residing in Ukraine immediately before 1st January 2022; and
    - (bb) left Ukraine in connection with the Russian invasion which took place on 24th February 2022; and
- (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;]

“person granted section 67 leave” means a person who—

- (a) has extant leave to remain as a person granted leave under paragraph 352ZG of the immigration rules(7), having been relocated to the United Kingdom pursuant to arrangements made by the Secretary of State under section 67 of the Immigration Act 2016 or a dependent child of such a person who has been granted “leave in line” under paragraph 352ZO of those rules; and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;

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

[<sup>F15c</sup>“person with leave to enter or remain on the grounds of discretionary leave” means a person (“P”)—

- (a) who has—
  - (i) applied for refugee status but has, as a result of that application, been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although P is considered not to qualify for recognition as a refugee it is thought right to allow P to enter or remain in the United Kingdom on the grounds of discretionary leave, or

**Changes to legislation:** There are currently no known outstanding effects for the The Further Education (Student Support) (Eligibility) Regulations (Northern Ireland) 2012. (See end of Document for details)

- (ii) not applied for refugee status but has been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that it is thought right to allow P to enter or remain in the United Kingdom on the grounds of discretionary leave,
- (b) who has been granted leave to enter or to remain accordingly,
- (c) whose period of leave to enter or remain has not expired or has been renewed and the period for which it was renewed has not expired or in respect of whose leave to enter or remain an appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002), and
- (d) who has been ordinarily resident in the United Kingdom and Islands throughout the period since P was granted leave to enter or remain;]

[<sup>F16</sup>“person with protected rights” means—

- (1) (a) <sup>F17</sup>a person within the personal scope of the citizens’ rights provisions who—
  - (i) has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules;
  - (ii) is an Irish citizen who, pursuant to section 3ZA of the Immigration Act 1971, does not require leave to enter or remain in the United Kingdom;
  - (iii) <sup>F18</sup>...
  - (iv) is an applicant for the purposes of regulation 4 of the 2020 Citizens’ Rights Regulations where the relevant period has not expired; or
  - (v) [<sup>F19</sup>otherwise has rights deemed to apply by virtue of any citizens’ rights deeming provisions; or]
- (b) a family member of a relevant person of Northern Ireland for the purposes of residence scheme immigration rules, where that family member has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules;]
- (2) [<sup>F20</sup>In sub-paragraph (1)(a)(v) “citizens’ rights deeming provisions” means—
  - (a) Article 18(2) and (3) (issuance of residence documents) of the EU withdrawal agreement;
  - (b) Article 17(2) and (3) (issuance of residence documents) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or
  - (c) Article 16(2) and (3) (issuance of residence documents) of the Swiss citizens’ rights agreement.]

“refugee” means a person who is recognised by Her Majesty’s government as a refugee within the meaning of the United Nations Convention relating to the Status of Refugees done at Geneva on 28th July 1951(<sup>9</sup>) as extended by the Protocol thereto which entered into force on 4th October 1967(<sup>10</sup>);

[<sup>F21</sup>“relevant period” has the meaning given by regulation 4 of the 2020 Citizens’ Rights Regulations;

“relevant person of Northern Ireland” has the meaning given by residence scheme immigration rules;]

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(9) Cmnd. 9171

(10) Cmnd. 3906

[<sup>F22</sup>“residence scheme immigration rules” has the meaning given by section 17(1) of the European Union (Withdrawal Agreement) Act 2020;]

<sup>F3</sup>  
...

“self-employed person” means—

- (a) in relation to an EEA national, a person who is self-employed within the meaning of article 7 of Directive 2004/38 or the EEA Agreement, as the case may be; or
- (b) in relation to a Swiss national, a person who is a self-employed person within the meaning of Annex 1 to the Swiss Agreement;

“settled” has the meaning given by section 33(2A) of the Immigration Act 1971(**11**);

“Swiss Agreement” means the Agreement between the European Union and its Member States, of the one part, and the Swiss Confederation, of the other, on the Free Movement of Persons signed at Luxembourg on 21st June 1999(**12**) and which came into force on 1st June 2002;

[<sup>F22</sup>“Swiss citizens’ rights agreement” has the meaning given by section 39(1) of the European Union (Withdrawal Agreement) Act 2020;]

“Swiss employed person” means a Swiss national who is an employed person, other than a Swiss frontier employed person, in the United Kingdom;

“Swiss frontier employed person” means a Swiss national who—

- (a) is an employed person in Northern Ireland; and
- (b) resides in Switzerland or in the territory of an EEA State, <sup>F4</sup>... and returns to the national’s residence in Switzerland or in that EEA State, as the case may be, daily or at least once a week;

“Swiss frontier self-employed person” means a Swiss National who-

- (a) is a self-employed person in Northern Ireland; and
- (b) resides in Switzerland or in the territory of an EEA State, <sup>F4</sup>... and returns to the national’s residence in Switzerland or that EEA State, as the case may be, daily or at least once a week;

“Swiss self-employed person” means a Swiss national who is self-employed person, other than a Swiss frontier self-employed person, in the United Kingdom;

“Turkish worker” means a Turkish national who—

- (a) is ordinarily resident in the United Kingdom and Islands; and
- (b) is, or has been, lawfully employed in the United Kingdom; and

[<sup>F23</sup>“United Kingdom national” has the meaning given by Article 2(d) of the EU withdrawal agreement;]

“worker” means a worker within the meaning of article 7 of Directive 2004/38 or the EEA Agreement as the case may be.

[<sup>F24</sup>(1A) For the purposes of this Schedule, a reference to a “Member State” or “State” in Article 7 of Directive 2004/38 is to be read as including the United Kingdom.

(1B) For the purposes of this Schedule, a person is within the personal scope of the citizens’ rights provisions if that person falls within—

- (a) Article 10 (personal scope) of the EU withdrawal agreement;

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(11) 1971 c. 77; Section 33(2A) was inserted by paragraph 7 of Schedule 4 to the British Nationality Act 1981 (c. 61)

(12) Cm. 4904

**Changes to legislation:** There are currently no known outstanding effects for the *The Further Education (Student Support) (Eligibility) Regulations (Northern Ireland) 2021*. (See end of Document for details)

- (b) Article 9 (personal scope) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020) ; or
- (c) Article 10 (personal scope) of the Swiss citizens’ rights agreement.]

(2) For the purposes of this Schedule, “parent” includes a guardian and any other person having parental responsibility and “child” is to be construed accordingly.

[<sup>F25</sup>(2A) For the purposes of this Schedule, a person is not to be treated as ordinarily resident in a place unless that person lawfully resides in that place.]

(3) For the purposes of this Schedule, a person is to be treated as ordinarily resident in the United Kingdom and Islands, the territory comprising [<sup>F26</sup>the United Kingdom, Gibraltar,] the European Economic Area and Switzerland or the territory comprising [<sup>F26</sup>the United Kingdom, Gibraltar,] the European Economic Area, Switzerland and Turkey if he would have been so resident but for the fact that—

- (a) he;
- (b) his spouse or civil partner;
- (c) his parent;
- (d) in the case of a dependent direct relative in the ascending line, his child or child’s spouse or civil partner,

is or was temporarily employed outside the area in question.

(4) For the purposes of sub-paragraph (3), temporary employment outside of the United Kingdom and Islands, the territory comprising [<sup>F26</sup>the United Kingdom, Gibraltar,] the European Economic Area and Switzerland or the territory comprising [<sup>F26</sup>the United Kingdom, Gibraltar,] the European Economic Area, Switzerland and Turkey includes—

- (a) in the case of members of the regular naval, military or air forces of the Crown, any period which they serve outside the United Kingdom as members of such forces;
- (b) in the case of members of the regular armed forces of an EEA State or Switzerland, any period which they serve outside of the territory comprising [<sup>F26</sup>the United Kingdom, Gibraltar,] the European Economic Area and Switzerland as members of such forces; and
- (c) in the case of members of the regular armed forces of Turkey, any period which they serve outside of the territory comprising [<sup>F26</sup>the United Kingdom, Gibraltar,] the European Economic Area, Switzerland and Turkey as members of such forces.

(5) For the purposes of this Schedule an area [<sup>F27</sup>other than the United Kingdom or Gibraltar] which—

- (a) was previously not part of the EU or the European Economic Area; but
- (b) at any time before or after these Regulations come into operation has become part of one or other or both of these areas,

is to be considered to have always been a part of the European Economic Area.

#### Textual Amendments

- F2** Words in Sch. para. 1(1) inserted (1.8.2021) by [The Further Education \(Student Support\) \(Eligibility\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/202\)](#), regs. 1(1), **4(2)(a)(ii)**
- F3** Words in Sch. para. 1(1) omitted (1.8.2021) by virtue of [The Further Education \(Student Support\) \(Eligibility\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/202\)](#), regs. 1(1), **4(2)(a)(i)**

- F4** Words in Sch. para. 1(1) omitted (31.12.2020) by virtue of The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/296), regs. 1(3), **3(2)(a)(i)**
- F5** Words in Sch. para. 1(1) inserted (1.8.2022) by The Further Education (Student Support) (Eligibility) (Amendment etc.) Regulations (Northern Ireland) 2022 (S.R. 2022/183), regs. 1(1), **8(a)**
- F6** Words in Sch. para. 1(1) substituted (1.8.2021) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021 (S.R. 2021/202), regs. 1(1), **4(2)(a)(iii)(aa)**
- F7** Words in Sch. para. 1(1) inserted (1.8.2021) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021 (S.R. 2021/202), regs. 1(1), **4(2)(a)(iii)(bb)**
- F8** Words in Sch. para. 1(1) inserted (1.8.2021) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021 (S.R. 2021/202), regs. 1(1), **4(2)(a)(iii)(cc)**
- F9** Words in Sch. para. 1(1) substituted (1.8.2021) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021 (S.R. 2021/202), regs. 1(1), **4(2)(a)(iii)(dd)**
- F10** Words in Sch. para. 1(1) omitted (1.8.2022) by virtue of The Further Education (Student Support) (Eligibility) (Amendment etc.) Regulations (Northern Ireland) 2022 (S.R. 2022/183), regs. 1(1), **2(1)**
- F11** Words in Sch. para. 1(1) inserted (1.8.2021) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021 (S.R. 2021/202), regs. 1(1), **4(2)(a)(v)**
- F12** Words in Sch. para. 1 inserted (1.8.2022) by The Further Education (Student Support) (Eligibility) (Amendment etc.) Regulations (Northern Ireland) 2022 (S.R. 2022/183), regs. 1(1), **6**
- F13** Words in Sch. para. 1 inserted (1.8.2022) by The Further Education (Student Support) (Eligibility) (Amendment etc.) Regulations (Northern Ireland) 2022 (S.R. 2022/183), regs. 1(1), **10(a)**
- F14** Words in Sch. para. 1 inserted (1.8.2022) by The Further Education (Student Support) (Eligibility) (Amendment etc.) Regulations (Northern Ireland) 2022 (S.R. 2022/183), regs. 1(1), **10(b)**
- F15** Words in Sch. para. 1(1) substituted (1.8.2021) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021 (S.R. 2021/202), regs. 1(1), **4(2)(a)(vi)**
- F16** Words in Sch. para. 1(1) inserted (1.8.2021) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021 (S.R. 2021/202), regs. 1(1), **4(2)(a)(vii)**
- F17** Words in Sch. para. 1(1) renumbered (1.8.2022) by The Further Education (Student Support) (Eligibility) (Amendment etc.) Regulations (Northern Ireland) 2022 (S.R. 2022/183), regs. 1(1), **2(2)(a)**
- F18** Words in Sch. para. 1(1) omitted (1.8.2022) by virtue of The Further Education (Student Support) (Eligibility) (Amendment etc.) Regulations (Northern Ireland) 2022 (S.R. 2022/183), regs. 1(1), **2(2)(b)**
- F19** Words in Sch. para. 1(1) inserted (1.8.2022) by The Further Education (Student Support) (Eligibility) (Amendment etc.) Regulations (Northern Ireland) 2022 (S.R. 2022/183), regs. 1(1), **2(2)(c)**
- F20** Words in Sch. para. 1(1) inserted (1.8.2022) by The Further Education (Student Support) (Eligibility) (Amendment etc.) Regulations (Northern Ireland) 2022 (S.R. 2022/183), regs. 1(1), **2(2)(d)**
- F21** Words in Sch. para. 1(1) inserted (1.8.2021) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021 (S.R. 2021/202), regs. 1(1), **4(2)(a)(viii)**
- F22** Words in Sch. para. 1(1) inserted (31.12.2020) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/296), regs. 1(3), **3(2)(a)(ii)**
- F23** Words in Sch. para. 1(1) inserted (1.8.2021) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021 (S.R. 2021/202), regs. 1(1), **4(2)(a)(ix)**
- F24** Sch. paras. 1(1A)(1B) inserted (1.8.2021) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021 (S.R. 2021/202), regs. 1(1), **4(3)**
- F25** Sch. para. 1(2A) inserted (1.8.2021) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021 (S.R. 2021/202), regs. 1(1), **4(3)**

**Changes to legislation:** There are currently no known outstanding effects for the *The Further Education (Student Support) (Eligibility) Regulations (Northern Ireland) 2012*. (See end of Document for details)

- F26** Words in Sch. paras. 1(3)(4) inserted (31.12.2020) by [The Further Education \(Student Support\) \(Eligibility\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/296\)](#), regs. 1(3), **3(2)(b)**
- F27** Words in Sch. para. 1(5) inserted (31.12.2020) by [The Further Education \(Student Support\) \(Eligibility\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/296\)](#), regs. 1(3), **3(2)(c)**

#### Commencement Information

- I9** [Sch. para. 1](#) in operation at 1.9.2012, see [reg. 1](#)

## PART 2 **N.I.**

### Categories

#### Persons who are settled in the United Kingdom **N.I.**

- [<sup>F28</sup>2.—(1)** A person who on the first day of the first academic year of the course—
- (a) is settled in the United Kingdom, other than a person falling within paragraph 2B
  - (b) is ordinarily resident in Northern Ireland;
  - (c) 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; and
  - (d) subject to sub-paragraph (2), whose residence in the United Kingdom and Islands has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the United Kingdom and Islands in accordance with paragraph 1(4).]

#### Textual Amendments

- F28** [Sch. para. 2](#) substituted (1.8.2021) by [The Further Education \(Student Support\) \(Eligibility\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/202\)](#), regs. 1(1), **5**

#### Commencement Information

- I10** [Sch. para. 2](#) in operation at 1.9.2012, see [reg. 1](#)

- [<sup>F29</sup>2A.—(1)** A person who—
- (a) is a United Kingdom national or an Irish citizen on [<sup>F30</sup>the day on which the first term of the first academic year actually begins], and does not fall within paragraph 2B of this Schedule;
  - (b) is attending or undertaking a designated course in Northern Ireland;
  - (c) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, EEA and Switzerland (the relevant territory) throughout the three-year period preceding the first day of the first academic year of the course; and
  - (d) subject to sub-paragraph (2), whose ordinary residence in the relevant territory has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the relevant territory in accordance with paragraph 1(3).

### Textual Amendments

- F29** Sch. paras. 2A, 2B inserted (1.8.2021) by [The Further Education \(Student Support\) \(Eligibility\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2021](#) (S.R. 2021/202), regs. 1(1), **6**
- F30** Words in Sch. para 2A substituted (1.8.2022) by [The Further Education \(Student Support\) \(Eligibility\) \(Amendment etc.\) Regulations \(Northern Ireland\) 2022](#) (S.R. 2022/183), regs. 1(1), **3**

2B.—(1) A person who—

- (a) meets one of the following conditions on the first day of an academic year of the course—
- (i) the person is within the personal scope of the citizens’ rights provisions and is settled in the United Kingdom by virtue of the grant of indefinite leave to enter or remain under residence scheme immigration rules;
  - (ii) the person—
    - (aa) is within the personal scope of the citizens’ rights provisions;
    - (bb) is an Irish citizen settled in the United Kingdom who, pursuant to section 3ZA of the Immigration Act 1971, does not require leave to enter or remain in the United Kingdom; and
    - (cc) would meet the eligibility requirements for indefinite leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules if that person were to make an application for such leave;
  - (iii) the person—
    - (aa) is within the personal scope of the citizens’ rights provisions;
    - (bb) is a relevant person for the purposes of regulation 3 of the 2020 Citizens’ Rights Regulations; and
    - (cc) has, or is treated as having, a right of permanent residence for the purposes of the Immigration (European Economic Area) Regulations 2016, as those Regulations continue to have effect by virtue of the 2020 Citizens’ Rights Regulations in relation to that person during the grace period;
  - (iv) the person—
    - (aa) is within the personal scope of the citizens’ rights provisions;
    - (bb) is an applicant for the purposes of regulation 4 of the 2020 Citizens’ Rights Regulations [<sup>F31</sup>or otherwise has rights deemed to apply by virtue of any of the citizens’ rights provisions specified in sub-paragraph (3)] ; and
    - (cc) has, or is treated as having, a right of permanent residence for the purposes of the Immigration (European Economic Area) Regulations 2016, as those Regulations continue to have effect by virtue of the 2020 Citizens’ Rights Regulations in relation to that person during the relevant period [<sup>F32</sup>or otherwise has a deemed right of permanent residence by virtue of any of the citizens’ rights provisions specified in paragraph (3)] ; or
  - (v) the person is a family member of a relevant person of Northern Ireland for the purposes of residence scheme immigration rules, where that family member is settled in the United Kingdom by virtue of the grant of indefinite leave to enter or remain under residence scheme immigration rules;
- (b) is ordinarily resident in Northern Ireland on the first day of the first academic year of the course;

**Changes to legislation:** There are currently no known outstanding effects for the The Further Education (Student Support) (Eligibility) Regulations (Northern Ireland) 2012. (See end of Document for details)

- (c) 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; and
- (d) in a case where the person's ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

(2) For the purposes of sub-paragraph (1)(a)(ii)(cc), “eligibility requirements for indefinite leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules” means the eligibility requirements for such leave in accordance with paragraph EU11 of Appendix EU to the immigration rules<sup>(8)</sup> (as defined in section 33(1) of the Immigration Act 1971).]

[<sup>F33</sup>(3) For the purposes of sub-paragraph (1)(a)(iv), the citizens' rights provisions referred to are—

- (a) Article 18(3) (issuance of residence documents) of the EU withdrawal agreement;
- (b) Article 17(3) (issuance of residence documents) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or
- (c) Article 16(3) (issuance of residence documents) of the Swiss citizens' rights agreement.]

#### Textual Amendments

- F29** Sch. paras. 2A, 2B inserted (1.8.2021) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021 (S.R. 2021/202), regs. 1(1), **6**
- F31** Words in Sch. para 2B(1)(a)(iv) inserted (1.8.2022) by The Further Education (Student Support) (Eligibility) (Amendment etc.) Regulations (Northern Ireland) 2022 (S.R. 2022/183), regs. 1(1), **4(i)**
- F32** Words in Sch. para 2B(1)(a)(iv) inserted (1.8.2022) by The Further Education (Student Support) (Eligibility) (Amendment etc.) Regulations (Northern Ireland) 2022 (S.R. 2022/183), regs. 1(1), **4(ii)**
- F33** Sch. para 2B(3) inserted (1.8.2022) by The Further Education (Student Support) (Eligibility) (Amendment etc.) Regulations (Northern Ireland) 2022 (S.R. 2022/183), regs. 1(1), **4(iii)**

#### Textual Amendments

- F28** Sch. para. 2 substituted (1.8.2021) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021 (S.R. 2021/202), regs. 1(1), **5**
- F29** Sch. paras. 2A, 2B inserted (1.8.2021) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021 (S.R. 2021/202), regs. 1(1), **6**
- F30** Words in Sch. para 2A substituted (1.8.2022) by The Further Education (Student Support) (Eligibility) (Amendment etc.) Regulations (Northern Ireland) 2022 (S.R. 2022/183), regs. 1(1), **3**
- F31** Words in Sch. para 2B(1)(a)(iv) inserted (1.8.2022) by The Further Education (Student Support) (Eligibility) (Amendment etc.) Regulations (Northern Ireland) 2022 (S.R. 2022/183), regs. 1(1), **4(i)**
- F32** Words in Sch. para 2B(1)(a)(iv) inserted (1.8.2022) by The Further Education (Student Support) (Eligibility) (Amendment etc.) Regulations (Northern Ireland) 2022 (S.R. 2022/183), regs. 1(1), **4(ii)**
- F33** Sch. para 2B(3) inserted (1.8.2022) by The Further Education (Student Support) (Eligibility) (Amendment etc.) Regulations (Northern Ireland) 2022 (S.R. 2022/183), regs. 1(1), **4(iii)**

#### Commencement Information

- I10** Sch. para. 2 in operation at 1.9.2012, see **reg. 1**



## Refugees and their family members **N.I.**

- 3.—(1) A person—
- (a) who is a refugee; and
  - (b) who is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since he was recognised as a refugee.
- (2) A person—
- (a) who is the spouse or civil partner of a refugee;
  - (b) who was the spouse or civil partner of the refugee on the date on which the refugee made his application for asylum; and
  - (c) who is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since he was given leave to enter or remain in the United Kingdom.
- (3) A person—
- (a) who is the child of a refugee or the child of the spouse or civil partner of a refugee;
  - (b) who, on the date on which the refugee made his application for asylum, was the child of the refugee or the child of a person who was the spouse or civil partner of the refugee on that date;
  - (c) who was under 18 on the date on which the refugee made his application for asylum; and
  - (d) who is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since he was given leave to enter or remain in the United Kingdom.

### Commencement Information

**III** Sch. para. 3 in operation at 1.9.2012, see **reg. 1**

## <sup>F34</sup>Persons granted section 67 leave **N.I.**

- 3A. A person who—
- (a) has extant leave to remain as a person granted leave under paragraph 352ZG of the immigration rules, having been relocated to the United Kingdom pursuant to arrangements made by the Secretary of State under section 67 of the Immigration Act 2016, or a dependent child of such a person who has been granted “leave in line” under paragraph 352ZO of those rules; and
  - (b) is ordinarily resident in United Kingdom on the first day of the first academic year of the course.

### Textual Amendments

**F34** Sch. paras. 3A-3F inserted (1.8.2021) by *The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021* (S.R. 2021/202), regs. 1(1), 7

## Persons granted Calais leave **N.I.**

- 3B.—(1) A person who—
- (a) has extant leave to remain in the United Kingdom under paragraph 352J, 352K, 352L or 352T (Calais leave and “leave in line” granted by virtue of being a dependent child of a

**Changes to legislation:** There are currently no known outstanding effects for the The Further Education (Student Support) (Eligibility) Regulations (Northern Ireland) 2012. (See end of Document for details)

person granted Calais leave) of the immigration rules, as defined in section 33(1) of the Immigration Act 1971;

- (b) has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave; and
- (c) is ordinarily resident in United Kingdom on the first day of the first academic year of the course.

#### Textual Amendments

**F34** Sch. paras. 3A-3F inserted (1.8.2021) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021 (S.R. 2021/202), regs. 1(1), 7

### Persons granted humanitarian protection and their family members **N.I.**

3C.—(1) A person granted humanitarian protection who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.

- (2) A person who—
  - (a) is the spouse or civil partner of a person granted humanitarian protection;
  - (b) was the spouse or civil partner of the person granted humanitarian protection on the date on which that person applied for asylum (the “asylum application date”);
  - (c) who is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and
  - (d) who is ordinarily resident in United Kingdom on the first day of the first academic year of the course.
- (3) A person who—
  - (a) is the child of a person granted humanitarian protection or the child of the spouse or civil partner of a person granted humanitarian protection;
  - (b) on the asylum application date, was the child of that person or the child of a person who was the spouse or civil partner of the person granted humanitarian protection on that date;
  - (c) was under 18 years of age on the asylum application date;
  - (d) who is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and
  - (e) who is ordinarily resident in Northern Ireland on the first day of the first academic year of the course.

#### Textual Amendments

**F34** Sch. paras. 3A-3F inserted (1.8.2021) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021 (S.R. 2021/202), regs. 1(1), 7

### Persons granted indefinite leave to remain as a bereaved partner **N.I.**

3D. A person granted indefinite leave to remain as a bereaved partner, who is ordinarily resident in Northern Ireland on the first day of the first academic year of the course.

#### Textual Amendments

**F34** Sch. paras. 3A-3F inserted (1.8.2021) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021 (S.R. 2021/202), regs. 1(1), 7

### Persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse **N.I.**

3E. A person granted indefinite leave to remain as a victim of domestic violence or domestic abuse, who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.

#### Textual Amendments

**F34** Sch. paras. 3A-3F inserted (1.8.2021) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021 (S.R. 2021/202), regs. 1(1), 7

### Persons granted stateless leave and their family members **N.I.**

3F.—(1) A person granted stateless leave who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.

(2) A person—

(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 the person granted stateless leave; and

(b) who is ordinarily resident in the United Kingdom on 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 the person granted stateless leave or the child of a person who, on the leave application date, was the spouse or civil partner of the person granted stateless leave;

(b) who was under 18 years of age on the leave application date; and

(c) who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.

(4) In this paragraph, “leave application date” means the date on which the 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).]

#### Textual Amendments

**F34** Sch. paras. 3A-3F inserted (1.8.2021) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021 (S.R. 2021/202), regs. 1(1), 7

**Changes to legislation:** There are currently no known outstanding effects for the *The Further Education (Student Support) (Eligibility) Regulations (Northern Ireland) 2012*. (See end of Document for details)

### [<sup>F35</sup>Persons granted leave under one of the Afghan Schemes] **N.I.**

3G. A person granted leave under one of the Afghan Schemes who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.]

#### Textual Amendments

**F35** Sch. para. 3G inserted (1.8.2022) by [The Further Education \(Student Support\) \(Eligibility\) \(Amendment etc.\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/183\)](#), regs. 1(1), 7

### [<sup>F36</sup>Evacuated or assisted British nationals from Afghanistan] **N.I.**

3H. An evacuated or assisted British national from Afghanistan who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.]

#### Textual Amendments

**F36** Sch. para. 3H inserted (1.8.2022) by [The Further Education \(Student Support\) \(Eligibility\) \(Amendment etc.\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/183\)](#), regs. 1(1), 9

### [<sup>F37</sup>Persons granted leave under one of the Ukraine Schemes] **N.I.**

3I. A person granted leave under one of the Ukraine Schemes, who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.]

#### Textual Amendments

**F37** Sch. para. 3I inserted (1.8.2022) by [The Further Education \(Student Support\) \(Eligibility\) \(Amendment etc.\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/183\)](#), regs. 1(1), 11

### [<sup>F38</sup>Persons with leave to enter or remain on the grounds of discretionary leave and their family members] **N.I.**

[<sup>F39</sup>4.—(1) A person granted leave to enter or remain on the grounds of discretionary leave who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.

(2) A person—

- (a) who is the spouse or civil partner of a person with leave to enter or remain on the grounds of discretionary leave;
- (b) who was the spouse or civil partner of the person with leave to enter or remain on the grounds of discretionary leave on the leave application date;
- (c) who is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and
- (d) who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.

(3) A person—

- (a) who is the child of a person with leave to enter or remain on the grounds of discretionary leave or the child of the spouse or civil partner of a person with leave to enter or remain on the grounds of discretionary leave,

**Changes to legislation:** There are currently no known outstanding effects for the The Further Education (Student Support) (Eligibility) Regulations (Northern Ireland) 2012. (See end of Document for details)

- (b) who, on the leave application date, was under 18 and was the child of the person with leave to enter or remain on the grounds of discretionary leave or the child of a person who was the spouse or civil partner of the person with leave to enter or remain on the grounds of discretionary leave on that date;
  - (c) who is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and
  - (d) who is ordinarily resident in Northern Ireland on the first day of the first academic year of the course.
- (4) In this paragraph, “leave application date” means the date on which the person with leave to enter or remain on the grounds of discretionary leave made the application that led to that person being granted leave to enter or remain on the grounds of discretionary leave in the United Kingdom.]

#### Textual Amendments

**F38** Words in Sch. para. 4 heading substituted (1.8.2021) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021 (S.R. 2021/202), regs. 1(1), **8(1)**

**F39** Sch. para. 4 substituted (1.8.2021) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021 (S.R. 2021/202), regs. 1(1), **8(2)**

#### Commencement Information

**I12** Sch. para. 4 in operation at 1.9.2012, see **reg. 1**

### Workers, employed persons, self-employed persons and their family members **N.I.**

5. A person who—
- (a) is—
    - (i) an EEA migrant worker or an EEA self-employed person;
    - (ii) a Swiss employed person or a Swiss self-employed person;
    - (iii) an EEA frontier worker or an EEA frontier self-employed person;
    - (iv) a Swiss frontier employed person or a Swiss frontier self-employed person; or
    - (v) a family member of a person mentioned in paragraphs (i) to (iv); and
  - (b) has been ordinarily resident in the territory comprising [<sup>F40</sup>the United Kingdom, Gibraltar,] the European Economic Area and Switzerland throughout the three-year period preceding the first day of the course.

#### Textual Amendments

**F40** Words in Sch. para. 5(b) inserted (31.12.2020) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/296), regs. 1(3), **3(3)(a)**

#### Commencement Information

**I13** Sch. para. 5 in operation at 1.9.2012, see **reg. 1**

[<sup>F41</sup>5A.—(1) A person with protected rights, or a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020, who—

- (a) is—

**Changes to legislation:** There are currently no known outstanding effects for the *The Further Education (Student Support) (Eligibility) Regulations (Northern Ireland) 2012*. (See end of Document for details)

- (i) an EEA migrant worker or an EEA self-employed person;
  - (ii) a Swiss employed person or a Swiss self-employed person;
  - (iii) a family member of a person mentioned in sub-paragraph (i) or (ii);
  - (iv) an EEA frontier worker or an EEA frontier self-employed person;
  - (v) a Swiss frontier employed person or a Swiss frontier self-employed person; or
  - (vi) a family member of a person mentioned in sub-paragraph (iv) or (v);
- (b) subject to sub-paragraph (2), is ordinarily resident in Northern Ireland on the first day of the first academic year of the course; and
- (c) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course.

(2) Paragraph (b) of sub-paragraph (1) does not apply where the person applying for support falls within paragraph (a)(iv), (v) or (vi) of sub-paragraph (1).

(3) In this paragraph, a description of a person in sub-paragraph(1)(a)(i) is to be read as if it includes a relevant person of Northern Ireland who would, if that person were an EEA national or solely an EEA national, be an EEA migrant worker or an EEA self-employed person.

(4) For the purposes of sub-paragraph (1)(a)(iii) or (vi), an Irish citizen family member is not required to be living in the United Kingdom on IP completion day.

#### Textual Amendments

**F41** Sch. paras. 5A-5F inserted (1.8.2021) by [The Further Education \(Student Support\) \(Eligibility\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/202\)](#), regs. 1(1), **9**

5B.—(1) A person who—

- (a) is—
  - (i) an Irish citizen migrant worker or an Irish citizen self-employed person;
  - (ii) a family member of a person mentioned in sub-paragraph (i);
  - (iii) an Irish citizen frontier worker or an Irish citizen frontier self-employed person; or
  - (iv) a family member of a person mentioned in sub-paragraph (iii);
- (b) subject to sub-paragraph (2), is ordinarily resident in Northern Ireland on the first day of the first academic year of the course; and
- (c) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course.

(2) Paragraph (b) of sub-paragraph (1) does not apply where the person applying for support falls within paragraph (a)(iii) or (iv) of sub-paragraph (1).

#### Textual Amendments

**F41** Sch. paras. 5A-5F inserted (1.8.2021) by [The Further Education \(Student Support\) \(Eligibility\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/202\)](#), regs. 1(1), **9**

5C. A person who—

**Changes to legislation:** There are currently no known outstanding effects for the The Further Education (Student Support) (Eligibility) Regulations (Northern Ireland) 2012. (See end of Document for details)

- (a) is ordinarily resident in Northern Ireland on the first day of the first academic year of the course;
- (b) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and
- (c) is entitled to support by virtue of Article 12 of [Council Regulation \(EEC\) No. 1612/68](#) on the freedom of movement of workers(3), as extended by the EEA Agreement.

#### Textual Amendments

**F41** Sch. paras. 5A-5F inserted (1.8.2021) by [The Further Education \(Student Support\) \(Eligibility\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/202\)](#), regs. 1(1), **9**

5D.—(1) A person with protected rights who—

- (a) is ordinarily resident in the Northern Ireland on the first day of the first academic year of the course;
- (b) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and
- (c) is entitled to support by virtue of Article 10 of [Regulation \(EU\) No. 492/2011](#) of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union (“the Workers Regulation”), as it had effect immediately before IP completion day, as extended by the EEA Agreement, as it had effect immediately before IP completion day.

(2) For the purposes of sub-paragraph (1)(c), in Article 10 of the Workers Regulation—

- (a) the reference to a “national of a Member State” is to be read as including a relevant person of Northern Ireland; and
- (b) the reference to “another Member State” is to be read as including the United Kingdom, and the references to “that State” construed accordingly.

#### Textual Amendments

**F41** Sch. paras. 5A-5F inserted (1.8.2021) by [The Further Education \(Student Support\) \(Eligibility\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/202\)](#), regs. 1(1), **9**

#### Textual Amendments

**F40** Words in Sch. para. 5(b) inserted (31.12.2020) by [The Further Education \(Student Support\) \(Eligibility\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/296\)](#), regs. 1(3), **3(3)(a)**

**F41** Sch. paras. 5A-5F inserted (1.8.2021) by [The Further Education \(Student Support\) \(Eligibility\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/202\)](#), regs. 1(1), **9**

#### Commencement Information

**I13** Sch. para. 5 in operation at 1.9.2012, see [reg. 1](#)

**Persons who are settled in the United Kingdom and have exercised a right of residence elsewhere N.I.**

5E.—(1) A person who—

- (a) is settled in the United Kingdom;
- (b) was ordinarily resident in Northern Ireland and settled in the United Kingdom immediately before leaving the United Kingdom and who has exercised a right of residence before IP completion day;
- (c) is ordinarily resident in the United Kingdom on the day on which the first term of the first academic year actually begins;
- (d) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and
- (e) in a case where the person's ordinary residence referred to in paragraph (d) was wholly or mainly for the purposes of receiving full-time education, was ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (d).

(2) For the purposes of this paragraph, a person has exercised a right of residence if that person is a United Kingdom national, a family member of a United Kingdom national for the purposes of Article 7 of Directive 2004/38 (or corresponding purposes under the EEA Agreement or Swiss Agreement) or a person who had a right of permanent residence who in each case has exercised a right under Article 7 of Directive 2004/38 or any equivalent right under the EEA Agreement or Swiss Agreement in a state other than the United Kingdom or, in the case of a person who is settled in the United Kingdom and had a right of permanent residence, if the person has gone to the state within the territory comprising the European Economic Area and Switzerland of which the person is a national or of which the person in relation to whom the person is a family member is a national.

(3) For the purposes of sub-paragraph (2), a person had the right of permanent residence if they had a right which arose under Directive 2004/38 to reside permanently in the United Kingdom without restriction.

**Textual Amendments**

**F41** Sch. paras. 5A-5F inserted (1.8.2021) by [The Further Education \(Student Support\) \(Eligibility\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/202\)](#), regs. 1(1), **9**

5F.—(1) A person who—

- (a) is settled in the United Kingdom;
- (b) was ordinarily resident in Northern Ireland and settled in the United Kingdom immediately before leaving the United Kingdom and who has exercised a right of residence before IP completion day;
- (c) was ordinarily resident immediately before IP completion day—
  - (i) in the territory comprising Gibraltar, the European Economic Area and Switzerland; or
  - (i) in the United Kingdom, where that ordinary residence began after 31st December 2017 immediately following a period of ordinary residence in the territory comprising the United Kingdom, Gibraltar, European Economic Area and Switzerland,



**Changes to legislation:** There are currently no known outstanding effects for the The Further Education (Student Support) (Eligibility) Regulations (Northern Ireland) 2012. (See end of Document for details)

and has remained ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the period beginning on IP completion day and ending immediately before the first day of the first academic year of the course;

- (d) is ordinarily resident in the United Kingdom on the day on which the first term of the first academic year actually begins;
- (e) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and
- (f) in a case where the person's ordinary residence referred to in paragraph (e) was wholly or mainly for the purposes of receiving full-time education, was ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (e).

(2) For the purposes of this paragraph, a person has exercised a right of residence if that person is a United Kingdom national, a family member of a United Kingdom national for the purposes of Article 7 of Directive 2004/38 (or corresponding purposes under the EEA Agreement or Swiss Agreement) or a person who had the right of permanent residence who in each case has exercised a right under Article 7 of Directive 2004/38 or any equivalent right under the EEA Agreement or Swiss Agreement in a state other than the United Kingdom or, in the case of a person who is settled in the United Kingdom and had the right of permanent residence, if the person has gone to the state within the territory comprising the European Economic Area and Switzerland of which the person is a national or of which the person in relation to whom the person is a family member is a national.

(3) For the purposes of sub-paragraph (2), a person had the right of permanent residence if they had a right which arose under Directive 2004/38 to reside permanently in the United Kingdom without restriction.]

#### Textual Amendments

**F41** Sch. paras. 5A-5F inserted (1.8.2021) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021 (S.R. 2021/202), regs. 1(1), 9

#### Textual Amendments

**F41** Sch. paras. 5A-5F inserted (1.8.2021) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021 (S.R. 2021/202), regs. 1(1), 9

### EU nationals **N.I.**

[<sup>F42</sup>6.—(1) A person who—

- (a) is either—
  - (i) an EU national on the first day of an academic year of the course; or
  - (ii) a family member of a such a person;
- (b) is attending or undertaking a designated course in Northern Ireland;
- (c) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and

**Changes to legislation:** There are currently no known outstanding effects for the The Further Education (Student Support) (Eligibility) Regulations (Northern Ireland) 2012. (See end of Document for details)

(d) subject to sub-paragraph (2), whose ordinary residence in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the relevant territory in accordance with paragraph 1(3).

(3) Any description of person who would have fallen within this paragraph immediately before IP completion day is to be treated as falling within this paragraph on and after IP completion day.]

#### Textual Amendments

**F42** Sch. para. 6 substituted (1.8.2021) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021 (S.R. 2021/202), regs. 1(1), **10(1)**

#### Commencement Information

**I14** Sch. para. 6 in operation at 1.9.2012, see **reg. 1**

[<sup>F43</sup>6A.—(1) A person with protected rights—

(a) who is—

(i) an EU national on the first day of the first academic year of the course;

(ii) a family member of a person mentioned in sub-paragraph (i); or

(iii) a family member of a relevant person of Northern Ireland;

(b) who is undertaking the course in Northern Ireland;

(c) who has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and

(d) subject to sub-paragraph (2), whose ordinary residence in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland in accordance with paragraph 1(3).

#### Textual Amendments

**F43** Sch. paras. 6A-6F inserted (1.8.2021) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021 (S.R. 2021/202), regs. 1(1), **10(2)**

#### Textual Amendments

**F42** Sch. para. 6 substituted (1.8.2021) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021 (S.R. 2021/202), regs. 1(1), **10(1)**

**F43** Sch. paras. 6A-6F inserted (1.8.2021) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021 (S.R. 2021/202), regs. 1(1), **10(2)**

### Commencement Information

**I14** Sch. para. 6 in operation at 1.9.2012, see [reg. 1](#)

### United Kingdom nationals **N.I.**

6B.—(1) A person—

(a) who is—

- (i) a United Kingdom national on the first day of an academic year of the course; or
- (ii) a family member of a person mentioned in sub-paragraph (i);

(b) who was ordinarily resident immediately before IP completion day—

- (i) in the territory comprising the European Economic Area and Switzerland; or
- (ii) in the United Kingdom, where that ordinary residence began after 31st December 2017 immediately following a period of ordinary residence in the territory comprising the European Economic Area and Switzerland,

and has remained ordinarily resident in the territory comprising the United Kingdom, the European Economic Area and Switzerland (the relevant territory) throughout the period beginning on IP completion day and ending immediately before the first day of the first academic year of the course;

(c) who is attending or undertaking a designated course in Northern Ireland;

(d) has been ordinarily resident in the relevant territory throughout the three-year period preceding the first day of the first academic year of the course; and

(e) subject to sub-paragraph (2), whose ordinary residence in the relevant territory has not during any part of the period referred to in paragraph (d) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (e) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the relevant territory in accordance with paragraph 1(3).

(3) Where a person (“P”) falls within sub-paragraph (1)(a)(ii), the person in relation to whom P is a family member must also meet the requirements of sub-paragraph (1)(b) and (d).

### Textual Amendments

**F43** Sch. paras. 6A-6F inserted (1.8.2021) by [The Further Education \(Student Support\) \(Eligibility\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/202\)](#), regs. 1(1), **10(2)**

6C.—(1) A person—

(a) who is a family member of a person who is a United Kingdom national on the first day of the first academic year of the course;

(b) who is attending or undertaking a designated course in Northern Ireland;

(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; <sup>F44</sup>...

(d) subject to sub-paragraph (2), whose ordinary residence in the United Kingdom and Islands has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education <sup>F45</sup>... [<sup>F46</sup>; and]

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the United Kingdom and Islands in accordance with paragraph 1(3).

**Changes to legislation:** There are currently no known outstanding effects for the The Further Education (Student Support) (Eligibility) Regulations (Northern Ireland) 2012. (See end of Document for details)

#### Textual Amendments

- F43** Sch. paras. 6A-6F inserted (1.8.2021) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021 (S.R. 2021/202), regs. 1(1), **10(2)**
- F44** Word in Sch. para 6C(1)(c) omitted (1.8.2022) by virtue of The Further Education (Student Support) (Eligibility) (Amendment etc.) Regulations (Northern Ireland) 2022 (S.R. 2022/183), regs. 1(1), **5(i)**
- F45** Full stop in Sch. para 6C(1)(d) omitted (1.8.2022) by virtue of The Further Education (Student Support) (Eligibility) (Amendment etc.) Regulations (Northern Ireland) 2022 (S.R. 2022/183), regs. 1(1), **5(ii)**
- F46** Words in Sch. para 6C(1)(d) inserted (1.8.2022) by The Further Education (Student Support) (Eligibility) (Amendment etc.) Regulations (Northern Ireland) 2022 (S.R. 2022/183), regs. 1(1), **5(ii)**

#### Textual Amendments

- F43** Sch. paras. 6A-6F inserted (1.8.2021) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021 (S.R. 2021/202), regs. 1(1), **10(2)**
- F44** Word in Sch. para 6C(1)(c) omitted (1.8.2022) by virtue of The Further Education (Student Support) (Eligibility) (Amendment etc.) Regulations (Northern Ireland) 2022 (S.R. 2022/183), regs. 1(1), **5(i)**
- F45** Full stop in Sch. para 6C(1)(d) omitted (1.8.2022) by virtue of The Further Education (Student Support) (Eligibility) (Amendment etc.) Regulations (Northern Ireland) 2022 (S.R. 2022/183), regs. 1(1), **5(ii)**
- F46** Words in Sch. para 6C(1)(d) inserted (1.8.2022) by The Further Education (Student Support) (Eligibility) (Amendment etc.) Regulations (Northern Ireland) 2022 (S.R. 2022/183), regs. 1(1), **5(ii)**

#### Persons resident in Gibraltar **N.I.**

6D.—(1) A person—

- (a) who is—
- (i) a United Kingdom national who has resident status in Gibraltar granted by the Government of Gibraltar;
  - (ii) a family member of a United Kingdom national, where that family member has resident status in Gibraltar granted by the Government of Gibraltar;
  - (iii) an EU national who has a right of residence in Gibraltar arising under the EU withdrawal agreement; or
  - (iv) a family member of an EU national, where that family member has a right of residence in Gibraltar arising under the EU withdrawal agreement;
- (b) who is attending or undertaking a designated course in Northern Ireland;
- (c) who has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland (the relevant territory) throughout the three-year period preceding the first day of the first academic year of the course; and
- (d) subject to sub-paragraph (2), whose ordinary residence in the relevant territory has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the relevant territory in accordance with paragraph 1(3).

**Changes to legislation:** There are currently no known outstanding effects for the The Further Education (Student Support) (Eligibility) Regulations (Northern Ireland) 2012. (See end of Document for details)

**Textual Amendments**

**F43** Sch. paras. 6A-6F inserted (1.8.2021) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021 (S.R. 2021/202), regs. 1(1), **10(2)**

**EU nationals ordinarily resident in the United Kingdom and Islands** **N.I.**

6E.—(1) A person who—

- (a) is an EU national on the first day of the first academic year of the course;
- (b) is ordinarily resident in Northern Ireland on the first day of the first academic year of the course;
- (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the first day of the first academic year of the course; and
- (d) in a case where his ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland immediately prior to the period of ordinary residence referred to in paragraph (c).

**Textual Amendments**

**F43** Sch. paras. 6A-6F inserted (1.8.2021) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021 (S.R. 2021/202), regs. 1(1), **10(2)**

6F.—(1) A person with protected rights who—

- (a) is an EU national on the first day of the first academic year of the course;
- (b) is ordinarily resident in Northern Ireland on the first day of the first academic year of the course;
- (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the first day of the first academic year of the course; and
- (d) in a case where the person's ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland immediately prior to the period of ordinary residence referred to in paragraph (c).

(2) For the purposes of this paragraph, an Irish citizen is not required to be living in the United Kingdom on IP completion day.]

**Textual Amendments**

**F43** Sch. paras. 6A-6F inserted (1.8.2021) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021 (S.R. 2021/202), regs. 1(1), **10(2)**

**Textual Amendments**

**F43** Sch. paras. 6A-6F inserted (1.8.2021) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021 (S.R. 2021/202), regs. 1(1), **10(2)**

**Changes to legislation:** There are currently no known outstanding effects for the *The Further Education (Student Support) (Eligibility) Regulations (Northern Ireland) 2012*. (See end of Document for details)

## Children of Swiss Nationals **N.I.**

[<sup>F47</sup>7.—(1) A person who—

- (a) is the child of a Swiss national who is entitled to support in the United Kingdom by virtue of article 3(6) of Annex 1 to the Swiss Agreement;
- (b) is ordinarily resident in the United Kingdom on the first day of the designated further education course;
- (c) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the three-year period preceding the first day of the designated further education course; and
- (d) in a case where the person’s ordinary residence referred to in sub-paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in sub-paragraph (c).

(2) Any person who would have been eligible under this paragraph immediately before IP completion day is to be treated as falling within this paragraph on and after IP completion day.]

### Textual Amendments

**F47** Sch. para. 7 substituted (31.12.2020) by [The Further Education \(Student Support\) \(Eligibility\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/296\)](#), regs. 1(3), **3(3)(c)**

### Commencement Information

**I15** Sch. para. 7 in operation at 1.9.2012, see [reg. 1](#)

[<sup>F48</sup>7A. A person with protected rights who—

- (a) is the child of a Swiss national who is entitled to support in the United Kingdom by virtue of Article 18(2) of the Swiss citizens’ rights agreement;
- (b) is ordinarily resident in Northern Ireland on the first day of the first academic year of the course;
- (c) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and
- (d) in a case where the person’s ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland immediately prior to the period of ordinary residence referred to in paragraph (c).]

### Textual Amendments

**F48** Sch. para. 7A inserted (1.8.2021) by [The Further Education \(Student Support\) \(Eligibility\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/202\)](#), regs. 1(1), **11**

**Changes to legislation:** There are currently no known outstanding effects for the The Further Education (Student Support) (Eligibility) Regulations (Northern Ireland) 2012. (See end of Document for details)

#### Textual Amendments

- F47** Sch. para. 7 substituted (31.12.2020) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/296), regs. 1(3), **3(3)(c)**
- F48** Sch. para. 7A inserted (1.8.2021) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021 (S.R. 2021/202), regs. 1(1), **11**

#### Commencement Information

- I15** Sch. para. 7 in operation at 1.9.2012, see **reg. 1**

### Children of Turkish Workers **N.I.**

8. A person who—
- (a) is the child of a Turkish worker; and
  - (b) has been ordinarily resident in the territory comprising [<sup>F49</sup>the United Kingdom, Gibraltar,] the European Economic Area, Switzerland and Turkey throughout the three-year period preceding the first day of the course.

#### Textual Amendments

- F49** Words in Sch. para. 8(b) inserted (31.12.2020) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/296), regs. 1(3), **3(3)(d)**

#### Commencement Information

- I16** Sch. para. 8 in operation at 1.9.2012, see **reg. 1**

- [<sup>F50</sup>9. A person who—
- (a) is the child of a Turkish worker (“T”), where T was ordinarily resident in the United Kingdom immediately before IP completion day;
  - (b) immediately before IP completion day—
    - (i) was the child of T; and
    - (ii) was ordinarily resident in the United Kingdom;
  - (c) is ordinarily resident in Northern Ireland on the first day of the first academic year of the course; and
  - (d) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland and Turkey throughout the three-year period preceding the first day of the first academic year of the course.

#### Textual Amendments

- F50** Sch. paras. 9, 10 inserted (1.8.2021) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2021 (S.R. 2021/202), regs. 1(1), **12**

#### Textual Amendments

- F49** Words in Sch. para. 8(b) inserted (31.12.2020) by The Further Education (Student Support) (Eligibility) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2020 (S.R. 2020/296), regs. 1(3), **3(3)(d)**

**Changes to legislation:** There are currently no known outstanding effects for the *The Further Education (Student Support) (Eligibility) Regulations (Northern Ireland) 2012*. (See end of Document for details)

**F50** Sch. paras. 9, 10 inserted (1.8.2021) by [The Further Education \(Student Support\) \(Eligibility\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/202\)](#), regs. 1(1), **12**

#### Commencement Information

**I16** Sch. para. 8 in operation at 1.9.2012, see [reg. 1](#)

#### Long Residence **N.I.**

10.—(1) A person—

- (a) who on the first day of the first academic year of the course is either—
  - (i) under the age of 18 and has lived in the United Kingdom throughout the seven-year period preceding the first day of the first academic year of the course; or
  - (ii) aged 18 years old or above and, preceding the first day of the first academic year of the course, has lived in the United Kingdom throughout either—
    - (aa) half their life; or
    - (bb) a period of twenty years;
- (b) is ordinarily resident in Northern Ireland on the first day of the first academic year of the course;
- (c) 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; and
- (d) subject to sub-paragraph (2), whose residence in the United Kingdom and Islands has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the United Kingdom and Islands in accordance with paragraph 1(3).]

#### Textual Amendments

**F50** Sch. paras. 9, 10 inserted (1.8.2021) by [The Further Education \(Student Support\) \(Eligibility\) \(Amendment etc.\) \(EU Exit\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/202\)](#), regs. 1(1), **12**

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations provide for financial support towards tuition fees to institutions of further education for students who are domiciled in the United Kingdom, in the European Union, or the European Economic Area, and are studying at Colleges of Further Education in Northern Ireland.

Regulation 4 and the Schedule describe eligible students.

Regulation 5 describes a designated course.

Regulation 6 provides that an institution is required to send to the Department such documentation as the Department may require in respect of an eligible student on a designated course.



**Changes to legislation:** *There are currently no known outstanding effects for the The Further Education (Student Support) (Eligibility) Regulations (Northern Ireland) 2012. (See end of Document for details)*

Regulation 7 provides for the payment of financial support to the institutions in respect of eligible students who are on designated courses. The amount of such support is to be such as the Department considers appropriate and payments may be made by instalments.

Regulation 8 revokes the Further Education (Student Support) (Eligibility) Regulations (Northern Ireland) 2011.

**Changes to legislation:**

There are currently no known outstanding effects for the The Further Education (Student Support) (Eligibility) Regulations (Northern Ireland) 2012.