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STATUTORY RULES OF NORTHERN IRELAND

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**2020 No. 295**

**The Education (Student Fees and Support) (Amendment etc.) (EU Exit) Regulations (Northern Ireland) 2020**

**Amendment of Schedule 2**

12. Schedule 2 (eligible students) is amended as follows.

(a) In Part 1 (interpretation), paragraph 1(1)—

(i) in sub-paragraph (1)—

(aa) omit “other than the United Kingdom” each time it occurs;

(bb) at the appropriate place, insert the following definitions—

““EEA EFTA separation agreement” has the meaning given by section 39(1) of the European Union (Withdrawal Agreement) Act 2020;

“residence scheme immigration rules” has the meaning given by section 17(1) of the European Union (Withdrawal Agreement) Act 2020;

“right of permanent residence”, unless otherwise indicated, means, in relation to a person (“A”), a right to reside in the United Kingdom permanently without restriction which arises under residence scheme immigration rules, but only where, had the facts pertaining to the determination of A’s right to reside fallen to be considered immediately before IP completion day, A would have acquired such right under Directive 2004/38 as it had effect immediately before IP completion day;

“Swiss citizens’ rights agreement” has the meaning given by section 39(1) of the European Union (Withdrawal Agreement) Act 2020;”.

(cc) in the definition of “Swiss frontier self-employed person”, omit “, other than the United Kingdom,”;

(ii) in sub-paragraphs (4) and (5), after “the territory comprising”, insert “the United Kingdom, Gibraltar,” each time it occurs;

(iii) in sub-paragraph (6), after “an area”, insert “other than the United Kingdom or Gibraltar”.

(b) In Part 2 (categories)—

(i) in paragraph 3 (persons who are settled in the United Kingdom)—

(aa) for sub-paragraph (a), substitute—

“(a) meets one of the following conditions—

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(1) Paragraph 1 was amended by [S.R. 2010/383](#). Section 33(2A) was inserted by para. 7 of Schedule 4 to the British Nationality Act 1981 (c.61). Cm.4904. S.Rs. 2012 Nos. 62 and 398 and Order 2011/1043

- (i) the person is settled in the United Kingdom by virtue of having acquired the right of permanent residence; or
  - (ii) the person falls within Article 18(2) or (3) of the EU withdrawal agreement, Article 17(2) or (3) of the EEA EFTA separation agreement, or Article 16(2) or (3) of the Swiss citizens' rights agreement, but only where that person would have acquired the right to reside permanently in the United Kingdom without restriction under Directive 2004/38 as it had effect immediately before IP completion day had the facts pertaining to that person's right to reside fallen to be considered immediately before IP completion day;"
- (bb) in sub-paragraph (d), after "the territory comprising", insert "the United Kingdom, Gibraltar,";
- (ii) in paragraph 6(1)(c) (workers, employed persons, self-employed persons and their family members), after "the territory comprising", insert "the United Kingdom, Gibraltar,";
- (iii) in paragraph 7 (workers, employed persons, self-employed persons and their family members)—
  - (aa) sub-paragraphs (a), (b) and (c) are renumbered as sub-paragraph (1)(a), (b) and (c);
  - (bb) in sub-paragraph (1)(b) as so renumbered, after "the territory comprising", insert "the United Kingdom, Gibraltar,";
  - (cc) after sub-paragraph (1)(c) as so renumbered, insert—
    - "(2) Any description of person who would have been eligible under this paragraph immediately before IP completion day is to be eligible on and after IP completion day.";
- (iv) in paragraph 8 (persons who are settled in the United Kingdom and have exercised a right of residence elsewhere)—
  - (aa) in sub-paragraph (1)(b), after "right of residence", insert "before IP completion day";
  - (bb) in sub-paragraph (1)(d) and (e), after "the territory comprising", insert "the United Kingdom, Gibraltar,";
  - (cc) in sub-paragraph (2)—
    - (i) for "has a right", substitute "had the right" each time it occurs;
    - (ii) for "goes", substitute "has gone";
  - (dd) after sub-paragraph (2), insert—
    - "(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.";
- (v) in paragraph 9(2) (EC nationals)—
  - (aa) in sub-paragraphs (1)(c) and (d) and (2), after "the territory comprising", insert "the United Kingdom, Gibraltar,";
  - (bb) after sub-paragraph (3), insert—

- “(4) Any description of person who would have been eligible under this paragraph immediately before IP completion day is to be eligible on and after IP completion day.”;
- (vi) in paragraph 10 (EC nationals)—
- (aa) in sub-paragraphs (1)(a) and (2)(3), omit “other than a United Kingdom national”;
- (bb) in sub-paragraph (1)(d), after “the territory comprising”, insert “the United Kingdom, Gibraltar.”;
- (vii) in paragraph 11 (children of Swiss nationals)—
- (aa) sub-paragraphs (a), (b), (c) and (d) are renumbered as sub-paragraph (1)(a), (b), (c) and (d);
- (bb) in sub-paragraph (1)(c) and (d) as so renumbered, after “the territory comprising”, insert “the United Kingdom, Gibraltar.”;
- (cc) after sub-paragraph (1)(d) as so renumbered, insert—
- “(2) Any description of person who would have been eligible under this paragraph immediately before IP completion day is to be eligible on and after IP completion day.”;
- (viii) in paragraph 12(c) (children of Turkish workers), after “the territory comprising”, insert “the United Kingdom, Gibraltar.”.