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STATUTORY RULES OF NORTHERN IRELAND

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**2021 No. 50**

**The Education (Student Support, etc.)  
(Amendment) Regulations (Northern Ireland) 2021**

**Amendments relating to Persons granted humanitarian protection and their family members**

**10.** The 2009 Regulations are amended as follows—

- (a) in regulation 2(1) (interpretation), after the definition of “person granted Calais leave” (as inserted by these regulations) insert—

““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; and
- (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)(1); and
- (c) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave to remain;”;

- (b) in regulation 5 (eligible students), after paragraph (11B) (as inserted by these regulations) insert—

“(11C) Where—

- (a) the Department determined that, by virtue of being a person granted humanitarian protection or the spouse, civil partner, child or step-child of such a person, a person (“A”) was—

(i) an eligible student in connection with an application for support for an earlier year of the current course, an application for support for a course in relation to which the current course is an end-on course or an application for support in connection with a designated part-time course, designated distance learning course or other designated course from which A’s status as an eligible student, eligible part-time student or eligible distance learning student has been transferred to the current course; or

(ii) a qualifying student in connection with an application for support for an earlier year of the qualifying course or other qualifying course from which A’s status as a qualifying student has been transferred to the qualifying course in respect of which the student is applying for support; and

- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted humanitarian protection is allowed to stay in the United Kingdom has expired and no further leave

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(1) section 104 was amended by the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c.19), section 26 and Schedule 2 and the Immigration, Asylum and Nationality Act 2006 (c.13), section 9

to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),

A's status as an eligible or qualifying student terminates immediately before the first day of the academic year in respect of which A is applying for support.”;

- (c) in regulation 18 (events) in sub-paragraph (b) after “refugee” insert “or becomes a person granted humanitarian protection”;
- (d) in regulation 74(2) (students becoming eligible in the course of an academic year) in sub-paragraph (b) after “refugee” insert “or becomes a person granted humanitarian protection”;
- (e) in regulation 83(2) (students becoming eligible in the course of an academic year) in sub-paragraph (a) after “refugee” insert “or becomes a person granted humanitarian protection”;
- (f) in regulation 105 (eligible distance learning students)—

(i) after paragraph 11B (as inserted by these regulations) insert—

“(11C) Where—

- (a) the Department determined that, by virtue of being a person granted humanitarian protection or the spouse, civil partner, child or step-child of such a person, a person (“A”) was an eligible distance learning student in connection with an application for support for an earlier year of the current course, or an application for support in connection with a designated course, designated part-time course, or other designated distance learning course from which A's status as an eligible part-time student, designated distance learning student or eligible student has been transferred to the current course; and
- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted humanitarian protection is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),

A's status as an eligible or qualifying student terminates immediately before the first day of the academic year in respect of which A is applying for support.”;

- (g) in regulation 106(4) (students becoming eligible in the course of an academic year) in sub-paragraph (b) after “refugee” insert “or becomes a person granted humanitarian protection”
- (h) in regulation 122 (eligible part-time students)—

(i) after paragraph 10B (as inserted by these regulations), insert

“(10C) Where—

- (a) the Department determined that, by virtue of being a person granted humanitarian protection or the spouse, civil partner, child or step-child of such a person, a person (“A”) was an eligible part-time student in connection with—
  - (i) an application for support for an earlier year of the current part-time course; or
  - (ii) an application for support in connection with a designated course, designated distance learning course or other designated part-time course from which A's status as an eligible student, eligible part-time

student or eligible distance learning student has been transferred to the current course; and

- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted humanitarian protection is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),

A's status as an eligible student terminates immediately before the first day of the academic year in respect of which A is applying for support.”;

- (i) in regulation 123(3) (students becoming eligible in the course of an academic year) in sub-paragraph (b) after “refugee” insert “or becomes a person granted humanitarian protection”;

- (j) in regulation 139 (eligible postgraduate students)—

- (i) after paragraph 12B (as inserted by these regulations), insert —

“(12C) Where—

- (a) the Department determined that, by virtue of being a person granted humanitarian protection or the spouse, civil partner, child or step-child of such a person, a person (“A”) was an eligible postgraduate student in connection with—

- (i) an application for support for an earlier year of the current postgraduate course; or

- (ii) an application for support in connection with another designated postgraduate course from which A's status as an eligible postgraduate student has been transferred to the current postgraduate course; and

- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted humanitarian protection is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),

A's status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which A is applying for support.”;

- (k) in regulation 140(2)(2) (students becoming eligible in the course of an academic year) in sub-paragraph (b) after “refugee” insert “or becomes a person granted humanitarian protection”;

- (l) in regulation 149(3) (eligible master's, etc. students)

- (i) after paragraph 11B (as inserted by these regulations) insert—

“(11C) Where—

- (a) the Department determined that, by virtue of being a person granted humanitarian protection or the spouse, civil partner, child or step-child of such a person, a person (“A”) was an eligible Master's, etc. student in connection with—

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(2) Regulation 140 was amended by [S.R. 2019 No. 35](#)

(3) Regulation 149 was amended by [S.R.s 2017 No. 43](#), [2018 No. 35](#), [2020 No. 79](#)

- (i) an application for support for an earlier year of the current Master’s, etc. course; or
- (ii) an application for support in connection with another designated Master’s, etc. course from which A’s status as an eligible Master’s, etc. student has been transferred to the current Master’s, etc. course; and
- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted humanitarian protection is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),  
A’s status as an eligible Master’s, etc. student terminates immediately before the first day of the academic year in respect of which A is applying for support.”;
- (m) in regulation 151 (events) in sub-paragraph (b) after “refugee” insert “or becomes a person granted humanitarian protection”;
- (n) in Part 2 (categories) of Schedule 2 (eligible students), after paragraph 4B (as inserted by these regulations), insert—

**“Persons granted humanitarian protection and their family members**

**4C. —**

- (1) A person granted humanitarian protection who is ordinarily resident in Northern Ireland 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 Northern Ireland 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.”

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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