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STATUTORY RULES OF NORTHERN IRELAND

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**2022 No. 201**

**The Education (Student Support, etc.) (Amendment)  
(No.2) Regulations (Northern Ireland) 2022**

**PART 2**

**CHAPTER 1**

**Evacuated or assisted British nationals from Afghanistan**

**Amendments to the 2009 Regulations**

3. In regulation 5(2)(a)(1) (eligible students), for “and 14” substitute “, 14, 15 and 16”.
4. In regulation 105(2)(a)(2) (eligible distance learning students), for “and 14” substitute “, 14, 15 and 16”.
5. In regulation 122(2)(a)(3) (eligible part-time students), for “and 14” substitute “, 14, 15 and 16”.
6. In regulation 139(3)(a)(i)(4) (eligible postgraduate students), for “and 14” substitute “, 14, 15 and 16”.
7. In regulation 149 (2)(a)(5) (eligible master’s, etc. students), for “and 14” substitute “, 14, 15 and 16”.
8. In Schedule 2 (eligible students)—
  - (a) in paragraph 1(1), after the definition of “European Economic Area”, insert—

““evacuated or assisted British national from Afghanistan” means a person—

    - (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

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(1) Regulation 5 was amended by [S.S.I. 2007/503](#), S.R.s 2010 No. 383, 2013 No. 128, 2017 No. 7, 2019 No. 35 and 2021 Nos. 50 and 85.

(2) Regulation 105 was amended by [S.S.I. 2007/503](#), S.R.s 2010 No. 383, 2013 No. 128, 2021 Nos. 50 and 85 and 2022 No 75.

(3) Regulation 122 was amended by S.R.s 2010 No. 383, 2017 No. 7, 2019 No. 35, 2021 Nos. 50 and 85 and 2022 No 75.

(4) Regulation 139 was amended by S.R.s 2013 No. 223, 2017 No. 7, 2019 Nos. 35 and 102, 2021 Nos. 50 and 85 and 2022 No. 75.

(5) Regulation 149 was amended by S.R.s 2017 No. 7, 2018 No. 35, 2020 No. 79, 2021 Nos. 50 and 85 and 2022 No 75.

- (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;”;
- (b) after paragraph 14(6), insert—

**“Evacuated or assisted British nationals from Afghanistan**

**15.** An evacuated or assisted British national from Afghanistan who is ordinarily resident in Northern Ireland on the first day of the first academic year of the course.”.

**Amendments to the 2007 Regulations**

**9.** In regulation 5 (prescribed description of a qualifying person)—

- (a) in paragraph (1)(c)(7), after “4G,” insert “4H,”;
- (b) in paragraph (1A)(a)(8), after “4G,” insert “4H,”;

**10.** In the Schedule—

- (a) in paragraph 1(1), after the definition of “European Economic Area”, insert—

““evacuated or assisted British national from Afghanistan” means a person—

- (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;”;

- (b) after paragraph 4G(9), insert—

**“Evacuated or assisted British nationals from Afghanistan**

**4H.** 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.”.

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(6) Paragraph 14 was inserted by [S.R. 2022 No 75](#).

(7) Regulation 5 was amended by [S.R.s 2011 No. 376](#), [2021 No. 85](#) and [2022 No 75](#).

(8) Regulation 5(1A) was inserted by [S.R. 2021 No. 85](#) and amended by [S.R. 2022 No. 75](#).

(9) Paragraph 4G was inserted by [S.R. 2022 No.75](#).

## CHAPTER 2

### Persons from Ukraine

#### Amendments to the 2009 Regulations

**11.** In regulation 2(1) (interpretation),

- (a) after the definition of “person granted leave under one of the Afghan Schemes”(10), insert—

““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;”;

- (b) after the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”(11), insert—

““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—
- (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

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(10) Definition inserted by [S.R. 2022 No. 75](#).

(11) Definition inserted by [S.R. 2022 No. 75](#).

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

**12.** In regulation 5(12) (eligible students)—

- (a) after paragraph (11E), insert—

“(11F) Where—

- (a) the Department determined that, by virtue of being a person granted leave under one of the Ukraine Schemes, 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 leave under one of the Ukraine Schemes is allowed to stay in the United Kingdom has expired and no further leave to enter or remain has been granted,

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.”

**13.** In regulation 18(13) (events)—

- (a) in paragraph (m) omit the terminal “or”;
- (b) in paragraph (n) for “.” substitute “; or”;
- (c) after paragraph (n) insert—

“(o) the student becomes a person granted leave under one of the Ukraine Schemes.”

**14.** In regulation 39(7)(14) (general qualifying conditions for grants for living and other costs) for “or (n)” substitute “, (n) or (o)”;

**15.** In regulation 42(6)(15) (amount of the disabled students’ allowance) for “or (n)” substitute “, (n) or (o)”;

**16.** In regulation 46(11)(16) (childcare grant) for “or (n)” substitute “, (n) or (o)”;

**17.** In regulation 50A(2)(grants for travel – general) (17) for “or (n)” substitute “, (n) or (o)”;

**18.** In regulation 57(5)(18) (qualifying conditions for the maintenance grant) for “or (n)” substitute “, (n) or (o)”;

(12) Regulation 5 was amended by S.R.s 2013 No. 128, 2017 No. 7, 2019 No 135, 2021 Nos. 50 and 85 and 2022 No. 75.

(13) Regulation 18 was amended by S.R.s 2019 No. 35, 2020 No. 295, 2021 Nos. 50 and 85 and 2022 No. 75.

(14) Regulation 39(7) was amended by S.R.s 2012 No. 398, 2021 Nos. 85 and 260 and 2022 No.75.

(15) Regulation 42(6) was amended by S.R.s 2021 Nos. 85 and 260 and 2022 No 75.

(16) Regulation 46(11) was amended by S.R.s 2021 Nos. 85 and 260 and 2022 No. 75.

(17) Regulation 50A(2) was amended by S.R.s 2021 Nos. 85 and 260 and 2022 No. 75.

(18) Regulation 57(5) was amended by S.R.s 2021 Nos. 85 and 260 and 2022 No. 75.

**19.** In regulation 59(5)(19) (qualifying conditions for the special support grant) for “or (n)” substitute “, (n) or (o)”;

**20.** In regulation 74(2)(20) (students becoming eligible in the course of an academic year)—

- (a) in paragraph (l) omit the terminal “or”;
- (b) in paragraph (m) for “.” substitute “; or”;
- (c) after paragraph (m) insert—

“(n) the student becomes a person granted leave under one of the Ukraine Schemes.”

**21.** In regulation 105(21) (eligible distance learning students)—

- (a) after paragraph (11E), insert—

“(11F) Where—

- (a) the Department determined that, by virtue of being a person granted leave under one of the Ukraine Schemes, a person (“A”) was an eligible distance learning student in connection with—
  - (i) an application for support for an earlier year of the current course, or
  - (ii) an application for support in connection with a designated course, designated part-time 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; 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 leave under one of the Ukraine Schemes is allowed to stay in the United Kingdom has expired, and no further leave to enter or remain has been granted,

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

**22.** In regulation 106(22) (students becoming eligible in the course of an academic year)—

- (a) in paragraph 1A for “or (o)” substitute “, (o) or (p)”;
- (b) in paragraph 2 for “or (o)” substitute “, (o) or (p)”;
- (c) in paragraph 3 for “or (o)” substitute “, (o) or (p)”;
- (d) in paragraph (4)—
  - (i) in sub-paragraph (n) omit “or”;
  - (ii) in sub-paragraph (o) after “Schemes” for “.” substitute “; or”;
  - (iii) after sub-paragraph (o), insert—

“(p) the student becomes a person granted leave under one of the Ukraine Schemes.”

**23.** In regulation 122(23) (eligible part-time students)—

- (a) after paragraph (10E), insert—

“(10F) Where—

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(19) Regulation 59(5) was amended by S.R.s 2021 Nos. 85 and 260 and 2022 No.75.

(20) Regulation 74(2) was amended by S.R.s 2019 No. 35, 2020 No. 295, 2021 Nos. 50 and 85 and 2022 No.75.

(21) Regulation 105 was amended by S.S.I. 2007/503, S.R.s 2010 No. 383, 2013 No. 128, 2017 No. 7, 2021 Nos. 50 and 85 and 2022 No.75.

(22) Regulation 106 was amended by Order 2011/1043, S.R.s 2019 No. 35, 2021 No. 50 and 85 and 2022 No.75.

(23) Regulation 122 was amended by S.R.s 2013 No. 128, 2017 No. 7, 2019 No 135, 2021 Nos. 50 and 85 and 2022 No.75.

- (a) the Department determined that, by virtue of being a person granted leave under one of the Ukraine Schemes, 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 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 leave under one of the Schemes is allowed to stay in the United Kingdom has expired and no further leave to enter or remain has been granted,

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

**24.** In regulation 123(**24**) (students becoming eligible during the course of an academic year)—

- (a) in paragraph 1A for “or (o)” substitute “, (o) or (p)”;
- (b) in paragraph 2 for “or (o)” substitute “, (o) or (p)”;
- (c) in paragraph (3)—
  - (i) in sub-paragraph (n) omit “or”;
  - (ii) in sub-paragraph (o) after “Schemes” for “.” substitute “; or”;
  - (iii) after sub-paragraph (o), insert—
    - “(p) the student becomes a person granted leave under one of the Ukraine Schemes.”

**25.** In regulation 130(7)(**25**) (disabled part-time students’ allowance) for “or (o)” substitute “, (o) or (p)”.

**26.** In regulation 139(**26**) (eligible postgraduate students)—

- (a) after paragraph (12E), insert—
  - “(12F) Where—
    - (a) the Department determined that, by virtue of being a person granted leave under one of the Ukraine Schemes, 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 leave under one of the Ukraine Schemes is allowed to stay in the United Kingdom has expired and no further leave to enter or remain has been granted,

**(24)** Regulation 123 was amended by Order [2011/1043](#), S.R.s [2019 No. 35](#) and 2021 Nos. [50](#) and [85](#).

**(25)** Regulation 130(7) was inserted by S.R. [2012 No. 398](#) and amended by S.R. 2021 Nos. [85](#) and [260](#).

**(26)** Regulation 139 was amended by S.R.s [2010 No. 383](#), [2017 No. 43](#), [2019 No.35](#) and 2021 Nos. [50](#) and [85](#).

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.”

27. In regulation 140(2)(27) (students becoming eligible in the course of an academic year)—
- (a) in paragraph (l) omit the terminal “or”;
  - (b) in paragraph (m) for “.” substitute “; or”;
  - (c) after paragraph (m) insert—

“(n) the student becomes a person granted leave under one of the Ukraine Schemes.”

28. In regulation 149(28) (eligible master’s, etc. students)—

- (a) after paragraph (11E), insert—

“(11F) Where—

- (a) the Department determined that, by virtue of being a person granted leave under one of the Ukraine Schemes, a person (“A”) was an eligible Master’s, etc. student in connection with—

- (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 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 leave under one of the Ukraine Schemes is allowed to stay in the United Kingdom has expired and no further leave to enter or remain has been granted,

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.”

29. In regulation 151(29) (events)—

- (a) in paragraph (m) omit the terminal “or”;
- (b) in paragraph (n) for “.” substitute “; or”;
- (c) after paragraph (n) insert—

“(o) the student becomes a person granted leave under one of the Ukraine Schemes.”

30. In Schedule 2 (eligible students), after the newly inserted paragraph 15, insert—

**“Persons granted leave under one of the Ukraine Schemes**

16. A person granted leave under one of the Ukraine Schemes, who is ordinarily resident in Northern Ireland on the first day of the first academic year of the course.”

**Amendments to the 2007 Regulations**

31. In regulation 5(1)(c)(30), after the newly inserted “4H,” insert “4I,”;

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(27) Regulation 140 was amended by S.R.s 2019 No. 35 and 2021 Nos. 50 and 85.

(28) Regulation 149 was amended by S.R.s 2017 No. 43, 2018 No. 35, 2020 No. 79, 2021 Nos. 50 and 85 and 2022 No. 75.

(29) Regulation 151 was inserted by S.R.s 2017 No. 7 and was amended by S.R. 2019 No. 35, 2021 Nos. 50 and 85 and 2022 No. 75.

(30) Regulation 5 was amended by S.R.s 2011 No. 376, 2021 No. 85 and 2022 No. 75.

32. In regulation 5(1A)(a), after the newly inserted “4H,” insert “4I.”;
33. In the Schedule—
- (a) in paragraph (1) after the definition of “person granted leave under one of the Afghan Schemes”(31), insert—
- ““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;”;
- (b) after the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”(32), insert—
- ““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—
- (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;”.
- (c) After the newly inserted paragraph 4H, insert—

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(31) Definition was inserted by [S.R. 2022 No. 75](#).

(32) Definition was inserted by [S.R. 2022 No. 75](#).



### **“Persons granted leave under one of the Ukraine Schemes**

**4I.** 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.”

## **CHAPTER 3**

### **Miscellaneous**

#### **Amendments to the 2009 Regulations**

- 34.** In Regulation 18 (events)—
- (a) in paragraph (e)(**33**) after “paragraph 3” insert “(1)”;
  - (b) in paragraph (h)(**34**) after “paragraph 11” insert “(1)”;
- 35.** In Regulation 106(4) (students becoming eligible during the course of the academic year)—
- (a) in the second sub-paragraph lettered “(d)”(**35**) re-letter to “(f)”;
  - (b) in the newly re-lettered sub-paragraph (f)(**36**) after “paragraph 3” insert “(1)”;
  - (c) in sub-paragraph (h)(**37**) after “paragraph 11” insert “(1)”;
- 36.** In Regulation 123(3) (students becoming eligible during the course of the academic year)—
- (a) in the second sub-paragraph lettered “(d)”(**38**) re-letter to “(f)”;
  - (b) in the newly re-numbered sub-paragraph (f) after “paragraph 3” insert “(1)”;
- 37.** In Regulation 140(2)(**39**) (students becoming eligible during the course of the academic year)
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- (a) for sub-paragraph (d) substitute—
    - “(d) the student becomes a person described in paragraph 3(1)(a) of Schedule 2;”
- 38.** In Regulation 151 (events)—
- (a) in the second sub-paragraph lettered “(d)”(**40**) re-letter to “(e)”;
  - (b) in the newly re-numbered sub-paragraph (e) after “paragraph 3” insert “(1)”;

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(33) Paragraph (e) was inserted by [S.R. 2020 No. 295](#).

(34) Paragraph (h) was inserted by [S.R. 2020 No. 295](#).

(35) Sub-paragraph (d) was inserted by [S.R. 2020 No. 295](#).

(36) Sub-paragraph (d) was inserted by [S.R. 2020 No. 295](#).

(37) Sub-paragraph (h) was inserted by [S.R. 2020 No. 295](#).

(38) Sub-paragraph (d) was inserted by [S.R. 2020 No. 295](#).

(39) Regulation 140 was amended by [S.R.s 2019 No. 35](#), [2021 Nos. 50](#) and [85](#).

(40) Sub-paragraph (d) was inserted by [S.R. 2020 No. 295](#).