

SCHEDULE 2

Regulations 10, 11 and 12

QUALIFYING PERSONS

PART 1

Interpretation

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

“the 2020 Citizens’ Rights Regulations” means the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020(1);

“Directive 2004/38” means [Directive 2004/38/EC](#) of the European Parliament and of the Council of 29th April 2004(2) on the rights of citizens of the Union and their family members to move and reside freely in the territory of the Member State;

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992(3) as adjusted by the Protocol signed at Brussels on 17th March 1993(4);

“EEA EFTA separation agreement” has the meaning given by section 39(1) of the European (Withdrawal Agreement) Act 2020(5);

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

- (a) is a self-employed person in the United Kingdom; and
- (b) resides in Switzerland or the territory of an EEA State and returns to their residence in Switzerland or that EEA State daily or at least once a week;

“EEA frontier worker” means an EEA national who—

- (a) is a worker in the United Kingdom; and
- (b) resides in Switzerland or the territory of an EEA State and returns to their residence in Switzerland or that EEA State 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;

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

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

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

“employment” means full-time or part-time employment;

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

“European Union” means the territory comprised by the Member States of the European Union as constituted from time to time;

“EU withdrawal agreement” means the withdrawal agreement within the meaning of the European Union (Withdrawal Agreement) Act 2020(6) (see section 39(1) and (6) of the Act);

(1) [S.R. 2020 No. 1209](#)

(2) [OJ L158, 30.4.2004, p77-123](#)

(3) [Cmnd. 2073](#)

(4) [Cmnd, 2183](#)

(5) [2020 c.1.](#)

(6) [2020 c.1.](#)

Status: Point in time view as at 01/09/2023.

Changes to legislation: There are currently no known outstanding effects for the The Agriculture (Student Fees) Regulations (Northern Ireland) 2023, SCHEDULE 2. (See end of Document for details)

“family member” has the meaning assigned by paragraph 3;

“immigration rules” has the meaning given in section 33(1) of the Immigration Act 1971(7);

“overseas territories” means Anguilla; Aruba; Bermuda; British Antarctic Territory; British Indian Ocean Territory; British Virgin Islands; Cayman Islands; Falkland Islands; Faroe Islands; French Polynesia; French Southern and Antarctic Territories; Gibraltar; Greenland; Mayotte; Montserrat; Netherlands Antilles (Bonaire, Curaçao, Saba, Sint Eustatius and Sint Maarten); Pitcairn, Henderson, Ducie & Oeno Islands; South Georgia and the South Sandwich Islands; St-Barthélemy; St Helena, Ascension Island and Tristan de Cunha; St Pierre et Miquelon; the Territory of New Caledonia and Dependencies; Turks and Caicos Islands and Wallis and Futuna;

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

“person granted stateless leave” means a person who—

- (a) has extant leave to remain as stateless person under the immigration rules; and
- (b) has been ordinarily resident in the United Kingdom and the Islands throughout the period since the person was granted such leave;

“person with protected rights” means—

- (a) (i) a person within the personal scope of the citizens’ rights provisions who—
 - (aa) has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules;
 - (bb) 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;
 - (cc) is an applicant for the purposes of regulation 4 of the 2020 Citizens’ Rights Regulations where the relevant period has not expired; or
 - (dd) otherwise has rights deemed to apply by virtue of any citizens’ rights deeming provisions; or
- (ii) 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;
- (b) in paragraph (a)(i)(dd), “citizens’ rights deeming provisions” means—
 - (i) Article 18(2) and (3) (issuance of residence documents) of the EU withdrawal agreement;
 - (ii) 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

(7) 1971 c.77.

(8) 2002 c.41.

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Changes to legislation: There are currently no known outstanding effects for the The Agriculture (Student Fees) Regulations (Northern Ireland) 2023, SCHEDULE 2. (See end of Document for details)

(iii) Article 16(2) and (3) (issuance of residence documents) of the Swiss citizens' rights agreement;

“refugee” means a person who is recognised by His 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⁽⁹⁾ as extended by the Protocol thereto which entered into force on 4th October 1967⁽¹⁰⁾;

“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;

“residence scheme immigration rules” has the meaning given by section 17(1) of the European Union (Withdrawal Agreement) Act 2020⁽¹¹⁾;

“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⁽¹²⁾;

“specified British overseas territories” means Anguilla; Bermuda; British Antarctic Territory; British Indian Ocean Territory; British Virgin Islands; Cayman Islands; Falkland Islands; Gibraltar; Montserrat; Pitcairn, Henderson, Ducie and Oeno Islands; South Georgia and the South Sandwich Islands; St Helena, Ascension Island and Tristan da Cunha; and Turks and Caicos Islands;

“Swiss Agreement” means the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the Free Movement of Persons signed in Luxembourg on 21st June 1999⁽¹³⁾ and which came into force on 1st June 2002;

“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 the United Kingdom; and
- (b) resides in Switzerland or in the territory of an EEA State and returns to their residence in Switzerland or that EEA State daily or at least once a week;

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

- (a) is a self-employed person in the United Kingdom; and
- (b) resides in Switzerland or in the territory of an EEA State and returns to their residence in Switzerland or that EEA State daily or at least once a week;

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

⁽⁹⁾ Cmnd. 9171

⁽¹⁰⁾ Cmnd. 3906

⁽¹¹⁾ 2020 c.1.

⁽¹²⁾ 1979 c.77, section 33(2A) was inserted by paragraph 7 of Schedule 4 to the British Nationality Act 1981 (c.61)

⁽¹³⁾ Cmd. 4904.

Status: Point in time view as at 01/09/2023.

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“Turkish worker” means a Turkish national who—

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

“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.

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

(3) 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.

(4) For the purposes of this Schedule, a person who is ordinarily resident in the United Kingdom as a result of having moved from the Islands for the purpose of undertaking a higher education course is to be considered to be ordinarily resident in the Islands.

(5) For the purposes of this Schedule, a person who is ordinarily resident in Northern Ireland as a result of having moved from Great Britain and the Islands for the purpose of undertaking a higher education course is to be considered as ordinarily resident in Great Britain.

(6) For the purposes of this Schedule, a person who is ordinarily resident in the United Kingdom as a result of having moved from the Republic of Ireland for the purposes of undertaking a higher education course is to be considered as ordinarily resident in the Republic of Ireland.

(7) For the purposes of this Schedule, an area, other than the United Kingdom and Gibraltar, which—

- (a) was previously part of the European Union or the European Economic Area; but
- (b) at any time or after these Regulations come into operation has become part of one or the other or both of these areas,

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

(8) 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.

(9) 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;
- (b) Article 9 (personal scope) of the EEA EFTA separation agreement; or
- (c) Article 10 (personal scope) of the Swiss citizens’ rights agreement.

Commencement Information

II Sch. 2 para. 1 in operation at 1.9.2023, see **reg. 1**

Ordinarily resident

2.—(1) For the purposes of these Regulations, a person is to be treated as ordinarily resident in the British Islands, the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland, the territory comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland and the overseas territories, the territory comprising the United Kingdom, the Islands, Gibraltar and the specified British overseas territories; or the territory

comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland, Turkey and the overseas territories if they would have been so resident but for the fact—

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

is or was temporarily employed outside the area in question or is or was temporarily receiving full-time education outside the area in question.

(2) For the purpose of sub-paragraph (1), temporary employment 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 and the Islands as members of such forces;
- (b) in the case of member of the regular naval, military or air forces of the Republic of Ireland, any period which they serve outside the territory comprising the United Kingdom and British Islands, as members of such forces;
- (c) in the case of members of the regular armed forces of an EEA State or Switzerland, any period which they serve outside the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland as members of such forces; and
- (d) in the case of members of the regular armed forces of Turkey, any period which they serve outside the territory comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland and Turkey, as members of such forces.

Commencement Information

I2 Sch. 2 para. 2 in operation at 1.9.2023, see [reg. 1](#)

Family member

3. “Family member” means—

- (a) in relation to an EEA frontier worker, an EEA migrant worker, an EEA frontier self-employed person, 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 31(3)—
 - (i) that person's spouse or civil partner; or
 - (ii) direct descendants of the person or of the person's spouse or civil partner who are—
 - (aa) under the age of 21;
 - (bb) dependants of the person or of the person's spouse or civil partner; or
 - (iii) dependent direct relatives in their ascending line of that person or that of the person's 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) the person's spouse or civil partner; or
 - (ii) the person's child or the child of the person's spouse or civil partner;
- (c) in relation to an EU national who falls within Article 7(1)(c) of Directive 2004/38 or, for the purposes of paragraph 30(3), in relation to a relevant person of Northern Ireland who

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would fall within Article 7(1)(c) of Directive 2004/38 if that person were an EU national or solely an EU national—

- (i) the person’s spouse or civil partner; or
- (ii) direct descendants of the person or of the person’s spouse or civil partner who are—
 - (aa) under the age of 21; or
 - (bb) dependants of the person or of the person’s spouse or civil partner;
- (d) in relation to an EU national who falls within Article 7(1)(b) of Directive 2004/38 or, for the purposes of paragraph 30(3), 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) the person’s spouse or civil partner;
 - (ii) direct descendants of the person or of the person’s spouse or civil partner who are—
 - (aa) under the age of 21; or
 - (bb) dependants of the person or of the person’s spouse or civil partner; or
 - (iii) dependent direct relatives in their ascending line of that person or that of the person’s spouse or civil partner;
- (e) in relation to a United Kingdom national, for the purposes of paragraphs 4, 5, 7 and 22—
 - (i) the person’s spouse or civil partner; or
 - (ii) direct descendants of the person or of the person’s spouse or civil partner who are—
 - (aa) under the age of 21; or
 - (bb) dependants of the person or of the person’s spouse or civil partner;

Commencement Information

I3 Sch. 2 para. 3 in operation at 1.9.2023, see [reg. 1](#)

PART 2

GENERAL CATEGORIES

Persons settled in the United Kingdom and ordinarily resident in Northern Ireland

- 4.—(1) A person—
- (a) who on the course start date—
 - (i) is settled in the United Kingdom and does not fall within Part 5 (EU and Other States Special Categories) of Schedule 2;
 - (ii) is ordinarily resident in Northern Ireland;
 - (iii) has been ordinarily resident in Northern Ireland throughout the three-year period preceding the course start date; and
 - (b) subject to sub-paragraph (2), whose residence in Northern Ireland has not during any part of the period referred to in sub-paragraph (1)(a)(iii) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (b) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in Northern Ireland in accordance with paragraph 2.

Commencement Information

I4 Sch. 2 para. 4 in operation at 1.9.2023, see [reg. 1](#)

Persons settled in the United Kingdom and ordinarily resident in Great Britain and the Islands

5.—(1) A person—

(a) who on the course start date—

(i) is settled in the United Kingdom and does not fall within Part 5 (EU and Other States Special Categories) of Schedule 2;

(ii) is ordinarily resident in Great Britain and the Islands;

(iii) has been ordinarily resident in the United Kingdom and the Islands throughout the three-year period preceding the course start date; and

(b) subject to sub-paragraph (2), whose residence in the United Kingdom and the Islands has not during any part of the period referred to in sub-paragraph (a)(iii) been wholly or mainly for the purpose of receiving full-time education.

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

Commencement Information

I5 Sch. 2 para. 5 in operation at 1.9.2023, see [reg. 1](#)

Persons from Republic of Ireland

6.—(1) A person—

(a) who—

(i) is a citizen of the Republic of Ireland;

(ii) is ordinarily resident in the Republic of Ireland;

(iii) has been ordinarily resident in the Republic of Ireland throughout the three-year period preceding the course start date; and

(b) subject to sub-paragraph (2), whose residence in the Republic of Ireland has not during any part of the period referred to in paragraph (a)(iii) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (b) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the Republic of Ireland in accordance with paragraph 2.

Commencement Information

I6 Sch. 2 para. 6 in operation at 1.9.2023, see [reg. 1](#)

Persons resident in Gibraltar

7.—(1) A person—

(a) who is—

Status: Point in time view as at 01/09/2023.

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- (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 the 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 undertaking a course in Northern Ireland;
- (c) who, subject to sub-paragraph (2), has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland and the overseas territories (the relevant territory) throughout the three-year period preceding the course start date; and
- (d) subject to sub-paragraph (3), 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 (c) of sub-paragraph (1) does not apply to a family member of a person who—
- (a) is an EU national or a relevant person of Northern Ireland; and
 - (b) has been ordinarily resident in the relevant territory throughout the three-year period preceding the course start date.
- (3) 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 2.

Commencement Information

I7 Sch. 2 para. 7 in operation at 1.9.2023, see **reg. 1**

PART 3

SPECIAL CATEGORIES

Refugees and their family members

- 8.—(1) A person who—
- (a) is a refugee;
 - (b) is ordinarily resident in the United Kingdom and the Islands and has not ceased to be so resident since they were recognised as a refugee; and
 - (c) is ordinarily resident in the United Kingdom and the Islands on the course start date.
- (2) A person who—
- (a) is a spouse or civil partner of a refugee;
 - (b) was the spouse or civil partner of the refugee on the date on which the refugee made their application for asylum;
 - (c) is ordinarily resident in the United Kingdom and the Islands and has not ceased to be so resident since they were given leave to enter or remain in the United Kingdom; and
 - (d) is ordinarily resident in the United Kingdom and the Islands on the course start date.

- (3) A person who—
- (a) is the child of a refugee or the child of the spouse or civil partner of a refugee;
 - (b) on the date on which the refugee made the 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) was under 18 on the date on which the refugee made their application for asylum;
 - (d) is ordinarily resident in the United Kingdom and the Islands and has not ceased to be so resident since they were given leave to enter or remain in the United Kingdom; and
 - (e) is ordinarily resident in the United Kingdom on the course start date.

Commencement Information

I8 [Sch. 2 para. 8](#) in operation at 1.9.2023, see [reg. 1](#)

Persons granted stateless leave and their family members

9.—(1) A person granted stateless leave, who is ordinarily resident in Northern Ireland on the course start date.

- (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 a person granted stateless leave;
 - (b) who is ordinarily resident in the United Kingdom and the Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and
 - (c) who is ordinarily resident in the United Kingdom on the course start date.
- (3) A person—
- (a) who—
 - (i) is the child of a person granted stateless leave or the child of a spouse or civil partner of a person granted stateless leave; and
 - (ii) on the leave application, was the child of a person granted stateless leave or the child of a person who, on the leave application date, was the spouse or civil partner of a person granted stateless leave;
 - (b) who was under 18 on the leave application date;
 - (c) who is ordinarily resident in the United Kingdom and the 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 course start date.

(4) In this paragraph, “leave application date” means the date on which a person granted stateless leave made an application to remain in the United Kingdom as a stateless person under the immigration rules.

Commencement Information

I9 [Sch. 2 para. 9](#) in operation at 1.9.2023, see [reg. 1](#)

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Changes to legislation: There are currently no known outstanding effects for the The Agriculture (Student Fees) Regulations (Northern Ireland) 2023, SCHEDULE 2. (See end of Document for details)

Persons granted section 67 leave

10. 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) has been ordinarily resident in the United Kingdom and the Islands throughout the period since the person was granted such leave; and
 - (c) is ordinarily resident in the United Kingdom on the course start date.

Commencement Information

I10 Sch. 2 para. 10 in operation at 1.9.2023, see [reg. 1](#)

Persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse

11. A person who—
- (a) has been granted indefinite leave to remain in the United Kingdom under any of the following provisions of the immigration rules—
 - (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);
 - (b) has been ordinarily resident in the United Kingdom and the Islands since the person was granted such leave; and
 - (c) is ordinarily resident in the United Kingdom on the course start date.

Commencement Information

I11 Sch. 2 para. 11 in operation at 1.9.2023, see [reg. 1](#)

Persons granted Calais leave

12. 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;
 - (b) has been ordinarily resident in the United Kingdom and the Islands since the person was granted such leave to remain; and
 - (c) is ordinarily resident in the United Kingdom on the course start date.

Commencement Information

I12 Sch. 2 para. 12 in operation at 1.9.2023, see [reg. 1](#)

Persons granted indefinite leave to remain as a bereaved partner

13. A person who—
- (a) has been granted indefinite leave to remain in the United Kingdom under any of the following provisions of the immigration rules—
 - (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);
 - (b) has been ordinarily resident in the United Kingdom and the Islands since the person was granted such leave; and
 - (c) is ordinarily resident in the United Kingdom on the course start date.

Commencement Information

I13 Sch. 2 para. 13 in operation at 1.9.2023, see [reg. 1](#)

Persons granted humanitarian protection and their family members

14.—(1) A person granted humanitarian protection who is ordinarily resident in the United Kingdom on the course start date;

- (2) A person who—
- (a) is the spouse or the civil partner of the 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) is ordinarily resident in the United Kingdom and the Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and
 - (d) is ordinarily resident in the United Kingdom on the course start date.
- (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 on the asylum application date;
 - (d) is ordinarily resident in the United Kingdom and the Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and
 - (e) is ordinarily resident in the United Kingdom on the course start date.

Commencement Information

I14 Sch. 2 para. 14 in operation at 1.9.2023, see [reg. 1](#)

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Changes to legislation: There are currently no known outstanding effects for the The Agriculture (Student Fees) Regulations (Northern Ireland) 2023, SCHEDULE 2. (See end of Document for details)

Persons with leave to enter or remain on the grounds of discretionary leave and their family members

15.—(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 course start date.

(2) A person who—

- (a) is the spouse or civil partner of a person with leave to enter or remain on the grounds of discretionary leave;
- (b) 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) is ordinarily resident in the United Kingdom and the 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 course start date.

(3) A person who—

- (a) 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;
- (b) 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) is ordinarily resident in the United Kingdom and the Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and
- (d) is ordinarily resident in the United Kingdom on the course start date.

(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.

Commencement Information

I15 Sch. 2 para. 15 in operation at 1.9.2023, see [reg. 1](#)

Persons granted leave under the Afghan Citizens Resettlement Scheme

16. A person—

- (a) who has—
 - (i) indefinite leave to enter or remain in the United Kingdom, outside the immigration rules, 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;
- (b) who has been ordinarily resident in the United Kingdom and the Islands throughout the period since the person was granted such leave; and
- (c) is ordinarily resident in the United Kingdom on the course start date.

Commencement Information

I16 Sch. 2 para. 16 in operation at 1.9.2023, see [reg. 1](#)

Persons granted leave under the Afghan Relocations and Assistance Policy Scheme

17. 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;
 - (ii) indefinite leave to enter the United Kingdom under paragraph ARAP 6.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.2 of that Appendix of those rules;
 - (iii) leave to enter the United Kingdom on the basis of the Afghan Relocations and Assistance Policy Scheme;
 - (iv) indefinite leave to enter or remain in the United Kingdom, outside those rules, on the basis of the Afghan Relocations and Assistance Policy Scheme; or
 - (v) 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 or paragraph ARAP 16.1 of Appendix Afghan Relocation and Assistance Policy 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;
- (c) who is ordinarily resident in the United Kingdom on the course start date.

Commencement Information

I17 Sch. 2 para. 17 in operation at 1.9.2023, see [reg. 1](#)

Evacuated or assisted British nationals from Afghanistan

18. A person who—

- (a) 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(14) or a British protected person within the meaning of the Act;
- (b) 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

(14) 1981 c.61

Status: Point in time view as at 01/09/2023.

Changes to legislation: There are currently no known outstanding effects for the The Agriculture (Student Fees) Regulations (Northern Ireland) 2023, SCHEDULE 2. (See end of Document for details)

- (ii) assisted by or on behalf of the United Kingdom, after 28th August 2021 and before 6th January 2022, to leave Afghanistan;
- (c) has been ordinarily resident in the United Kingdom and Islands since they were evacuated from or otherwise left Afghanistan; and
- (d) is ordinarily resident in the United Kingdom on the course start date.

Commencement Information

I18 Sch. 2 para. 18 in operation at 1.9.2023, see [reg. 1](#)

Persons granted leave under the Homes for Ukraine Sponsorship Scheme

19. A person who—
- (a) has leave to enter or remain in the United Kingdom—
 - (i) under paragraph UKR 19.1 of Appendix Ukraine Scheme of the immigration rules; or
 - (ii) outside the immigration rules 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;
 - (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave; and
 - (c) is ordinarily resident in the United Kingdom on the course start date.

Commencement Information

I19 Sch. 2 para. 19 in operation at 1.9.2023, see [reg. 1](#)

Persons granted leave under the Ukraine Extension Scheme

20. A person who—
- (a) has leave to enter or remain in the United Kingdom under paragraph UKR 27.1 of Appendix Ukraine Scheme of the immigration rules;
 - (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave; and
 - (c) is ordinarily resident in the United Kingdom on the course start date.

Commencement Information

I20 Sch. 2 para. 20 in operation at 1.9.2023, see [reg. 1](#)

Persons granted leave under the Ukraine Family Scheme

21. A person who—
- (a) has leave to enter or remain in the United Kingdom—
 - (i) under paragraph UKR 9.1 of Appendix Ukraine Scheme of the immigration rules; or

- (ii) outside the immigration rules 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;
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave; and
- (c) is ordinarily resident in the United Kingdom on the course start date.

Commencement Information

I21 Sch. 2 para. 21 in operation at 1.9.2023, see [reg. 1](#)

PART 4

EU AND OTHER STATES CATEGORIES

EU nationals

- 22.—(1) A person who—
- (a) is either—
 - (i) an EU national on the course start date; or
 - (ii) a family member of such a person;
 - (b) is undertaking a higher education course in Northern Ireland;
 - (c) subject to sub-paragraph (2), has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the course start date; and
 - (d) subject to sub-paragraph (3), 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 (c) of sub-paragraph (1) does not apply to a family member of a person who—
- (a) is—
 - (i) a United Kingdom national who has exercised a right to reside in the territory of a Member State under Article 7(1) of Directive 2004/38; or
 - (ii) an EU national; and
 - (b) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the course start date.
- (3) 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 2.
- (4) 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.

Status: Point in time view as at 01/09/2023.

Changes to legislation: There are currently no known outstanding effects for the *The Agriculture (Student Fees) Regulations (Northern Ireland) 2023, SCHEDULE 2.* (See end of Document for details)

Commencement Information

I22 Sch. 2 para. 22 in operation at 1.9.2023, see [reg. 1](#)

EU nationals ordinarily resident in the United Kingdom and the Islands

23.—(1) A person who—

- (a) is an EU national on the course start date;
- (b) is ordinarily resident in the United Kingdom on the course start date;
- (c) has been ordinarily resident in the United Kingdom and the Islands throughout the three-year period immediately preceding the course start date; and
- (d) in a case where their 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, Switzerland and the overseas territories immediately prior to the period of ordinary residence referred to in paragraph (c).

(2) Where a state accedes to the European Union after the course start date and a person is a national of that state, the requirement in paragraph (a) of sub-paragraph (1) to be an EU national on the course start date is treated as being satisfied.

Commencement Information

I23 Sch. 2 para. 23 in operation at 1.9.2023, see [reg. 1](#)

Workers, employed persons, self-employed persons and their family members

24.—(1) 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) a family member of a person mentioned in 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 paragraph (iv) and (v);
- (b) subject to sub-paragraph (2), is ordinarily resident in the United Kingdom on the course start date; and
- (c) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the course start date.

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

Commencement Information

I24 Sch. 2 para. 24 in operation at 1.9.2023, see [reg. 1](#)

25.—(1) A person who—

- (a) is ordinarily resident in the United Kingdom on the course start date;
- (b) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the course start date; and
- (c) is entitled to support by virtue of Article 12 of Council Regulations (EEC) No. 1612/68 on the freedom of movement of workers, as extended by the EEA Agreement.

(2) 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.

Commencement Information

I25 Sch. 2 para. 25 in operation at 1.9.2023, see [reg. 1](#)

Commencement Information

I24 Sch. 2 para. 24 in operation at 1.9.2023, see [reg. 1](#)

I25 Sch. 2 para. 25 in operation at 1.9.2023, see [reg. 1](#)

Children of Swiss nationals

26.—(1) A person who—

- (a) is a 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 course start date;
- (c) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the course start date; and
- (d) in a case where their 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 before the period of ordinary residence referred to in paragraph (c).

(2) 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.

Commencement Information

I26 Sch. 2 para. 26 in operation at 1.9.2023, see [reg. 1](#)

Children of Turkish workers

27. A person who—

- (a) is the child of a Turkish worker;
- (b) is ordinarily resident in the United Kingdom on the course start date; and
- (c) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland, Turkey and the overseas territories throughout the three-year period preceding the course start date.

Status: Point in time view as at 01/09/2023.

Changes to legislation: There are currently no known outstanding effects for the The Agriculture (Student Fees) Regulations (Northern Ireland) 2023, SCHEDULE 2. (See end of Document for details)

Commencement Information

I27 Sch. 2 para. 27 in operation at 1.9.2023, see [reg. 1](#)

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

28.—(1) A person who—

- (a) is settled in the United Kingdom;
- (b) left the United Kingdom and exercised a right of residence elsewhere before IP completion day after having been settled in the United Kingdom;
- (c) is ordinarily resident in the United Kingdom on the course start date;
- (d) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the course start date; and
- (e) in a case where their ordinary residence referred to in paragraph (d) was—
 - (i) wholly or mainly for the purposes of receiving full-time education; and
 - (ii) 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—

- (a) they are a United Kingdom national;
- (b) they are a family 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);
- (c) they are 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
- (d) in the case of a person who is settled in the United Kingdom and had a right of permanent residence, if they have gone to the state within the territory comprising the European Economic Area and Switzerland of which they are a national or of which the person in relation to whom they are a family member is a national.

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

Commencement Information

I28 Sch. 2 para. 28 in operation at 1.9.2023, see [reg. 1](#)

PART 5

EU AND OTHER STATES SPECIAL CATEGORIES

Persons with protected rights

29.—(1) A person who—

- (a) meets one of the following conditions on the course start date—
 - (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 an applicant for the purposes of regulation 4 of the 2020 Citizens’ Rights Regulations or otherwise has rights deemed to apply by virtue of any of the citizens’ rights provisions specified in 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 or otherwise has been deemed right of permanent residence by virtue of any of the citizens’ rights provisions specified in paragraph (3); or
 - (iv) 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 course start date;
- (c) has been ordinarily resident in the United Kingdom and the Islands throughout the three-year period preceding the course start date; 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 immediately before the period of ordinary residence referred to in paragraph (b) in the territory comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland and the overseas territories immediately before the period of 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.

(3) For the purposes of sub-paragraph (1)(a)(iii), the citizens’ rights provisions referred to are—

Status: Point in time view as at 01/09/2023.

Changes to legislation: There are currently no known outstanding effects for the The Agriculture (Student Fees) Regulations (Northern Ireland) 2023, SCHEDULE 2. (See end of Document for details)

- (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.

Commencement Information

I29 Sch. 2 para. 29 in operation at 1.9.2023, see [reg. 1](#)

EU nationals

30.—(1) A person with protect rights—

- (a) who is—
 - (i) an EU national on the course start date;
 - (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 the United Kingdom;
- (c) who, subject to sub-paragraph (2), has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the course start date; and
- (d) subject to sub-paragraph (3), whose ordinary residence in the territory comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland and the overseas territories has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purposes of receiving full-time education.

(2) Paragraph (c) of sub-paragraph (1) does not apply to a family member of a person who—

- (a) is an EU national or a relevant person of Northern Ireland; and
- (b) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the course start date.

(3) 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, Switzerland and the overseas territories in accordance with paragraph 2.

Commencement Information

I30 Sch. 2 para. 30 in operation at 1.9.2023, see [reg. 1](#)

Workers, employed persons, self-employed persons and their family members

31.—(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—
 - (i) an EEA migrant worker or an EEA self-employed person;
 - (ii) a Swiss employed person or a Swiss self-employed person;

Status: Point in time view as at 01/09/2023.

Changes to legislation: There are currently no known outstanding effects for the The Agriculture (Student Fees) Regulations (Northern Ireland) 2023, SCHEDULE 2. (See end of Document for details)

- (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 the United Kingdom on the course start date; and
- (c) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the course start date.

(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.

Commencement Information

I31 Sch. 2 para. 31 in operation at 1.9.2023, see [reg. 1](#)

32.—(1) A person with protected rights who—

- (a) is ordinarily resident in the United Kingdom on the course start date;
- (b) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the course start date; and
- (c) is entitled to support by virtue of Article 10 of Regulations (EU) No. 492/2011 of the European Parliament and of the Council of 5 April 2011 on the freedom of movement of 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 from 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.

Commencement Information

I32 Sch. 2 para. 32 in operation at 1.9.2023, see [reg. 1](#)

Commencement Information

I31 Sch. 2 para. 31 in operation at 1.9.2023, see [reg. 1](#)

I32 Sch. 2 para. 32 in operation at 1.9.2023, see [reg. 1](#)

Status: Point in time view as at 01/09/2023.

Changes to legislation: There are currently no known outstanding effects for the The Agriculture (Student Fees) Regulations (Northern Ireland) 2023, SCHEDULE 2. (See end of Document for details)

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

- 33.—(1) A person who—
- (a) is settled in the United Kingdom;
 - (b) left the United Kingdom and exercised a right of residence before IP completion day after having been settled in the United Kingdom;
 - (c) was ordinarily resident immediately before IP completion day—
 - (i) in the territory comprising the European Economic Area, Switzerland and the overseas territories; or
 - (ii) in the United Kingdom, where the ordinary residence began after 31st December 2017 immediately following a period of ordinary residence in the territory comprising the European Economic Area, Switzerland and the overseas territories, and has remained ordinarily resident in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories throughout the period beginning on IP completion day and ending immediately before the course start date;
 - (d) is ordinarily resident in the United Kingdom on the course start date;
 - (e) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the course start date; 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 had 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 purpose 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.

Commencement Information

I33 Sch. 2 para. 33 in operation at 1.9.2023, see [reg. 1](#)

Status:

Point in time view as at 01/09/2023.

Changes to legislation:

There are currently no known outstanding effects for the The Agriculture (Student Fees) Regulations (Northern Ireland) 2023, SCHEDULE 2.