

2024 No. 157

EDUCATION

**The Education (Student Support, etc.) (Amendment No.2)
Regulations (Northern Ireland) 2024**

Made - - - - *23rd July 2024*

Coming into operation- - *14th August 2024*

The Department for the Economy^(a) in exercise of the powers conferred by Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998^(b) and Articles 4(8) and 14(4) of the Higher Education (Northern Ireland) Order 2005^(c) makes the following Regulations.

PART 1

Introductory

Citation, commencement and application

1.—(1) These Regulations may be cited as The Education (Student Support, etc.) (Amendment No.2) Regulations (Northern Ireland) 2024.

(2) These Regulations come into operation on 14th August 2024.

(3) The following provisions of these Regulations apply only in relation to the provision of support, and to fees and awards applicable, in relation to a new academic year, whether or not anything done under these Regulations is done before, on or after 1st August 2024—

- (a) regulations 3 to 6 (victims of domestic violence or domestic abuse);
- (b) regulations 9 to 12 (children of persons granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse or as a bereaved partner);
- (c) regulations 13 to 15 (students settled in the United Kingdom);
- (d) regulations 16 to 20 (termination of eligible student status);
- (e) regulation 21 (eligibility for home fee status in certain circumstances where leave to remain expired);
- (f) regulation 22 and 23 (amendments relating to the Ukraine Permission Extension Scheme).

(a) Formerly the Department for Employment and Learning; see Article 6(1)(c) of the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016 No. 76).

(b) S.I. 1998/1760 (N.I. 14). Article 3 was amended by the Learning and Skills Act 2000 (c.21), section 147(3)(a) and (b), the Student Loans (Amendment) Act (Northern Ireland) 2011, (c.2 (N.I.)), s.1(1), the Income Tax (Earnings and Pensions) Act 2003 (c.1), Schedule 6, the Finance Act 2003, (c.14), s.147(4), the Higher Education (Northern Ireland) Order 2005, (S.I. 2005/1116 (N.I. 5)), Articles 11 and 12 and the Schedule, and by the Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) (No.2) Order 2013, (S.I. 2013/1881), Schedule 1

(c) S.I. 2005/1116 see Article 2(2) for definitions of “the Department”, “prescribed” and “regulations”.

(4) In this regulation—

“academic year” is the period of twelve months beginning with 1st January, 1st April, 1st July or 1st September of the calendar year in which the academic year of the course in question begins, according to whether the academic year of the course in question begins—

- (a) on or after 1st January and before 1st April,
- (b) on or after 1st April and before 1st July,
- (c) on or after 1st July and before 1st August, or
- (d) on or after 1st August and on or before 31st December;

“new academic year” means an academic year which begins on or after 1st August 2024.

Interpretation

2. In these Regulations—

- (a) “the 2009 Regulations” means the Education (Student Support) (No.2) Regulations (Northern Ireland) 2009(a).
- (b) “the 2007 Regulations” means The Student Fees (Qualifying Courses and Persons) Regulations (Northern Ireland) 2007(b).

PART 2

CHAPTER 1

Victims of domestic violence or domestic abuse

Amendment to the 2009 Regulations

3. In regulation 2 (interpretation: general), in paragraph (1), in the definition of “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse”(c)—

- (a) for “leave to remain”, in both places, substitute “leave to enter or remain”;
- (b) for paragraphs (i) to (iii) of sub-paragraph (a), substitute—

“(i) paragraph VDA 9.1 of the Appendix Victim of Domestic Abuse(d); or

(ii) where such leave was granted before the coming into force of the Appendix Victim of Domestic Abuse, paragraph 289B (victims of domestic violence), paragraph D-DVILR.1.1. of Appendix FM (victims of domestic abuse) or paragraph 40 of Appendix Armed Forces (victims of domestic violence: partners of members of the armed forces);”.

4. In both regulation 2A(3)(f)(e) (meaning of “protected category event”) and paragraph 4E(f) of Schedule 2 (eligible students), in each place it occurs, including in the heading to paragraph 4E of Schedule 2, for “leave to remain”, substitute “leave to enter or remain”.

-
- (a) S.R. 2009 No. 373, amended by S.R.s 2010 No. 383, 2012 Nos. 62 and 398, 2013 Nos. 128 and 223, 2014 Nos. 97 and 309, 2016 No. 21, 2017 Nos. 7 and 43, 2018 No. 35, 2019 Nos.35 and 102, 2020 No. 79, 2021 Nos. 50, 85 and 260, 2022 No 75 and 201 and 263 and 2024 No. 19.
 - (b) S.R. 2007 No. 328 was amended by Order 2011/1043. S.R.s 2007 No. 375, 2011 Nos. 70 and 376, 2013 No. 37, 2019 No. 35, 2020 No. 79, 2021 Nos. 50, 85 and 260, 2022 No 75 and 201 and 263 and 2024 No. 19.
 - (c) Definition was added by S.R. 2021 No. 50 and amended by S.R. 2024 No. 19.
 - (d) The Appendix was added to the immigration rules by Statement of Changes to the Immigration Rules laid before Parliament on 7th December 2023 (HC 246). An electronic copy of HC 246 is available at <https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-246-7-december-2023>, and a hard copy is available by written request to Home Office, 2 Marsham Street, London, SW1P 4DF.
 - (e) Regulation 2A was inserted by S. R. 2024 No.19.
 - (f) Paragraph 4E was inserted by S.R. 2021 No. 50 and amended by S.R. 2024 No.19.

Amendments to the 2007 Regulations

5. In both regulation 5(10)(a) (prescribed description of a qualifying person), in paragraph (e) of the definition of “protected category event” and paragraph 4E(b) of the Schedule (persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse), in each place it occurs, including in the heading to paragraph 4E of the Schedule, for “leave to remain”, substitute “leave to enter or remain”.

6. In the Schedule (qualifying persons), in paragraph 1(1), in the definition of “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse”(c)—

(a) for “leave to remain”, in both places, substitute “leave to enter or remain”;

(b) for sub-paragraphs (aa) to (cc), substitute—

“(aa) paragraph VDA 9.1 of the Appendix Victim of Domestic Abuse; or

(bb) where such leave was granted before the coming into force of the Appendix Victim of Domestic Abuse, paragraph 289B (victims of domestic violence), paragraph D-DVILR.1.1. of Appendix FM (victims of domestic abuse) or paragraph 40 of Appendix Armed Forces (victims of domestic violence: partners of members of the armed forces);”.

CHAPTER 2

Afghan Relocations and Assistance Policy Scheme

Amendments to the 2009 Regulations

7. In regulation 2 (interpretation: general), in paragraph (1), in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”(d), for sub-paragraph (a)(ia), substitute—

“(ia) indefinite leave to enter or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules(e);”.

Amendments to the 2007 Regulations

8. In the Schedule (qualifying persons), in paragraph 1(1), in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”(f), for sub-paragraph (a)(ia), substitute—

“(ia) indefinite leave to enter or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules;”.

(a) Paragraph (10) was inserted by S.R. 2024 No. 19.

(b) Paragraph 4E was inserted by S.R. 2021 No. 50 and amended by S.R. 2024 No. 19.

(c) Definition was inserted by S.R. 2021 No. 50.

(d) Definition was added by

(e) The Appendix was added to the immigration rules by the Statement of Changes in the Immigration Rules laid before Parliament on 18th October 2022 (HC 719). An electronic version of HC 719 is available at, <https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc719-18-october-2022>, and a hard copy is available by written request to Home Office, 2 Marsham Street, London, SW1P 4DF.

(f) Definition inserted by S.R. 2022 No. 201.

CHAPTER 3

Children of persons granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse or as a bereaved partner

Amendments to the 2009 Regulations

9. In regulation 2A (meaning of terms including protected category event)(a), in paragraph (3), in sub-paragraphs (f) and (h), after “the student” insert “or the student’s parent”.

10. In Part 2 of Schedule 2 (eligible students)—

- (a) in the heading to paragraph 4D (persons granted indefinite leave to remain as a bereaved partner)(b), at the end, insert “and their children”;
- (b) paragraph 4D becomes sub-paragraph (1) of that paragraph;
- (c) after that sub-paragraph (1) insert—

“(2) A person—

- (a) granted indefinite leave to remain;
- (b) who—
 - (i) is the child of a person granted indefinite leave to remain as a bereaved partner; and
 - (ii) on the leave application date, was the child of the person granted indefinite leave to remain as a bereaved partner;
- (c) who was under 18 on the leave application date;
- (d) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave; and
- (e) who is ordinarily resident in Northern Ireland on the course start date.

(3) In this paragraph, “leave application date” means the date on which a person granted indefinite leave to remain as a bereaved partner made an application to remain in the United Kingdom on those grounds under the immigration rules.”;

- (d) in the heading to paragraph 4E (persons granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse)(c), at the end, insert “and their children”;
- (e) paragraph 4E becomes sub-paragraph (1) of that paragraph;
- (f) after that sub-paragraph (1) insert—

“(2) A person—

- (a) granted indefinite leave to enter or remain;
- (b) who—
 - (i) is the child of a person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse; and
 - (ii) on the leave application date, was the child of the person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse;
- (c) who was under 18 on the leave application date;
- (d) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave; and
- (e) who is ordinarily resident in Northern Ireland on the course start date.

(3) In this paragraph, “leave application date” means the date on which a person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse made

(a) Regulation 2A was added S.R. 2024 No. 19
(b) Paragraph 4E was inserted by S.R. 2021 No.50.
(c) Paragraph 4D was inserted by S.R. 2021 No. 50.

an application to remain in the United Kingdom on those grounds under the immigration rules.”.

Amendments to the 2007 Regulations

11. In regulation 5 (prescribed description of a qualifying person), in paragraph (10)(d) and (e) in the definition of “protected category event”, after “the student” insert “or the student’s parent”.

12. In the Schedule (qualifying persons)—

- (a) in the heading to paragraph 4D(a) (persons granted indefinite leave to remain as a bereaved partner), at the end, insert “and their children”;
- (b) paragraph 4D becomes sub-paragraph (1) of that paragraph;
- (c) after that sub-paragraph (1) insert—

“(2) A person—

- (a) granted indefinite leave to remain;
- (b) who—
 - (i) is the child of a person granted indefinite leave to remain as a bereaved partner; and
 - (ii) on the leave application date, was the child of the person granted indefinite leave to remain as a bereaved partner;
- (c) who was under 18 on the leave application date;
- (d) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave; and
- (e) who is ordinarily resident in the United Kingdom on the course start date.

(3) In this paragraph, “leave application date” means the date on which a person granted indefinite leave to remain as a bereaved partner made an application to remain in the United Kingdom on those grounds under the immigration rules.”.

- (d) in the heading to paragraph 4E (persons granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse), at the end, insert “and their children”;
- (e) paragraph 4E becomes sub-paragraph (1) of that paragraph;
- (f) after that sub-paragraph (1) insert—

“(2) A person—

- (a) granted indefinite leave to enter or remain;
- (b) who—
 - (i) is the child of a person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse; and
 - (ii) on the leave application date, was the child of the person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse;
- (c) who was under 18 on the leave application date;
- (d) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave; and
- (e) who is ordinarily resident in the United Kingdom on the course start date.

(3) In this paragraph, “leave application date” means the date on which a person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse made an application to remain in the United Kingdom on those grounds under the immigration rules.”.

(a) Paragraph 4D was inserted by S.R. 2021 No. 50 and amended by S.R. 2024 No. 19.

CHAPTER 4

Students settled in the United Kingdom

Amendments to the 2009 Regulations

13. In regulation 2A (meaning of terms including in-year qualifying event and settled status event)(a)—

- (a) in paragraph (2), after sub-paragraph (b), insert—
 - “(ba) the student becomes a person described in paragraph 2 of Schedule 2;”;
- (b) in paragraph (4), for the words from “means the student becomes a family member” to the end substitute—
 - “means—
 - (a) the student becomes a person described in paragraph 2A of Schedule 2; or
 - (b) the student becomes a family member described in paragraph 9A(1)(a), 9C(1)(a) or 9D(1)(a) of Schedule 2.”.

14. In Part 2 of Schedule 2 (eligible students)—

- (a) in paragraph 2(1), omit “on the first day of the first academic year of the course”;
- (b) in paragraph 2(1)(b) after “Northern Ireland”, insert “on the first day of the first academic year of the course”;
- (c) in paragraph 2A(1)(a)(b) omit “on the course start date”.

Amendments to the 2007 Regulations

15. In the Schedule (qualifying persons)—

- (a) in the opening words of paragraph 2(1) omit “on the first day of the first academic year of the course”;
- (b) in paragraph 2(1)(b), after “United Kingdom”, insert “on the first day of the first academic year of the course”;
- (c) in paragraph 2A(1)(a)(c), omit “on the course start date”.

CHAPTER 5

Termination of eligible student status

Amendment to the 2009 Regulations

16. In regulation 5 (eligible students)—

- (a) in paragraph (11)(b)(d), for the words from “has expired” to the end of sub-paragraph (b), substitute—
 - “has expired and—
 - (i) no further leave to remain has been granted,
 - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002(e)), and
 - (iii) the person (A or A’s spouse, civil partner, parent or step-parent) whose refugee status has expired has not become a British or Irish citizen,”;

(a) Regulation 2A was inserted by S.R. 2024 No. 19.

(b) Paragraph 2A was inserted by .S.R. 2021 No. 85 and amended by S.R.s 2022 No 75 and 2024 No. 19

(c) Paragraph 2A was inserted by S.R. 2021 No. 85 and amended by S.R.s 2022 No 75 and 2024 No. 19.

(d) Paragraph 11 was amended by S.R. 2024 No. 19.

(e) 2002 c. 41. Section 104 was amended by Schedule 9 to the Immigration Act 2014 and by S.I. 2005/565, 2010/21 and 2014/2771.

- (b) in paragraphs (11A)(b)(a), (11D)(b)(b), and (11F)(b)(c), after “has been granted” insert “and that person has not become a British or Irish citizen”;
- (c) in paragraph (11B)(b)(d), after “has been granted” insert “and A has not become a British or Irish citizen”;
- (d) in paragraphs (11C)(b)(e) and (12)(b)(f), for the words from “has expired” to the end of sub-paragraph (b), substitute—
 - “has expired and—
 - (i) no further leave to remain has been granted;
 - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and
 - (iii) the person (A or A’s spouse, civil partner, parent or step-parent) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen.”;
- (e) in paragraph (11E)(b)(g), after “has expired” insert “and that person has not become a British or Irish citizen”;
- (f) in paragraph (12A)(b)(h), after “has been granted under those rules” insert “and A has not become a British or Irish citizen”;
- (g) in paragraph (12C)(b)(i) after “protected rights” insert “and has not become a British or Irish citizen”.

17. In regulation 105 (eligible distance learning students)—

- (a) in paragraph (11)(b)(j), for the words from “has expired” to the end of sub-paragraph (b), substitute—
 - “has expired and—
 - (i) no further leave to remain has been granted;
 - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002(k)); and
 - (iii) the person (A or A’s spouse, civil partner, parent or step-parent) whose refugee status has expired has not become a British or Irish citizen.”;
- (b) in paragraphs (11A)(b)(l), (11D)(b)(m), and (11F)(b)(n), after “has been granted” insert “and that person has not become a British or Irish citizen”;
- (c) in paragraph (11B)(b)(o), after “has been granted” insert “and A has not become a British or Irish citizen”;
- (d) in paragraphs (11C)(b)(p) and (12)(b)(q), for the words from “has expired” to the end of sub-paragraph (b), substitute—
 - “has expired and—

-
- (a) Paragraph 11A was added by S.R. 2019 No.35 and amended by S.R. 2021 No. 50.
 - (b) Paragraph 11D was added by S.R. 2021 No. 50 and amended by S.R. 2024 No. 19.
 - (c) Paragraph 11F was added by S.R. 2022 No. 201 and amended by S.R. 2024 No. 19.
 - (d) Paragraph 11B was inserted by S.R. 2021 No. 50.
 - (e) Paragraph 11C was inserted by S.R. 2021 No. 50 and amended by S.R. 2024 No. 19.
 - (f) Paragraph 12 was amended by S.R.s 2021 No. 50 and 2024 No. 19.
 - (g) Paragraph 11E was added by S.R. 3033 No. 75 and amended by S.R. 2024 No. 19.
 - (h) Paragraph 12A was added by S.R. 2021 No. 85.
 - (i) Paragraph 12C was added by S.R. 2021 No. 85 and amended by S.R. 2022 No 75.
 - (j) Paragraph 11 was amended by S.R. 2024 No. 19.
 - (k) 2002 c. 41. Section 104 was amended by Schedule 9 to the Immigration Act 2014 and by S.I. 2005/565, 2010/21 and 2014/2771.
 - (l) Paragraph 11A was added by S.R. 2019 No.35 and amended by S.R. 2021 No. 50.
 - (m) Paragraph 11D was added by S.R. 2021 No. 50 and amended by S.R. 2024 No. 19.
 - (n) Paragraph 11F was added by S.R. 2022 No. 201 and amended by S.R. 2024 No. 19.
 - (o) Paragraph 11B was inserted by S.R. 2021 No. 50.
 - (p) Paragraph 11C was inserted by S.R. 2021 No. 50 and amended by S.R. 2024 No. 19.
 - (q) Paragraph 12 was amended by S.R.s 2021 No. 50 and 2024 No. 19..

- (i) no further leave to remain has been granted;
 - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and
 - (iii) the person (A or A’s spouse, civil partner, parent or step-parent) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen,”;
- (e) in paragraph (11E)(b)(a), after “has expired” insert “and that person has not become a British or Irish citizen”;
 - (f) in paragraph (12A)(b)(b), after “has been granted under those rules” insert “and A has not become a British or Irish citizen”;
 - (g) in paragraph (12C)(b)(c) after “protected rights” insert “and has not become a British or Irish citizen”.

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

- (a) in paragraph (10)(b)(d), for the words from “has expired” to the end of sub-paragraph (b), substitute—
 - “has expired and—
 - (i) no further leave to remain has been granted;
 - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002(e)), and
 - (iii) the person (A or A’s spouse, civil partner, parent or step-parent) whose refugee status has expired has not become a British or Irish citizen,”;
- (b) in paragraphs (10A)(b)(f), (10D)(b)(g), and (10F)(b)(h), after “has been granted” insert “and that person has not become a British or Irish citizen”;
- (c) in paragraph (10B)(b)(i), after “has been granted” insert “and A has not become a British or Irish citizen”;
- (d) in paragraphs (10C)(b)(j) and (11)(b)(k), for the words from “has expired” to the end of sub-paragraph (b), substitute—
 - “has expired and—
 - (i) no further leave to remain has been granted;
 - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and
 - (iii) the person (A or A’s spouse, civil partner, parent or step-parent) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen,”;
- (e) in paragraph (10E)(b)(l), after “has expired” insert “and that person has not become a British or Irish citizen”;
- (f) in paragraph (11A)(b)(m), after “has been granted under those rules” insert “and A has not become a British or Irish citizen”;

(a) Paragraph 11E was added by S.R. 3033 No. 75 and amended by S.R. 2024 No. 19.
 (b) Paragraph 12A was added by S.R. 2021 No. 85.
 (c) Paragraph 12C was added by S.R. 2021 No. 85 and amended by S.R. 2022 No 75.
 (d) Paragraph 10 was amended by S.R. 2024 No. 19.
 (e) 2002 c. 41. Section 104 was amended by Schedule 9 to the Immigration Act 2014 and by S.I. 2005/565, 2010/21 and 2014/2771.
 (f) Paragraph 10A was added by S.R. 2019 No.35 and amended by S.R. 2021 No. 50.
 (g) Paragraph 10D was added by S.R. 2021 No. 50 and amended by S.R. 2024 No. 19.
 (h) Paragraph 10F was added by S.R. 2022 No. 201 and amended by S.R. 2024 No. 19.
 (i) Paragraph 10B was inserted by S.R. 2021 No. 50.
 (j) Paragraph 10C was inserted by S.R. 2021 No. 50 and amended by S.R. 2024 No. 19.
 (k) Paragraph 11 was amended by S.R.s 2021 No. 50 and 2024 No. 19.
 (l) Paragraph 10E was added by S.R. 3033 No. 75 and amended by S.R. 2024 No. 19.
 (m) Paragraph 11A was added by S.R. 2021 No. 85.

- (g) in paragraph (11C)(b)(a) after “protected rights” insert “and has not become a British or Irish citizen”.

19. In regulation 139 (eligible postgraduate students)—

- (a) in paragraph (12)(b)(b), for the words from “has expired” to the end of sub-paragraph (b), substitute—
- “has expired and—
- (i) no further leave to remain has been granted;
 - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002(c)); and
 - (iii) the person (A or A’s spouse, civil partner, parent or step-parent) whose refugee status has expired has not become a British or Irish citizen.”;
- (b) in paragraphs (12A)(b)(d), (12D)(b)(e), and (12F)(b)(f), after “has been granted” insert “and that person has not become a British or Irish citizen”;
- (c) in paragraph (12B)(b)(g), after “has been granted” insert “and A has not become a British or Irish citizen”;
- (d) in paragraphs (12C)(b)(h) and (13)(b)(i), for the words from “has expired” to the end of sub-paragraph (b), substitute—
- “has expired and—
- (i) no further leave to remain has been granted;
 - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and
 - (iii) the person (A or A’s spouse, civil partner, parent or step-parent) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen.”;
- (e) in paragraph (12E)(b)(j), after “has expired” insert “and that person has not become a British or Irish citizen”;
- (f) in paragraph (13A)(b)(k), after “has been granted under those rules” insert “and A has not become a British or Irish citizen”;
- (g) in paragraph (13C)(b)(l) after “protected rights” insert “and has not become a British or Irish citizen”.

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

- (a) in paragraph (11)(b)(m), for the words from “has expired” to the end of sub-paragraph (b), substitute—
- “has expired and—
- (i) no further leave to remain has been granted;

-
- (a) Paragraph 11C was added by S.R. 2021 No. 85 and amended by S.R. 2022 No 75.
(b) Paragraph 12 was amended by S.R. 2024 No. 19.
(c) 2002 c. 41. Section 104 was amended by Schedule 9 to the Immigration Act 2014 and by S.I. 2005/565, 2010/21 and 2014/2771.
(d) Paragraph 12A was added by S.R. 2019 No.35 and amended by S.R. 2021 No. 50.
(e) Paragraph 12D was added by S.R. 2021 No. 50 and amended by S.R. 2024 No. 19.
(f) Paragraph 12F was added by S.R. 2022 No. 201 and amended by S.R. 2024 No. 19.
(g) Paragraph 12B was inserted by S.R. 2021 No. 50.
(h) Paragraph 12C was inserted by S.R. 2021 No. 50 and amended by S.R. 2024 No. 19.
(i) Paragraph 13 was amended by S.R.s 2021 No. 50 and 2024 No. 19..
(j) Paragraph 12E was added by S.R. 3033 No. 75 and amended by S.R. 2024 No. 19.
(k) Paragraph 13A was added by S.R. 2021 No. 85.
(l) Paragraph 13C was added by S.R. 2021 No. 85 and amended by S.R. 2022 No 75.
(m) Paragraph 11 was amended by S.R. 2024 No. 19.

- (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002(a)); and
- (iii) the person (A or A’s spouse, civil partner, parent or step-parent) whose refugee status has expired has not become a British or Irish citizen,”;
- (b) in paragraphs (11A)(b)(b), (11D)(b)(c), and (11F)(b)(d), after “has been granted” insert “and that person has not become a British or Irish citizen”;
- (c) in paragraph (11B)(b)(e), after “has been granted” insert “and A has not become a British or Irish citizen”;
- (d) in paragraphs (11C)(b)(f) and (12)(b)(g), for the words from “has expired” to the end of sub-paragraph (b), substitute—
 - “has expired and—
 - (i) no further leave to remain has been granted;
 - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and
 - (iii) the person (A or A’s spouse, civil partner, parent or step-parent) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen,”;
- (e) in paragraph (11E)(b)(h), after “has expired” insert “and that person has not become a British or Irish citizen”;
- (f) in paragraph (12A)(b)(i), after “has been granted under those rules” insert “and A has not become a British or Irish citizen”;
- (g) in paragraph (12C)(b)(j) after “protected rights” insert “and has not become a British or Irish citizen”.

CHAPTER 6

Eligibility for home fee status in certain circumstances where leave to remain expired

Amendments to the 2007 Regulations

21. In regulation 5 (qualifying person), after paragraph (1C)(k) insert—

“(1D) For the purposes of this regulation, where—

- (a) a person becomes, after the course start date or on the first day of an academic year of the course, a person who no longer falls within a paragraph of the Schedule as a result of that person’s leave to remain, or the leave to remain of that person’s spouse, civil partner or parent, as the case may be, having expired; and
- (b) further leave to remain has been granted or the person whose leave to remain has expired has become a British or Irish citizen,

the person who would otherwise no longer fall within a paragraph of the Schedule is to be treated as falling within the paragraph of the Schedule in which they previously fell for the remainder of the duration of the course.”.

(a) 2002 c. 41. Section 104 was amended by Schedule 9 to the Immigration Act 2014 and by S.I. 2005/565, 2010/21 and 2014/2771.

(b) Paragraph 11A was added by S.R. 2019 No.35 and amended by S.R. 2021 No. 50.

(c) Paragraph 11D was added by S.R. 2021 No. 50 and amended by S.R. 2024 No. 19.

(d) Paragraph 11F was added by S.R. 2022 No. 201 and amended by S.R. 2024 No. 19.

(e) Paragraph 11B was inserted by S.R. 2021 No. 50.

(f) Paragraph 11C was inserted by S.R. 2021 No. 50 and amended by S.R. 2024 No. 19.

(g) Paragraph 13 was amended by S.R.s 2021 No. 50 and 2024 No. 19..

(h) Paragraph 11E was added by S.R. 3033 No. 75 and amended by S.R. 2024 No. 19.

(i) Paragraph 12A was added by S.R. 2021 No. 85.

(j) Paragraph 12C was added by S.R. 2021 No. 85 and amended by S.R. 2022 No 75.

(k) Paragraph 1C was inserted by S.R. 2021 No. 85.

CHAPTER 7

Amendments relating to the Ukraine Permission Extension Scheme

Amendment to the 2009 Regulations

22. In regulation 2(1) (interpretation)—

- (a) in the definition of “person granted leave under one of the Ukraine Schemes”(a), after “Ukraine Extension Scheme” insert “, a person granted leave under the Ukraine Permission Extension Scheme”(b);
- (b) after the definition of “person granted leave under the Ukraine Family Scheme”(c) insert—
 - ““person granted leave under the Ukraine Permission Extension Scheme” means a person—
 - (a) who has leave to remain in the United Kingdom under the Ukraine Permission Extension Scheme; and
 - (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”.

Amendment to the 2007 Regulations

23. In the Schedule (qualifying persons), in paragraph 1(1)—

- (a) in the definition of “person granted leave under one of the Ukraine Schemes”(d), after “Ukraine Extension Scheme” insert “, a person granted leave under the Ukraine Permission Extension Scheme”;
- (b) after the definition of “person granted leave under the Ukraine Family Scheme”(e) insert—
 - ““person granted leave under the Ukraine Permission Extension Scheme” means a person—
 - (a) who has leave to remain in the United Kingdom under the Ukraine Permission Extension Scheme; and
 - (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”.

CHAPTER 8

Amendments to the definition of person granted indefinite leave to remain as a bereaved partner

Amendments to the 2009 Regulations

24. In regulation 2(1) (interpretation), in the definition of “person granted indefinite leave to remain as a bereaved partner”(f), for paragraphs (i) to (iv) (but not the “and” after paragraph (iv)) of sub-paragraph (a) substitute —

“(i) paragraph BP 11.1 of Appendix Bereaved Partner; or

-
- (a) Definition was inserted by S.R. 2022 No. 201.
 - (b) On 19th February 2024 the Home Office announced its intention to create the Ukraine Permission Extension Scheme which will provide a new route for Ukrainians to apply for a further 18 months’ permission to stay in the UK on expiry of their current visa. Applications to the scheme will open from early 2025. Home Office guidance was published on 28 February 2024 and is available at <https://www.gov.uk/government/publications/ukraine-permission-extension-scheme-information>. A hard copy is available on written request to Home Office, 2 Marsham Street, London, SW1P 4DF.
 - (c) Definition was inserted by S.R. 2022 No.201 and amended by S.R. 2024 No. 19.
 - (d) Definition was inserted by S.R. 2022 No. 201.
 - (e) Definition was inserted by S.R. 2022 No.201 and amended by S.R. 2024 No. 19.
 - (f) Definition was inserted by S.R. 2021 No. 50.

- (ii) where such leave was granted before the coming into force of Appendix Bereaved Partner—
 - (aa) paragraph 288, as a person in relation to whom the requirements in paragraph 287(b) of those rules were met (bereaved partners);
 - (bb) paragraph 295N, as a person in relation to whom the requirements in paragraph 295M of those rules were met (bereaved partners);
 - (cc) paragraph D-BPILR.1.1 of Appendix FM (bereaved partners); or
 - (dd) paragraph 36 of Appendix Armed Forces (bereaved partner of a member of HM Forces);”.

Amendments to the 2007 Regulations

25. In the Schedule (qualifying persons), in paragraph 1(1), in the definition of “person granted indefinite leave to remain as a bereaved partner”(a), for paragraphs (i) to (iv) (but not the “and” after paragraph (iv)) of sub-paragraph (a) substitute —

- “(i) paragraph BP 11.1 of Appendix Bereaved Partner; or
- (ii) where such leave was granted before the coming into force of Appendix Bereaved Partner—
 - (aa) paragraph 288, as a person in relation to whom the requirements in paragraph 287(b) of those rules were met (bereaved partners);
 - (bb) paragraph 295N, as a person in relation to whom the requirements in paragraph 295M of those rules were met (bereaved partners);
 - (cc) paragraph D-BPILR.1.1 of Appendix FM (bereaved partners); or
 - (dd) paragraph 36 of Appendix Armed Forces (bereaved partner of a member of HM Forces);”.

PART 3

Other amendments

Amendments to the Education (Student Support, etc.) (Amendment) Regulations (Northern Ireland) 2024

26. In regulation 30(3) omit “Part 2 of”.

27. In regulation 32—

- (a) in paragraph (j) for “the first day of the first academic year of the course” substitute “the day on which the first term of the first academic year actually begins”;
- (b) in paragraph (k) for “the first day of the first academic year of the course” substitute “the day on which the first term of the first academic year actually begins”.

28. In regulation 34, in the introductory sentence, omit “Part 2 of”.

29. In regulation 36—

- (a) in paragraph (3) of the inserted regulation 2A—
 - (i) in paragraph (i) omit “or the student’s spouse, civil partner or parent”;
 - (ii) in paragraph (j) omit “or the student’s spouse, civil partner or parent”.

30. In regulation 59(d)—

- (a) in inserted paragraph (8) for “prescribed” substitute “protected”;

(a) Definition was inserted by S.R. 2021 No. 50.

- (b) in inserted paragraph (9) omit “Part 2 of”;
- (c) in inserted paragraph (10)—
 - (i) in the definition of “protected category” omit “Part 2 of”;
 - (ii) in the definition of “settled category” for “2” substitute “2A”.

Amendments to the 2009 Regulations

- 31.** In regulation 130(7)(a) after “listed in” insert “regulation”.
- 32.** In regulation 139(8) after “United Kingdom” insert “or the Republic of Ireland”.

Amendments to the 2007 Regulations

- 33.** In regulation 5—
 - (a) in paragraph (1A)(b) omit “Part 2 of” both places where it appears;
 - (b) in paragraph (1B)(a)(c) omit “Part 2 of”.

Sealed with the Official Seal of the Department for the Economy on 23rd July 2024.



Mr Mark Lee
A senior officer of the Department for the Economy

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend legislation which makes provision about, or in connection with, student finance. Two sets of Student Support Regulations are amended. Those Regulations are the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 “the 2009 Regulations” and the Student Fees (Qualifying Courses and Persons) Regulations (Northern Ireland) 2007 “the 2007 Regulations”.

-
- (a) Paragraph (7) was inserted by S.R. 2012 No. 398 and amended by S.R.s 2021 No.260, 2022 No. 75 and 2024 No 19.
 - (b) Paragraph 1A was inserted by S.R. 2021 No. 85 and amended by S.R. 2024 No. 19.
 - (c) Paragraph 1B was inserted by S.R. 2021 No. 85.

These Regulations come into force on 14th August 2024, unless otherwise specified.

Part 2 amends the 2009 and 2007 Regulations in order to:

- amend the definition of “person granted indefinite leave to remain as a victim of domestic violence or abuse” to align with changes made to the immigration rules, to include persons granted indefinite leave to enter as a result of being a victim of transnational marriage abandonment;
- amend the reference to the relevant paragraph in Appendix Afghan Relocation and Assistance Policy of the immigration rules to describe the way indefinite leave to enter or remain is given under that paragraph;
- make provision so that children granted indefinite leave to enter or remain on the basis that their parent has been granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse or indefinite leave to remain as a bereaved partner are eligible for student support on that basis and have the same test of ordinary residence as their parent;
- provide for persons in the student eligibility categories set out in paragraphs in the 2009 and 2007 Regulations (which require a student to have settled status) to become eligible for student support when they acquire their settled status during the course of an academic year. The requirement to be settled in the United Kingdom on the first day of the first academic year of the course, or on the course start date as appropriate, is removed and the acquisition of settled status becomes an in-year qualifying event for access to student support for students in these categories;
- ensure that students who acquire British or Irish citizenship during the course of an academic year do not lose their status as students eligible for financial support;
- provide for students whose leave to remain expires but who are granted further leave to remain or who become British or Irish citizens remain able to access student support for the remainder of their course;
- include the Ukraine Permission Extension Scheme in the definition of “person granted leave under one of the Ukraine Schemes”. A definition of “person granted leave under the Ukraine Permission Extension Scheme” is also inserted, and
- make changes to the definition of “person granted indefinite leave to remain as a bereaved partner” to take into account recent changes to the immigration rules dealing with such persons.

Part 3 amends the 2009 and 2007 Regulations in order to:

- correct legislative errors.

A regulatory impact assessment has not been produced for this rule as no, or no significant impact on the private, voluntary or public sectors is foreseen.

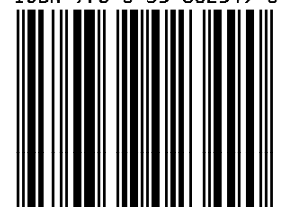
© Crown copyright 2024

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of His Majesty’s Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print Acts of the Northern Ireland Assembly.

£8.14

<http://www.legislation.gov.uk/id/misr/2024/157>

ISBN 978-0-33-802349-0



9 780338 023490