

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

SR 2024 No. 157

1. Introduction

- 1.1 This Explanatory memorandum has been prepared by the Department for the Economy (“the Department”), which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998 and Articles 4(8) and 14(4) of the Higher Education (Northern Ireland) Order 2005 and is subject to the negative resolution procedure.
- 1.3 The rule will come into operation in accordance with regulation 1 of these Regulations.

2. Purpose

- 2.1 This rule amends the principal student support Regulations - The Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 (the Student Support Regulations). It further amends the Student Fees (Qualifying Courses and Persons) Regulations 2007 (the QCP Regulations).
- 2.2 This rule also makes necessary corrections and technical amendments.

3. Background

Addition of persons granted indefinite leave to enter as a victim of domestic violence or domestic abuse as new immigration category.

This rule amends 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.

- 3.1 Extending support to the dependent children of those who have 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.

This rule makes 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.

3.2 Adding settlement as an in-year qualifying event.

This rule is amended to 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.

3.4 Continuation of support when someone acquires British or Irish citizenship.

The current drafting of the termination clauses has the unintended consequence of terminating a person's eligibility if they are not granted further leave to remain in the UK but are instead granted British or Irish citizenship.

This rule amends the termination clauses within the Student Support Regulations so that persons granted British or Irish citizenship during the course of an academic year do not lose their status and will continue to be eligible students and qualify for student support. This policy is currently being applied as the current drafting is not intended.

3.5 Continuation of support when any temporary leave status has expired part way through a course and is replaced by any new form of leave to remain.

This rule amends the Student Support Regulations so that persons who were assessed as eligible students at the start of their course, whose leave to remain has subsequently expired and who have been granted further leave to remain in the UK, will continue to be eligible for home fee status for subsequent years of their course. This also makes corresponding amendments to the QCP Regulations so that this group of students remain 'qualifying persons' for the purposes of tuition fee limits.

3.6 Ukraine Permission Extension Scheme

From academic year 2022/23 higher education student support has been available, on the same terms as Northern Ireland domiciled students, to persons granted leave, by the UK Home Office, to remain here under one of the "Ukraine Schemes", currently comprising the Ukraine Family Scheme, the Homes for Ukraine Sponsorship Team and the Ukraine Extension Scheme. These forms of leave are temporary and will begin to expire from March 2025.

This rule ensures that current and potential students can continue to receive financial support to complete their studies. It is proposed to extend support to this new category on the same terms as those that currently exist for Ukraine Scheme leave holders. It is also proposed to extend support to the family members of persons granted leave under this new scheme.

3.7 Miscellaneous.

These regulations also correct legislative errors by amending the reference to the relevant paragraph in the Appendix to the Afghan Relocation and Assistance Policy of the immigration rules to describe the way indefinite leave to enter or remain is given under that paragraph.

They also correct some errors in drafting in the recent amendment regulations S.R. 2024 No. 19 (The Education (Student Support, etc.) (Amendment) Regulations (Northern Ireland) 2024).

4. **Consultation**

There is no statutory requirement to consult on those elements of these Regulations.

5. **Equality Impact Assessment**

Section 75 Equality of Opportunity Screening exercises have been carried out and it is our view that the proposals will not have an adverse impact on any of the Section 75 categories.

6. **Rural Needs Impact Assessment**

A Rural Needs Impact Assessment has been prepared.

7. **Regulatory Impact Assessment**

A Regulatory Impact Assessment has not been prepared for this rule as it has no adverse impact on business, charities or voluntary bodies.

8. **Financial Implications**

The financial implications associated with any amendments captured within these regulations have been considered and are considered affordable within existing budgets.

9. **Section 24 of the Northern Ireland Act 1998**

The making of this rule complies with Section 24 of the Northern Ireland Act.

10. **EU Implications**

This rule does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

11. **Parity or Replicatory Measures**

Historically, the Department's Regulations were made in broad parity with England and Wales but following the wholesale changes that were implemented in England and Wales from academic year 2012/13 as a result of the Browne Review this is no longer necessarily the case.

12. Additional information

If you require any further details regarding this rule you can send an e-mail to studentsupport@economy-ni.gov.uk