

SCHEDULE 1

Regulations 4(1) and 28(1)

ELIGIBLE STUDENTS

1. A person who on the first day of the first academic year of the course—
 - (a) is settled in the United Kingdom within the meaning of the Immigration Act 1971⁽¹⁾, and
 - (b) meets the residence conditions referred to in paragraph 8.
2. A person who is a refugee, ordinarily resident in the United Kingdom and Islands, who has not ceased to be so resident since he was recognised as a refugee, or who is the spouse, child or step-child of such a refugee, in each case who meets the residence condition in paragraph 8(a).
3. A person who—
 - (a)
 - (i) has been informed by a person acting under the authority of the Secretary of State for the Home Department that, although he is considered not to qualify for recognition as a refugee, it is thought right to allow him to enter or remain in the United Kingdom, or
 - (ii) before 1st July 1993 applied to the Secretary of State for the Home Department for recognition as a refugee and who has been informed by a person acting under the authority of the Secretary of State for the Home Department that it is thought right to allow him to enter or remain in the United Kingdom,
 - (b) has been granted leave to enter or to remain accordingly, and
 - (c) has been ordinarily resident in the United Kingdom and Islands throughout the period since he was granted leave to enter or remainor who is the spouse, child or step-child of such a person, where the person, or as the case may be the spouse, child or step-child meets the residence conditions referred to in paragraph 8.
4. A person who is an EEA migrant worker who—
 - (a) is entitled to support by virtue of Article 7(2) or (3) of Council Regulation (EEC) No. 1612/68 on freedom of movement of workers within the Community, as extended by the EEA Agreement⁽²⁾ or, where he is a national of the United Kingdom, by virtue of an enforceable Community right to be treated no less favourably than a national of another member State in relation to matters which are the subject of Article 7(2) and (3); and
 - (b) meets the residence conditions referred to in paragraph 8.
5. A person who is the spouse of an EEA migrant worker and who—
 - (a) is installed in the United Kingdom with his spouse, and
 - (b) meets the residence conditions referred to in paragraph 8.
- 6.—(1) A person who is the child of an EEA migrant worker and who—
 - (a) is entitled to support by virtue of Article 12 of the above mentioned Council Regulation, or, where his migrant worker parent is a national of the United Kingdom, by virtue of an enforceable Community right to be treated no less favourably than the child of a national of another member State in relation to matters which are the subject of Article 12, and
 - (b) meets the residence conditions referred to in paragraph 8.(2) For the purposes of this paragraph “parent” includes a guardian, any other person having parental responsibility for a child and any person having care of a child, and “child” shall be construed accordingly.

(1) 1971 c. 77; amended by the British Nationality Act 1981 (c. 61), section 39 and Schedule 4; by the Immigration Act 1988 (c. 14), sections 1, 3, 4, 6 and 10 and the Schedule, by the Asylum and Immigration Appeals Act 1993 (c. 23), sections 10 to 12.

(2) OJ No. L257, 19.10.68, p2 (OJ/SE 1968(II) p. 475).

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

7. A person who is a national of a member State of the European Community or the child of such a national—
 - (a) whose course is provided by an institution or institutions in England and Wales, or by an institution or institutions in England and Wales in conjunction with an institution or institutions outside the United Kingdom, and
 - (b) who meets the residence conditions referred to in paragraph 8(b) and (c).
8. The residence conditions referred to above are that—
 - (a) the person is ordinarily resident in England and Wales on the first day of the first academic year of the course;
 - (b) the person has been ordinarily resident throughout the three year period preceding the first day of the first academic year of the course, in the case of a person mentioned in paragraphs 1 or 3, in the United Kingdom and Islands, or, in the case of a person mentioned in paragraphs 4, 5, 6 or 7, in the European Economic Area; and
 - (c) his residence in the United Kingdom and Islands, or in the European Economic Area, as the case may be, has not during any part of the period referred to in sub-paragraph (b) been wholly or mainly for the purpose of receiving full-time education.