

SCHEDULE 2

Regulations 4, 34 and 46

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, civil partner or child of such a refugee, in each case who meets the residence condition in paragraph 8(a).
3. A person who—
 - (a) 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;
 - (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 remain,or who is the spouse, civil partner, child or step-child of such a person, where the person or, as the case may be the spouse, civil partner, child or step-child meets the residence conditions referred to in paragraph 8.
4. A person who is an EEA migrant worker and 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 for workers within the Community(2), as extended by the EEA Agreement or Article 9(3) of Annex I to the Switzerland Agreement 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 either of those Articles; and
 - (b) meets the residence conditions referred to in paragraph 8.
5. A person who is the spouse or civil partner of an EEA migrant worker and who—
 - (a) is installed in the United Kingdom with his spouse or civil partner; and
 - (b) meets the residence conditions referred to in paragraph 8.
6. 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 Article 3(6) of Annex I to the Switzerland Agreement, 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 either of those Articles; and
 - (b) meets the residence conditions referred to in paragraph 8.

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.

7. A person who on the first day of the first academic year of the course is a national of a Member State of the European Community or the child of such a national—

(1) 1971 c. 77; amended by the British Nationality Act 1981 (c. 61), section 39 and Schedule 4.

(2) OJ No L257, 19.10.1968, p 2 (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.

- (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 paragraphs 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 or Switzerland; and
 - (c) his residence in the United Kingdom and Islands or in the European Economic Area or Switzerland, as the case may be, has not during any part of the period referred to in subparagraph (b) been wholly or mainly for the purpose of receiving full-time education.