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STATUTORY INSTRUMENTS

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**2018 No. 137**

**The Education (Student Fees, Awards and Support) (Amendment) Regulations 2018**

**PART 4**

**AMENDMENT OF OTHER INSTRUMENTS**

**Amendment of the Student Fees (Qualifying Courses and Persons) (England) Regulations 2007**

**16.** In the Student Fees (Qualifying Courses and Persons) (England) Regulations 2007(1), in the Schedule(2) (qualifying persons)—

(a) in paragraph 1(1), after the definition of “person granted humanitarian protection”, insert—

““person granted stateless leave” means a person who—

- (a) has extant leave to remain as a stateless person under the immigration rules (within the meaning given in section 33(1) of the Immigration Act 1971); and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”;

(b) after paragraph 4, insert—

**“Persons granted stateless leave and their family members**

**4A.—**(1) A person granted stateless leave who—

- (a) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course; and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding that 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 on the first day of the first academic year of the course; and

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(1) S.I. 2007/778, amended by S.I. 2007/2263, 2008/1640, 2011/87, 2011/1043, 2012/1653, 2016/584 and 2017/114.

(2) The Schedule was amended by S.I. 2007/2263, 2011/87, 2011/1043, 2012/1653, 2016/584 and 2017/114.

- (c) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.
- (3) A person—
  - (a) who—
    - (i) is the child of a person granted stateless leave or the child of the spouse or civil partner of a person granted stateless leave; and
    - (ii) on the leave application date, 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 on the first day of the first academic year of the course; and
  - (d) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.

(4) In this paragraph, “leave application date” means the date on which the person granted stateless leave made an application to remain in the United Kingdom as a stateless person under the immigration rules (within the meaning given in section 33(1) of the Immigration Act 1971).”.

#### **Amendment of the Education (Fees and Awards) (England) Regulations 2007**

17. In the Education (Fees and Awards) (England) Regulations 2007(3), in Schedule 1(4) (categories of person)—

- (a) in paragraph 1, after the definition of “person granted humanitarian protection”, insert—
  - ““person granted stateless leave” means a person—
  - (a) who has extant leave to remain as a stateless person under the immigration rules (within the meaning given in section 33(1) of the Immigration Act 1971); and
  - (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”;
- (b) after paragraph 4, insert—

#### **“Persons granted stateless leave and their family members**

- 4A.—(1) A person granted stateless leave who—
  - (a) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course; and
  - (b) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.
- (2) A person—
  - (a) who—
    - (i) is the spouse or civil partner of a person granted stateless leave; and

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(3) S.I. 2007/779, amended by S.I. 2007/2263, 2010/1172, 2010/1941, 2011/87, 2011/1043, 2011/1987, 2012/765, 2012/956, 2012/1653, 2015/971, 2016/584 and 2017/114.

(4) Schedule 1 was amended by S.I. 2007/2263, 2011/87, 2011/1043, 2011/1987, 2016/584 and 2017/114.

- (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 on the first day of the first academic year of the course; and
  - (c) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.
- (3) A person—
- (a) who—
    - (i) is the child of a person granted stateless leave or the child of the spouse or civil partner of a person granted stateless leave; and
    - (ii) on the leave application date, 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) was under 18 on the leave application date;
  - (c) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course; and
  - (d) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.
- (4) In this paragraph, “leave application date” means the date on which the person granted stateless leave made an application to remain in the United Kingdom as a stateless person under the immigration rules (within the meaning given in section 33(1) of the Immigration Act 1971).”.

### **Amendment of the Education (Student Support) (European University Institute) Regulations 2010**

**18.**—(1) The Education (Student Support) (European University Institute) Regulations 2010<sup>(5)</sup> are amended as follows.

(2) In regulation 3 (interpretation), after the definition of “person granted humanitarian protection”, insert—

““person granted stateless leave” means a person who—

- (a) has extant leave to remain as a stateless person under the immigration rules (within the meaning given in section 33(1) of the Immigration Act 1971); and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”.

(3) In regulation 9<sup>(6)</sup> (eligible students), after paragraph (10), insert—

“(10A) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted stateless leave, or the spouse, civil partner, child or step-child of a person granted stateless leave, a person (“A”) was an eligible student in connection with—
  - (i) an application for support for an earlier year of the current course, or

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<sup>(5)</sup> S.I. 2010/447, amended by S.I. 2011/83, 2011/2430, 2012/3059, 2013/630, 2013/1728, 2016/211, 2017/114 and 2017/204.

<sup>(6)</sup> Regulation 9 was amended by S.I. 2011/83 and 2012/3059.

- (ii) an application for support for a designated course at the Institute from which A's status as an eligible student has been transferred to the current course, and
  - (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted stateless leave is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted, A's status as an eligible student terminates immediately before the first day of the academic year in respect of which A is applying for support.”.
- (4) In Schedule 1(7) (eligible students), Part 2 (categories), after paragraph 4, insert—

**“Persons granted stateless leave and their family members**

**4A.—**(1) A person granted stateless leave who—

- (a) is ordinarily resident in England on the relevant date; and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the relevant 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 England on the relevant date; and
- (c) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the relevant date.

(3) A person—

- (a) who—
  - (i) is the child of a person granted stateless leave or the child of the spouse or civil partner of a person granted stateless leave; and
  - (ii) on the leave application date, 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) was under 18 on the leave application date;
- (c) is ordinarily resident in England on the relevant date; and
- (d) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course.

(4) In this paragraph, “leave application date” means the date on which the person granted stateless leave made an application to remain in the United Kingdom as a stateless person under the immigration rules (within the meaning given in section 33(1) of the Immigration Act 1971).”.