
STATUTORY INSTRUMENTS

2021 No. 1348

The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021

PART 2

Amendment of the Education (Student Support) Regulations 2011

CHAPTER 8

Eligibility of Afghan locally employed staff

Eligibility of Afghan locally employed staff

- 9.—(1) In regulation 2(1), at the appropriate place in the alphabetical order, insert—
- ““person granted leave under the Afghan Relocations and Assistance Scheme” means a person—
- (a) who has —
 - (i) indefinite leave to enter the United Kingdom under paragraph 276BA2, or has indefinite leave to remain under paragraph 276BS2 of the Immigration Rules, having been relocated to the United Kingdom pursuant to paragraph 276BB1(iv) of the Immigration Rules as defined in section 33(1) of the Immigration Act 1971⁽¹⁾;
 - (ii) leave to enter the United Kingdom on the basis of the Afghan Relocations and Assistance Scheme;
 - (iii) indefinite leave to enter or remain in the United Kingdom, outside those rules, on the basis of the Afghan Relocations and Assistance Scheme; or
 - (iv) leave to enter or indefinite leave to enter the United Kingdom as the spouse, civil partner or dependent child of such a person, or dependent child of the spouse or civil partner, having been granted that leave under paragraph 276BJ1 or 276BO1 of those rules;
 - (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”.
- (2) In regulation 4—
- (a) in paragraph (2)(a) for “and 13” substitute “, 13 and 14”;
 - (b) after paragraph (13B)(2), insert—

“(13C) Where—

 - (a) the Secretary of State determined that, by virtue of being a person granted leave under the Afghan Relocations and Assistance Scheme, a person (“A”) was—
 - (i) an eligible student in connection with an application for support for—

(1) 1971 c. 77 to which there are amendments not relevant to this instrument.

(2) Paragraph (13B) was inserted by S.I. 2021/127.

- (aa) an earlier year of the current course;
- (bb) an application for support for a course in relation to which the current course is an end-on course; or
- (cc) an application for support in connection with a designated part-time course or other designated course from which A's status as an eligible part-time student or eligible student has been transferred to the current course; or

(ii) a qualifying student in connection with an application for support for an earlier year of the qualifying course or other qualifying course from which A's status as a qualifying student has been transferred to the qualifying course in respect of which the student is applying for support; 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 leave under the Afghan Relocations and Assistance Scheme is allowed to stay in the United Kingdom has expired,

A's status as an eligible or qualifying student terminates immediately before the first day of the academic year in respect of which A is applying for support.”.

(3) In regulation 17(3), move the terminal “or” from after paragraph (l) to after paragraph (m) and after that paragraph insert—

“(n) the student becomes a person granted leave under the Afghan Relocations and Assistance Scheme.”

(4) In regulation 85(2)(4), move the terminal “or” from after sub-paragraph (k) to after sub-paragraph (l) and after that sub-paragraph insert—

“(m) the student becomes a person granted leave under the Afghan Relocations and Assistance Scheme.”.

(5) In regulation 137—

(a) in paragraph (2)(a) for “and 13” substitute “, 13 and 14”;

(b) after paragraph (11B)(5), insert—

“(11C) Where—

(a) the Secretary of State determined that, by virtue of being a person granted leave under the Afghan Relocations and Assistance Scheme, a person (“A”) was an eligible part-time student in connection with—

(i) an application for support for an earlier year of the current part-time course; or

(ii) an application for support in connection with a designated course or other designated part-time course from which A's status as an eligible part-time student or eligible student has been transferred to the current part-time 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 leave under the Afghan Relocations and Assistance Scheme is allowed to stay in the United Kingdom has expired,

(3) Regulation 17 has been amended, including the insertion of paragraph (m) by [S.I. 2021/127](#).

(4) Regulation 85(2) has been amended, including the insertion of sub-paragraph (l) by [S.I. 2021/127](#).

(5) Paragraph (11B) was inserted by [S.I. 2021/127](#).

A’s status as an eligible part-time student terminates immediately before the first day of the academic year in respect of which A is applying for support.”.

(6) In regulation 138(4)(6), move the terminal “or” from after sub-paragraph (m) to after sub-paragraph (n) and after that sub-paragraph insert—

“(o) the student becomes a person granted leave under the Afghan Relocations and Assistance Scheme.”.

(7) In regulation 138A(2)(7), move the terminal “or” from after sub-paragraph (k) to after sub-paragraph (l) and after that sub-paragraph insert—

“(m) the student becomes a person granted leave under the Afghan Relocations and Assistance Scheme.”.

(8) In regulation 159—

(a) in paragraph (3)(a) for “and 13” substitute “, 13 and 14”;

(b) after paragraph (16B)(8), insert—

“(16C) Where—

(a) the Secretary of State determined that, by virtue of being a person granted leave under the Afghan Relocations and Assistance Scheme, a person (“A”) was an eligible postgraduate student in connection with—

(i) an application for support for an earlier year of the current postgraduate course; or

(ii) an application for support in connection with another designated postgraduate course from which A’s status as an eligible postgraduate student has been transferred to the current postgraduate 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 leave under the Afghan Relocations and Assistance Scheme is allowed to stay in the United Kingdom has expired,

A’s status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which A is applying for support.”.

(9) In regulation 160(2)(9), move the terminal “or” from after sub-paragraph (k) to after sub-paragraph (l) and after that sub-paragraph insert—

“(m) the student becomes a person granted leave under the Afghan Relocations and Assistance Scheme.”.

(10) In Schedule 1 (eligible students), after paragraph 13, insert—

“Persons granted leave under the Afghan Relocations and Assistance Scheme

14. A person granted leave under the Afghan Relocations and Assistance Scheme, who is ordinarily resident in England on the first day of the first academic year of the course.”.

(6) Regulation 138(4) has been amended, including the insertion of sub-paragraph (m) by [S.I. 2021/127](#).

(7) Regulation 138A was inserted by [S.I. 2018/472](#); paragraph (2) has been amended, including the insertion of sub-paragraph (l) by [S.I. 2021/127](#).

(8) Paragraph (16B) was inserted by [S.I. 2021/127](#).

(9) Regulation 160(2) has been amended, including the insertion of sub-paragraph (l) by [S.I. 2021/127](#).