
STATUTORY INSTRUMENTS

2021 No. 1348

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

PART 3

Corresponding amendments to other Regulations

CHAPTER 2

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

SECTION 1

Introductory

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

26. The Education (Student Support) (European University Institute) Regulations 2010(1) are amended as follows.

SECTION 2

Eligibility of Afghan locally employed staff

Eligibility of Afghan locally employed staff: European University Institute

27.—(1) In regulation 9—

- (a) in paragraph (2)(b)(i)(2), after “5” insert “, 5A”;
- (b) after paragraph (11B)(3) 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 person in connection with—
 - (i) an application for support for an earlier year of the current course, or
 - (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

(1) [S.I. 2010/447](#).

(2) Paragraph (2)(b) was inserted by [S.I. 2021/127](#).

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

- (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 student terminates immediately before the first day of the academic year in respect of which A is applying for support.”.

- (2) In Schedule 1 (eligible students)—

- (a) in paragraph 1(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 of 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;
 - (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;”;

- (b) after paragraph 5, insert—

“Persons granted leave under the Afghan Relocations and Assistance Scheme

5A. A person granted leave under the Afghan Relocations and Assistance Scheme who is ordinarily resident in England on the relevant date.”.

SECTION 3

Ending of grace period

Omission of references to grace period: European University Institute

- 28.**—(1) In regulation 3(1)—

- (a) omit the definition of “grace period”;
 - (b) in the definition of “person with protected rights”, omit paragraph (a)(iii).

- (2) In regulation 9(11B)(a)—

- (a) in paragraph (i), omit “(iii),”;
 - (b) in paragraph (ii), omit “(iii) or”.

- (3) In Schedule 1 (eligible students), omit paragraph 3(1)(a)(iii).

SECTION 4

Students from British overseas territories

Eligibility of students from British overseas territories

29.—(1) In regulation 9(2)(b)(i)(4) after “9BA,” insert “9BB.”

(2) In regulation 17(2) for the words from “paragraphs 2A” to the end substitute “paragraphs 2A, 3(1)(d)(ii), 6A(1)(c)(ii), 7A(1)(b)(ii), 9, 9A, 9BA, 9BB, 9C, 9D, 10, 10ZA, 11A(c)(ii) and 12A(d)(ii).”

(3) In regulation 19(2), for the words from “paragraphs 2A” to the end substitute “paragraphs 2A, 3(1)(d)(ii), 6A(1)(c)(ii), 7A(1)(b)(ii), 9, 9A, 9BA, 9BB, 9C, 9D, 10, 10ZA, 11A(c)(ii) and 12A(d)(ii).”

(4) In regulation 22(3), for the words from “paragraphs 2A” to the end substitute “paragraphs 2A, 3(1)(d)(ii), 6A(1)(c)(ii), 7A(1)(b)(ii), 9, 9A, 9BA, 9BB, 9C, 9D, 10, 10ZA, 11A(c)(ii) and 12A(d)(ii).”

(5) In regulation 24(2), for the words from “paragraphs 2A” to the end substitute “paragraphs 2A, 3(1)(d)(ii), 6A(1)(c)(ii), 7A(1)(b)(ii), 9, 9A, 9BA, 9BB, 9C, 9D, 10, 10ZA, 11A(c)(ii) and 12A(d)(ii).”

(6) In Schedule 1—

(a) in paragraph 1(1)—

(i) in paragraph (e) of the definition of “family member”(5) for “paragraphs 9, 9B, 9C and 9D” substitute “paragraphs 9, 9B and 9D, or for the purposes of paragraph 9C in relation to a person settled in the United Kingdom”;

(ii) after the definition of “Member State” insert—

““overseas territories” means Anguilla; Aruba; Bermuda; British Antarctic Territory; British Indian Ocean Territory; British Virgin Islands; Cayman Islands; Falkland Islands; Faroe Islands; French Polynesia; French Southern and Antarctic Territories; Gibraltar; Mayotte; Greenland; Montserrat; Netherlands Antilles (Bonaire, Curaçao, Saba, Sint Eustatius, Sint Maarten); Pitcairn, Henderson, Ducie and Oeno Islands; South Georgia and the South Sandwich Islands; St Barthélemy; St Helena and Dependencies (Ascension Island and Tristan da Cunha); St Pierre et Miquelon; the Territory of New Caledonia and Dependencies; Turks and Caicos Islands; and Wallis and Futuna;”;

(iii) after the definition of “settled” insert—

““specified British overseas territories” means Anguilla; Bermuda; British Antarctic Territory; British Indian Ocean Territory; British Virgin Islands; Cayman Islands; Falkland Islands; Gibraltar; Montserrat; Pitcairn, Henderson, Ducie and Oeno Islands; South Georgia and the South Sandwich Islands; St Helena and Dependencies (Ascension Island and Tristan da Cunha); and Turks and Caicos Islands;”;

(b) for paragraph 1(7) substitute—

“(7) For the purposes of this Schedule, a person (“A”) is to be treated as ordinarily resident in an area if A would have been so resident but for the fact that—

(a) A;

(4) Regulations 9(2), 17(2), 19(2), 22(3) and 24(2) were amended by [S.I. 2021/929](#).

(5) Paragraph (e) of the definition of “family member” was amended by [S.I. 2021/127](#).

- (b) A's spouse or civil partner;
 - (c) A's parent; or,
 - (d) in the case of a dependent direct relative in the ascending line, A's child or child's spouse or civil partner,
- is or was temporarily employed outside the area in question.”;
- (c) for paragraph 1(8) substitute—
- “(8) For the purposes of sub-paragraph (7), temporary employment outside the area in question includes—
- (a) in the case of members of the regular naval, military or air forces of the Crown, any period which they serve outside the United Kingdom as members of such forces;
 - (b) in the case of members of the regular armed forces of a specified British overseas territory, any period which they serve outside the territory comprising the United Kingdom and the specified British overseas territories as members of such forces;
 - (c) in the case of members of the regular armed forces of the Republic of Ireland, any period which they serve outside the territory comprising the United Kingdom, the Islands and the Republic of Ireland as members of such forces;
 - (d) in the case of members of the regular armed forces of an EEA State or Switzerland, any period which they serve outside the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland as members of such forces;
 - (e) in the case of members of the regular armed forces of Turkey, any period which they serve outside the territory comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland and Turkey as members of such forces; and
 - (f) in the case of members of the regular armed forces of an EU overseas territory, any period which they serve outside the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories.”;
- (d) in paragraph 3(1)(d), for the words from “ordinarily resident” to the end substitute—
- “ordinarily resident immediately before the period of ordinary residence referred to in paragraph (c) in the territory comprising—
- (i) the United Kingdom, Gibraltar, the European Economic Area and Switzerland; or
 - (ii) the overseas territories.”;
- (e) in paragraph 6A, for sub-paragraph (1)(c), substitute—
- “(c) has been ordinarily resident throughout the three-year period preceding the relevant date either—
- (i) in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland; or
 - (ii) in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories where at least part of that ordinary residence was in the overseas territories.”;
- (f) in paragraph 7A, for sub-paragraph (1)(b) substitute—

- “(b) has been ordinarily resident throughout the three-year period preceding the relevant date either—
 - (i) in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland; or
 - (ii) in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories where at least part of that ordinary residence was in the overseas territories;”;
- (g) in paragraph 9A—
 - (i) in sub-paragraph (1)(c)—
 - (aa) omit “Gibraltar;”; and
 - (bb) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
 - (ii) in sub-paragraph (1)(d)—
 - (aa) omit “Gibraltar;”; and
 - (bb) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
 - (iii) in sub-paragraph (2)—
 - (aa) omit “Gibraltar;”; and
 - (bb) for “and Switzerland” substitute “, Switzerland and the overseas territories”;
- (h) after paragraph 9BA(6) insert—
 - “**9BB.**—(1) A person—
 - (a) who is settled in the United Kingdom on the relevant date;
 - (b) who is ordinarily resident in England on the relevant date;
 - (c) who has been ordinarily resident in the specified British overseas territories for at least part of the three-year period preceding the relevant date;
 - (d) who has been ordinarily resident in the territory comprising the United Kingdom, the Islands and the specified British overseas territories throughout the three-year period preceding the relevant date; and
 - (e) subject to sub-paragraph (2), whose ordinary residence in the territory comprising the United Kingdom, the Islands and the specified British overseas territories has not during any part of the period referred to in paragraph (d) been wholly or mainly for the purpose of receiving full-time education.
 - (2) Paragraph (e) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the territory comprising the United Kingdom, the Islands and the specified British overseas territories in accordance with paragraph 1(7).”;
- (i) For paragraph 9D substitute—
 - “**9D.**—(1) A person—
 - (a) who on the relevant date is—
 - (i) a United Kingdom national who has resident status in Gibraltar granted by the Government of Gibraltar;
 - (ii) a family member of a United Kingdom national where that family member has resident status in Gibraltar granted by the Government of Gibraltar;
 - (b) who is ordinarily resident in England on the relevant date;

- (c) who has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the three-year period preceding the relevant date; and
 - (d) subject to sub-paragraph (3), whose ordinary residence in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.
- (2) A person—
- (a) who on the relevant date is—
 - (i) an EU national who has a right of residence in Gibraltar arising under the EU withdrawal agreement; or
 - (ii) a family member of an EU national, where that family member has a right of residence in Gibraltar arising under the EU withdrawal agreement;
 - (b) who is ordinarily resident in England on the relevant date;
 - (c) who has been ordinarily resident in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the relevant date; and
 - (d) subject to sub-paragraph (3), whose ordinary residence in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.
- (3) Paragraph (d) of sub-paragraphs (1) and (2) does not apply to a person treated as being ordinarily resident in the territory referred to in paragraph (c) of those sub-paragraphs in accordance with paragraph 1(7).”;
- (j) in paragraph 10ZA(d)(7)—
 - (i) omit “Gibraltar,”; and
 - (ii) for “and Switzerland” substitute “Switzerland and the overseas territories”;
 - (k) in paragraph 11A, for sub-paragraph (c), substitute—
 - “(c) has been ordinarily resident throughout the three-year period preceding the relevant date either—
 - (i) in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland; or
 - (ii) in the territory comprising the United Kingdom, the European Economic Area, Switzerland and the overseas territories where at least part of that ordinary residence was in the overseas territories.”;
 - (l) in paragraph 12A, for sub-paragraph (d) substitute—
 - “(d) has been ordinarily resident throughout the three-year period preceding the relevant date either—
 - (i) in the territory comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland and Turkey; or
 - (ii) in the territory comprising the United Kingdom, the European Economic Area, Switzerland, Turkey and the overseas territories where at least part of that ordinary residence was in the overseas territories.”.

(7) Paragraph 10ZA was inserted by [S.I. 2021/127](#).

SECTION 5

Family members

Family members

30. In Schedule 1, in paragraph 9C(1)(a) for “a United Kingdom national” substitute “settled in the United Kingdom”.

SECTION 6

Eligibility

Eligibility

31. In Schedule 1, for “first day of the first academic year of the course” substitute “relevant date” in paragraph 2A(1)(c)(**8**).

SECTION 7

Amendment of definition of person granted Calais leave

Persons granted Calais leave

32. In regulation 3(1), in paragraph (b) of the definition of “person granted Calais leave”, for “first granted such leave” substitute “granted such leave to remain”.