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STATUTORY INSTRUMENTS

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**2022 No. 534**

**The Education (Student Fees, Awards and Support) (Amendment) (No. 2) Regulations 2022**

**PART 2**

**Amendment of the Education (Student Support) Regulations 2011**

**CHAPTER 3**

**Persons from Ukraine**

**Eligibility of persons from Ukraine**

**4.—(1) In regulation 2(1)—**

(a) after the definition of “person granted leave under one of the Afghan Schemes”<sup>(1)</sup>, insert—

““person granted leave under one of the Ukraine Schemes” means a person granted leave under the Homes for Ukraine Sponsorship Scheme, a person granted leave under the Ukraine Extension Scheme or a person granted leave under the Ukraine Family Scheme;”;

(b) after the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”<sup>(2)</sup>, insert—

““person granted leave under the Homes for Ukraine Sponsorship Scheme” means a person—

(a) who has leave to enter or remain in the United Kingdom—

(i) under paragraph UKR 19.1 of Appendix Ukraine Scheme of the Immigration Rules as defined in section 33(1) of the Immigration Act 1971; or

(ii) outside the Immigration Rules as defined in section 33(1) of the Immigration Act 1971 where the person—

(aa) was residing in Ukraine immediately before 1st January 2022; and

(bb) left Ukraine in connection with the Russian invasion which took place on 24th February 2022; and

(b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;

“person granted leave under the Ukraine Extension Scheme” means a person—

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<sup>(1)</sup> The definition of “person granted leave under one of the Afghan Schemes” was inserted by [S.I. 2022/57](#).

<sup>(2)</sup> The definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme” was inserted by [S.I. 2021/1348](#) and amended by [S.I. 2022/57](#).

- (a) who has leave to remain in the United Kingdom under paragraph UKR 27.1 of Appendix Ukraine Scheme of the Immigration Rules as defined 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;

“person granted leave under the Ukraine Family Scheme” means a person—

- (a) who has leave to enter or remain in the United Kingdom—
  - (i) under paragraph UKR 9.1 of Appendix Ukraine Scheme of the Immigration Rules as defined in section 33(1) of the Immigration Act 1971; or
  - (ii) outside the Immigration Rules as defined in section 33(1) of the Immigration Act 1971 where the person—
    - (aa) was residing in Ukraine immediately before 1st January 2022; and
    - (bb) left Ukraine in connection with the Russian invasion which took place on 24th February 2022; and
- (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 after paragraph (13C)(3), insert—

“(13D) Where—

- (a) the Secretary of State determined that, by virtue of being a person granted leave under one of the Ukraine Schemes, a person (“A”) was—
  - (i) an eligible student in connection with an application for support for—
    - (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 one of the Ukraine Schemes is allowed to stay in the United Kingdom has expired and no further leave to enter or remain has been granted,

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(4), move the terminal “or” from after paragraph (m) to after paragraph (n) and after that paragraph insert—

“(o) the student becomes a person granted leave under one of the Ukraine Schemes.”

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(3) Regulation 4(13C) was inserted by [S.I. 2021/1348](#) and was amended by [S.I. 2022/57](#).

(4) Regulation 17 has been amended, including the insertion of paragraph (n) by [S.I. 2021/1348](#).

(4) In each of regulations 38(8), 41(8), 45(11) and 49A(2), for “or (m)” substitute “, (m), (n) or (o)”.

(5) In regulation 85(2)(5), move the terminal “or” from after sub-paragraph (l) to after sub-paragraph (m) and after that sub-paragraph insert—

“(n) the student becomes a person granted leave under one of the Ukraine Schemes.”.

(6) In regulation 137, after paragraph (11C)(6), insert—

“(11D) Where—

(a) the Secretary of State determined that, by virtue of being a person granted leave under one of the Ukraine Schemes, 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 one of the Ukraine Schemes is allowed to stay in the United Kingdom has expired and no further leave to enter or remain has been granted,

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.”.

(7) In regulation 138(4)(7), move the terminal “or” from after sub-paragraph (n) to after sub-paragraph (o) and after that sub-paragraph insert—

“(p) the student becomes a person granted leave under one of the Ukraine Schemes.”.

(8) In regulation 138A(2)(8), move the terminal “or” from after sub-paragraph (l) to after sub-paragraph (m) and after that sub-paragraph insert—

“(n) the student becomes a person granted leave under one of the Ukraine Schemes.”.

(9) In regulation 147(8), for “or (n)” substitute “, (n), (o) or (p)”.

(10) In regulation 159, after paragraph (16C)(9), insert—

“(16D) Where—

(a) the Secretary of State determined that, by virtue of being a person granted leave under one of the Ukraine Schemes, 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

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(5) Regulation 85(2) has been amended, including the insertion of sub-paragraph (m) by [S.I. 2021/1348](#).

(6) Regulation 137(11C) was inserted by [S.I. 2021/1348](#) and was amended by [S.I. 2022/57](#).

(7) Regulation 138(4) has been amended, including the insertion of sub-paragraph (o) by [S.I. 2021/1348](#).

(8) Regulation 138A was inserted by [S.I. 2018/472](#); paragraph (2) has been amended, including the insertion of sub-paragraph (m) by [S.I. 2021/1348](#).

(9) Regulation 159(16C) was inserted by [S.I. 2021/1348](#) and was amended by [S.I. 2022/57](#).

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- (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 one of the Ukraine Schemes is allowed to stay in the United Kingdom has expired and no further leave to enter or remain has been granted,

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.”.

- (11) In regulation 160(2)(10), move the terminal “or” from after sub-paragraph (l) to after sub-paragraph (m) and after that sub-paragraph insert—

“(n) the student becomes a person granted leave under one of the Ukraine Schemes.”.

- (12) In Schedule 1, after paragraph 15, insert—

**“Persons granted leave under one of the Ukraine Schemes**

**16.** A person granted leave under one of the Ukraine Schemes, who is ordinarily resident in England on the first day of the first academic year of the course.”.

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(10) Regulation 160(2) has been amended, including the insertion of sub-paragraph (m) by [S.I. 2021/1348](#).