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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 3**

**Corresponding amendments to other Regulations**

**CHAPTER 5**

**Amendment of the Higher Education (Fee Limit Condition) (England) Regulations 2017**

*SECTION 1*

*Introductory*

**Amendment of the Higher Education (Fee Limit Condition) (England) Regulations 2017**

**17.** The Higher Education (Fee Limit Condition) (England) Regulations 2017<sup>(1)</sup> are amended as follows.

*SECTION 2*

*Evacuated or assisted British nationals from Afghanistan*

**Evacuated or assisted British nationals from Afghanistan: fee limit condition**

**18.**—(1) In regulation 4(4)(a)(2), after “5F,” insert “5G, 5H.”

(2) In the Schedule—

(a) in paragraph 1(1), after the definition of “European Economic Area”, insert—

““evacuated or assisted British national from Afghanistan” means a person—

(a) who is a British citizen, a British overseas territories citizen, a British National (Overseas), a British Overseas citizen, a British subject under the British Nationality Act 1981 or a British protected person within the meaning of that Act;

(b) who was either—

(i) evacuated from Afghanistan by or on behalf of the United Kingdom, a North Atlantic Treaty Organisation member state, Pakistan, Uzbekistan, Tajikistan, Iran or Qatar during the period of the operation known as Operation Pitting, which began on 14th August 2021 and ended on 28th August 2021; or

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(1) [S.I. 2017/1189](#).

(2) Regulation 4(4)(a) was substituted by [S.I. 2021/127](#) and amended by [S.I. 2021/929](#) and [1348](#).

- (ii) assisted by or on behalf of the United Kingdom, after 28th August 2021 and before 6th January 2022, to leave Afghanistan; and
  - (c) who has been ordinarily resident in the United Kingdom and Islands since they were evacuated from or otherwise left Afghanistan;”;
- (b) after paragraph 5F(3), insert—

**“Evacuated or assisted British nationals from Afghanistan**

**5G.** An evacuated or assisted British national from Afghanistan who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.”.

*SECTION 3*

*Persons from Ukraine*

**Persons from Ukraine: fee limit condition**

**19.—(1)** In regulation 2—

- (a) after the definition of “person granted leave under one of the Afghan Schemes”(4), 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”(5), 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—

  - (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;

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(3) Paragraph 5F was inserted by [S.I. 2021/1348](#).

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

(5) 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](#).

“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 6(2)(6), move the terminal “or” from after sub-paragraph (l) to after sub-paragraph (m) and after that paragraph insert—

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

(3) In the Schedule, after paragraph 5G, insert—

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

**5H.** A person granted leave under one of the Ukraine Schemes who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.”.