
STATUTORY INSTRUMENTS

2022 No. 534

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

PART 3

Corresponding amendments to other Regulations

CHAPTER 7

Amendment of the Higher Education Short Course Loans Regulations 2022

SECTION 1

Introductory

Amendment of the Higher Education Short Course Loans Regulations 2022

23. The Higher Education Short Course Loans Regulations 2022(1) are amended as follows.

SECTION 2

Evacuated or assisted British nationals from Afghanistan

Eligibility of evacuated or assisted British nationals from Afghanistan: short courses

24.—(1) In regulation 2(2), before “(a)” insert—

“(aa) evacuated or assisted British national from Afghanistan;”.

(2) In Schedule 1—

(a) in paragraph 2(1), after the definition of “EU national”, 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

- (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 26, insert—

“Evacuated or assisted British nationals from Afghanistan

27. An evacuated or assisted British national from Afghanistan who is ordinarily resident in England on the first day of the HE short course.”.

SECTION 3

Persons from Ukraine

Eligibility of persons from Ukraine: short courses

- 25.—(1) In regulation 2(2), after “(e)”, insert—
- “(ea) “person granted leave under one of the Ukraine Schemes””;
- (2) In regulation 3(5), after paragraph (h), insert—
- “(i) where the Secretary of State determined that P was an eligible student in connection with the reference course by virtue of being a person granted leave under one of the Ukraine Schemes, the period for which P is allowed to stay in the United Kingdom has expired;”.
- (3) In regulation 6, after paragraph (9), insert—
- “(9A) This paragraph applies in relation to a person (“P”) if—
 - (a) the Secretary of State has determined that, by virtue of being a person granted leave under one of the Ukraine Schemes, P is an eligible student in connection with an application for an HESC loan for the relevant course, and
 - (b) as at the day before the current course begins, the period P is allowed to stay in the United Kingdom has expired.”.
- (4) In regulation 7(2), after paragraph (k), insert—
- “(l) the student becomes a person granted leave under one of the Ukraine Schemes.”.
- (5) In Schedule 1—
- (a) in paragraph 1(1)—
 - (i) after the definition of “person granted leave under one of the Afghan Schemes”, 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;”;
 - (ii) in paragraph 1(1), after the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”, 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;
“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;”;
- (b) after paragraph 27, insert—

“Persons granted leave under one of the Ukraine Schemes

28. A person granted leave under the one of the Ukraine Schemes who is ordinarily resident in England on the first day of the HE short course.”.