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STATUTORY INSTRUMENTS

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**2023 No. 74**

**The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023**

**PART 3**

Corresponding amendments to other subordinate legislation

**CHAPTER 2**

The Education (Student Support) (European University Institute) Regulations 2010

*SECTION 1*

*Introductory*

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

**65.** The Education (Student Support) (European University Institute) Regulations 2010(1) are amended in accordance with this Chapter.

**Commencement Information**

**II** Reg. 65 in force at 16.2.2023, see [reg. 1](#)

*SECTION 2*

*Definitions*

**Insertion of definition of “immigration rules”**

**66.** In regulation 3(1) (interpretation)(2)—

(a) after the definition of “grants for living and other costs”, insert—

““immigration rules” has the meaning given in section 33(1) of the Immigration Act 1971;”;

(b) in the definition of “person granted Calais leave”, in paragraph (a) omit “, as defined in section 33(1) of the Immigration Act 1971”;

(c) in the definition of “person granted humanitarian protection”, in paragraph (a) omit “as defined in section 33(1) of the Immigration Act 1971”;

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

(2) Relevant amending instruments are [S.I. 2011/83](#), [2018/137](#), [2020/48](#), [2020/1203](#), [2021/1348](#) and [2022/534](#).

- (d) in the definition of “person granted indefinite leave to remain as a bereaved partner”, in paragraph (a) omit “, as defined in section 33(1) of the Immigration Act 1971”;
- (e) in the definition of “person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse”, in paragraph (a) omit “, as defined in section 33(1) of the Immigration Act 1971”;
- (f) in the definition of “person granted leave under the Homes for Ukraine Sponsorship Scheme”—
  - (i) in paragraph (a)(i), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
  - (ii) in paragraph (a)(ii), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
- (g) in the definition of “person granted leave under the Ukraine Extension Scheme”, in paragraph (a), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
- (h) in the definition of “person granted leave under the Ukraine Family Scheme”—
  - (i) in paragraph (a)(i), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
  - (ii) in paragraph (a)(ii), for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”;
- (i) in the definition of “person granted stateless leave”, in paragraph (a) omit “(within the meaning given in section 33(1) of the Immigration Act 1971)”.

**67.—**(1) Schedule 1 (eligible students)(3) is amended as follows.

- (2) In Part 1 (interpretation), in paragraph 1(1)—
  - (a) in the definition of “person granted leave under the Afghan Citizens Resettlement Scheme”, in paragraph (a) omit “as defined in section 33(1) of the Immigration Act 1971”;
  - (b) in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”, in paragraph (a)(i)—
    - (i) for “Immigration Rules”, in the first place it occurs, substitute “immigration rules”;
    - (ii) for “Immigration Rules as defined in section 33(1) of the Immigration Act 1971” substitute “immigration rules”.
- (3) In Part 2 (categories)—
  - (a) in paragraph 3(2) omit “(as defined in section 33(1) of the Immigration Act 1971)”;
  - (b) in paragraph 4A(4) omit “(within the meaning given in section 33(1) of the Immigration Act 1971)”.

#### Commencement Information

- I2** Reg. 66 in force at 16.2.2023, see [reg. 1](#)
- I3** Reg. 67 in force at 16.2.2023, see [reg. 1](#)

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(3) Relevant amending instruments are [S.I. 2021/1348](#) and [2022/57](#). Paragraph 4A was inserted by [S.I. 2018/137](#) and amended by [S.I. 2020/1203](#).

### Amendments to the definitions of “overseas territories” and “specified British overseas territories”

- 68.** In Part 1 of Schedule 1 (eligible students: interpretation)(4), in paragraph 1(1)—
- (a) in the definition of “overseas territories”, for “St Helena and Dependencies (Ascension Island and Tristan da Cunha)” substitute “St Helena, Ascension and Tristan da Cunha”;
  - (b) in the definition of “specified British overseas territories”, for “St Helena and Dependencies (Ascension Island and Tristan da Cunha)” substitute “St Helena, Ascension and Tristan da Cunha”.

#### Commencement Information

**I4** Reg. 68 in force at 16.2.2023, see [reg. 1](#)

### Amendments to the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”

**69.** In Part 1 of Schedule 1 (eligible students: interpretation), in paragraph 1(1), in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme” (as amended by regulation 67 of these Regulations)—

- (a) in paragraph (a), after sub-paragraph (i) insert—
  - “(ia) indefinite leave to enter the United Kingdom under ARAP paragraph 6.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.2 of that Appendix of those rules;”;
- (b) in paragraph (a)(iv), after “of those rules” insert “or paragraph ARAP 16.1 of Appendix Afghan Relocation and Assistance Policy of those rules”.

#### Commencement Information

**I5** Reg. 69 in force at 16.2.2023, see [reg. 1](#)

## SECTION 3

### Eligible students

### Amendments relating to family members of persons granted leave under one of the Afghan Schemes or one of the Ukraine Schemes

- 70.** In regulation 9 (eligible students)(5)—
- (a) in paragraph (11C)(a), after “Afghan Schemes” insert “or the spouse, civil partner, child or step-child of such a person”;
  - (b) in paragraph (11D)(a), after “Ukraine Schemes” insert “or the spouse civil partner, child or step-child of such a person”.

**71.—(1)** Schedule 1 (eligible students)(6) is amended as follows.

(4) Definitions inserted by [S.I. 2021/1348](#).

(5) Paragraph (11C) was inserted by [S.I. 2021/1348](#) and amended by [S.I. 2022/57](#). Paragraph (11D) was inserted by [S.I. 2022/534](#).

(6) Paragraph 5A inserted by [S.I. 2021/1348](#) and amended by [S.I. 2022/57](#). Paragraph 5C was inserted by [S.I. 2022/534](#).

(2) In Part 1 (interpretation), in paragraph 1(1) (as amended by regulations 67 and 69 of these Regulations)—

(a) in the definition of “person granted leave under the Afghan Citizens Resettlement Scheme”—

- (i) at the end of paragraph (a)(i), for “or” substitute “and”;
- (ii) omit paragraph (a)(ii) (including “and” at the end);

(b) in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”—

- (i) at the end of paragraph (a)(ii) insert “or”;
- (ii) at the end of paragraph (a)(iii), for “or” substitute “and”;
- (iii) omit paragraph (a)(iv).

(3) In Part 2 (categories)—

(a) for paragraph 5A (including the heading) substitute—

**“Persons granted leave under one of the Afghan Schemes and their family members**

**5A.—**(1) A person granted leave under one of the Afghan Schemes, who is ordinarily resident in England on the relevant date.

(2) A person who—

- (a) is the spouse or the civil partner of a person granted leave under one of the Afghan Schemes;
- (b) on the leave application date, was the spouse or civil partner of that person;
- (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted leave to enter or remain in the United Kingdom; and
- (d) is ordinarily resident in England on the relevant date.

(3) A person who—

- (a) is—
  - (i) the child of a person granted leave under one of the Afghan Schemes; or
  - (ii) the child of the spouse or civil partner of a person granted leave under one of the Afghan Schemes;
- (b) on the leave application date, was—
  - (i) the child of the person granted leave under one of the Afghan Schemes; or
  - (ii) the child of a person who was the spouse or civil partner of a person granted leave under one of the Afghan Schemes on that date;
- (c) was under 18 on the leave application date;
- (d) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and
- (e) is ordinarily resident in England on the relevant date.

(4) In this paragraph “leave application date” means the date on which the person granted leave under one of the Afghan Schemes made an application for leave to enter or remain in the United Kingdom.”.

(b) for paragraph 5C (including the heading) substitute—

**“Persons granted leave under one of the Ukraine Schemes and their family members**

**5C.—**(1) A person granted leave under one of the Ukraine Schemes, who is ordinarily resident in England on the relevant date.

(2) A person who—

- (a) is the spouse or the civil partner of a person granted leave under one of the Ukraine Schemes;
- (b) on the leave application date, was the spouse or civil partner of that person;
- (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted leave to enter or remain in the United Kingdom; and
- (d) is ordinarily resident in England on the relevant date.

(3) A person who—

- (a) is—
  - (i) the child of a person granted leave under one of the Ukraine Schemes; or
  - (ii) the child of the spouse or civil partner of a person granted leave under one of the Ukraine Schemes;
- (b) on the leave application date, was—
  - (i) the child of the person granted leave under one of the Ukraine Schemes; or
  - (ii) the child of a person who was the spouse or civil partner of a person granted leave under one of the Ukraine Schemes on that date;
- (c) was under 18 on the leave application date;
- (d) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and
- (e) is ordinarily resident in England on the relevant date.

(4) In this paragraph “leave application date” means the date on which the person granted leave under one of the Ukraine Schemes made an application for leave to enter or remain in the United Kingdom.”.

**Commencement Information**

- I6** Reg. 70 in force at 16.2.2023, see [reg. 1](#)
- I7** Reg. 71 in force at 16.2.2023, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023, CHAPTER 2.