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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 7

The Higher Education Short Course (Loans) Regulations 2022

*SECTION 1*

*Introductory*

**Amendment of the Higher Education Short Course (Loans) Regulations 2022**

**124.** The Higher Education Short Course (Loans) Regulations 2022<sup>(1)</sup> are amended in accordance with this Chapter.

*SECTION 2*

*Definitions*

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

**125.** In regulation 2(1) (interpretation)—

- (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”.

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

**126.** 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”—

(a) in paragraph (a), after sub-paragraph (i) insert—

“(ia) indefinite leave to enter the United Kingdom under paragraph ARAP 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”.

### SECTION 3

#### *Eligible students*

#### **Amendments relating to students who become eligible after the start of an HE short course**

**127.** In regulation 2(4) (interpretation) after “place”, in the second place it occurs, insert “(but see regulation 7(3) and (4))”.

**128.—**(1) Regulation 7 (students who become eligible students after the start of an HE short course) is amended as follows.

(2) In paragraph (1) for “course, a student” substitute “course which results in a student becoming an eligible student, the student”.

(3) After paragraph (2) insert—

“(3) Where an event specified in paragraph (2)(a), (b), (c), (d), (e), (f), (g) or (l) occurs in relation to a student, paragraph (4) applies for the purposes of determining whether that event results in the student becoming an eligible student.

(4) The student is, for the purposes of determining whether the student satisfies any requirement in Schedule 1 to be ordinarily resident in England on the first day of the HE short course, to be treated as if the student was, on the course start date, lawfully residing in the place where the student was residing on that date.”.

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

**129.** In regulation 3(5) (eligible students)(2)—

(a) for sub-paragraph (h) substitute—

“(h) where the Secretary of State determined that P was an eligible student in connection with the reference course by virtue of being—

(i) a person granted leave under one of the Afghan Schemes, or

(ii) the spouse, civil partner, child or step-child of a person (“A”) granted leave under one of the Afghan Schemes,

the period for which P, or, as the case may be, A, is allowed to stay in the United Kingdom has expired;”;

(b) for sub-paragraph (i) substitute—

“(i) where the Secretary of State determined that P was an eligible student in connection with the reference course by virtue of being—

(i) a person granted leave under one of the Ukraine Schemes, or

(ii) the spouse, civil partner, child or step-child of a person (“U”) granted leave under one of the Ukraine Schemes,

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(2) Sub-paragraph (i) was inserted by [S.I. 2022/534](#).

the period for which P, or, as the case may be, U, is allowed to stay in the United Kingdom has expired.”.

**130.** In regulation 6 (students who cease to be eligible students before the start of an HE short course)(3)—

- (a) in paragraph (9)(a), after “Schemes” insert “or the spouse, civil partner, child or step-child of a person granted leave under one of the Afghan Schemes”;
- (b) in paragraph (9A)(a), after “Schemes” insert “or the spouse, civil partner, child or step-child of a person granted leave under one of the Ukraine Schemes”.

**131.** In regulation 7 (students who become eligible after the start of an HE short course) (as amended by regulation 128 of these Regulations), in paragraph (2)—

- (a) in sub-paragraph (g), after “the student” insert “, or the student’s spouse, civil partner, parent or step-parent,”;
- (b) in sub-paragraph (l), after “the student” insert “, or the student’s spouse, civil partner, parent or step-parent,”.

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

(2) In Part 1 (interpretation), in paragraph 1(1) (as amended by regulation 126 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) (including “and” at the end).

(3) In Part 2 (categories)—

- (a) for paragraph 26 (including the heading) substitute—

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

**26.—**(1) A person granted leave under one of the Afghan Schemes who is ordinarily resident in England on the first day of the HE short course.

(2) A person who—

- (a) is the spouse or 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 first day of the HE short course.

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(3) Paragraph (9A) was inserted by [S.I. 2022/534](#).

- (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 first day of the HE short course.

(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 28 (including the heading)(4) substitute—

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

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

- (2) A person who—
- (a) is the spouse or 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 first day of the HE short course.
- (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,

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(4) Paragraph 28 was inserted by [S.I. 2022/534](#).

(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 first day of the HE short course.

(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.”.