

2021 No. 50

EDUCATION

**The Education (Student Support, etc.) (Amendment)
Regulations (Northern Ireland) 2021**

Made - - - - *4th March 2021*

Coming into operation- - *25th March 2021*

The Department for the Economy^(a) in exercise of the powers conferred by Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998^(b) and Articles 4(8) and 14(4) of the Higher Education (Northern Ireland) Order 2005^(c) makes the following Regulations.

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Student Support, etc.) (Amendment) Regulations (Northern Ireland) 2021.

(2) These Regulations come into operation on 25th March 2021.

(3) The following provisions apply in relation to the provision of support to a student in relation to an academic year which begins on or after 1st August 2021, whether or not anything done under these Regulations is done before, on or after that date—

- (a) regulations 4 to 6, 9, 10 and 15 to 21,
- (b) regulation 23 and Schedule.

(4) The following provisions apply in relation to the provision of support to a student in relation to a course which begins on or after 1st August 2021, whether or not anything done under these Regulations is done before, on or after that date—

- (a) regulations 7, 8 and 11 to 14.

(5) In paragraph (3), an “academic year” is the period of twelve months beginning with 1st January, 1st April, 1st July or 1st September of the calendar year in which the academic year of the course in question begins, according to whether the academic year of the course in question begins—

- (a) on or after 1st January and before 1st April;
- (b) on or after 1st April and before 1st July;
- (c) on or after 1st July and before 1st August; or
- (d) on or after 1st August and on or before 31st December.

(a) Formerly the Department for Employment and Learning; see Article 6(1)(c) of the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016 No. 76)

(b) S.I. 1998/1760 (N.I. 14). Article 3 was amended by the Learning and Skills Act 2000 (c.21), section 147(3)(a) and (b), the Student Loans (Amendment) Act (Northern Ireland) 2001, (c.2 (N.I.)), s.1(1), the Income Tax (Earnings and Pensions) Act 2003 (c.1), Schedule 6, the Finance Act 2003, (c.14), s.147(4), the Higher Education (Northern Ireland) Order 2005, (S.I. 2005/1116 (N.I. 5)), Articles 11 and 12 and the Schedule, and by the Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) (No.2) Order 2013, (S.I. 2013/1881), Schedule 1

(c) S.I. 2005/1116 see Article 2(2) for definitions of “the Department”, “prescribed” and “regulations”.

Interpretation

2. In these Regulations “the 2009 Regulations” means the Education (Student Support) (No.2) Regulations (Northern Ireland) 2009(a).

Amendments in relation to notification of absence from courses

3. In Schedule 4(b) (information) to the 2009 Regulations—

(a) in paragraph 2—

(i) in the words before sub-paragraph (a)—

(aa) for “Every” substitute “An”;

(bb) for “and eligible” substitute “or eligible”

(ii) for sub-paragraphs (a) to (g) substitute—

“(a) they withdraw from or abandon their course;

(b) they are expelled from their course;

(c) they transfer to another course (whether at the same institution or not);

(d) they are absent from their course for more than 60 days due to illness;

(e) they are suspended from their course (whether at their request or not);

(f) the month for the start or completion of their course changes;

(g) their home or term-time address or telephone number changes;

(h) they become, or cease to be, a prisoner.”;

(b) after paragraph 2, insert—

“2A.—(1) An academic authority must forthwith inform the Department and provide the Department with particulars if an applicant, eligible student, eligible distance learning student, eligible part-time student or eligible Master’s, etc. student—

(a) withdraws from or abandons their course;

(b) is expelled from their course;

(c) is absent from their course for more than 60 days due to illness;

(d) is suspended from their course (whether at their request or not).

(2) An academic authority is not required to provide under sub-paragraph (1) any information which it has already provided to the Department under regulation 99(5), 119A(4) 137A(4) or 163(5).”.

Amendments in relation to section 67 leave

4. In Schedule 1(c) to the Student Fees (Qualifying Courses and Persons) Regulations (Northern Ireland) 2007, in paragraph 4A (persons granted section 67 leave)—

(a) at the end of sub-paragraph (a), insert “and”;

(b) omit sub-paragraph (b);

(c) at the end of sub-paragraph (c) for “; and” substitute “.”;

(d) omit sub-paragraph (d).

5. The 2009 Regulations are amended as follows—

(a) S.R. 2009 No. 373, amended by S.R.s 2010 No. 383, 2012 Nos. 62 and 398, 2013 Nos. 128 and 223, 2014 Nos. 97 and 309, 2016 No. 21, 2017 Nos. 7 and 43, 2018 No. 35, 2019 Nos.35 and 102 and 2020 No. 79

(b) Schedule 4 to S.R. 2009 No. 373 was amended by S.R. 2017 No. 7

(c) Schedule 1 to S.R. 2007 No. 328 was amended by Order 2011/1043. S.R.s 2007 No. 375, 2011 Nos. 70 and 376, 2013 No. 37 and 2019 No. 35

- (a) in regulation 5(a) (eligible students)—
 - (i) in paragraph 11A, in sub-paragraph (a)(ii)—
 - (aa) after “designated part-time” insert “, designated distance learning course”;
 - (bb) after “eligible part-time student” insert “, eligible distance learning student”;
- (b) in regulation 105(b) (eligible distance learning students)—
 - (i) after paragraph 11, insert—

“(11A) Where—

 - (a) the Department determined that, by virtue of being a person granted section 67 leave, a person (“A”) was an eligible distance learning student in connection with—
 - (i) an application for support for an earlier year of the current distance learning course; or
 - (ii) an application for support in connection with a designated course, designated part-time course or other designated distance learning course from which A’s status as an eligible student, eligible part-time student or eligible distance learning student has been transferred to the current 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 section 67 leave is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,

A’s status as an eligible student terminates immediately before the first day of the academic year in respect of which A is applying for support.”;
- (c) in regulation 122(c) (eligible part-time students)—
 - (i) in paragraph 10A, for sub-paragraph (a)(ii), substitute—

“(ii) an application for support in connection with a designated course, designated distance learning course or other designated part-time course from which A’s status as an eligible student, eligible part-time student or eligible distance learning student has been transferred to the current course; and”;
- (d) in regulation 149(d) (eligible master’s, etc. students)—
 - (i) in paragraph 8 for “(11) and (12)” substitute “(11), (11A), (11B), (11C), (11D) and (12)”;
 - (ii) after paragraph 11 insert—

“(11A) Where—

 - (a) the Department determined that, by virtue of being a person granted section 67 leave, a person (“A”) was an eligible Master’s, etc. student in connection with—
 - (i) an application for support for an earlier year of the current Master’s, etc. course; or
 - (ii) an application for support in connection with another designated Master’s, etc. course from which A’s status as an eligible Master’s, etc. student has been transferred to the current Master’s, etc. 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 section 67 leave is allowed to stay in the United Kingdom has expired and no further leave has been granted,

A’s status as an eligible Master’s, etc. student terminates immediately before the first day of the academic year in respect of which A is applying for support.”.

(a) Regulation 5 was amended by S.S.I 2007/503, S.R.s 2010 No. 383, 2013 No. 128, 2017 No. 7 and 2019 No. 35
 (b) Regulation 105 was amended by S.S.I 2007/503, S.R.s 2010 No. 383, 2013 No. 128 and 2017 No. 7
 (c) Regulation 122 was amended by S.Rs 2010 No. 383, 2017 No. 7 and 2019 No. 35
 (d) Regulation 149 was amended by S.R.s 2017 No. 7 and 2018 No. 35

6. In Part 2 of Schedule 2(a) to the 2009 Regulations (eligible students: categories) for paragraph 4A substitute—

“Person granted section 67 leave

4A. — A person granted section 67 leave who is ordinarily resident in Northern Ireland on the first day of the first academic year of the course.”.

Amendments relating to persons granted Calais Leave

7. In Schedule 1 to the Student Fees (Qualifying Courses and Persons) Regulations (Northern Ireland) 2007, after paragraph 4A, insert—

“Persons granted Calais leave

4B. — A person who—

- (a) has extant leave to remain in the United Kingdom under paragraph 352J, 352K, 352L or 352T (Calais leave and “leave in line” granted by virtue of being a dependent child of a person granted Calais leave) of the immigration rules, as defined in section 33(1) of the Immigration Act 1971;
- (b) has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave; and
- (c) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.”.

8. The 2009 Regulations are amended as follows—

- (a) in regulation 2(1) (interpretation), after the definition of “periods of work experience” insert—

““person granted Calais leave” means a person who—

- (a) has extant leave to remain in the United Kingdom under paragraph 352J, 352K, 352L or 352T (Calais leave and “leave in line” granted by virtue of being a dependent child of a person granted Calais leave) of the immigration rules, as defined in section 33(1) of the Immigration Act 1971; and
- (b) has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave;”;

- (b) in regulation 5(b) (eligible students),

- (i) after paragraph (11A) insert—

“(11B) Where—

- (a) the Department determined that, by virtue of being a person granted Calais leave, a person (“A”) was an eligible student in connection with—
 - (i) an application for support for an earlier year of the current course; or
 - (ii) an application for support in connection with a designated part-time course, designated distance learning or other designated course from which A’s status as an eligible part-time student, eligible distance learning student or eligible student has been transferred to the current 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 A is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,

(a) Part 2 of Schedule 2 to S.R. 2009 No.373 was amended by Order 2011 No. 1043 and S.R.s 2017 No.7 and 2019 No.35
(b) Regulation 5 was amended by S.S.I 2007 No. 503 and S.R.s 2010 No. 383, 2013 No. 128 and 2017 No. 7

A’s status as an eligible student terminates immediately before the first day of the academic year in respect of which A is applying for support.”;

- (c) in regulation 18(a) (events)–
 - (i) in sub-paragraph (h) omit “or”;
 - (ii) in sub-paragraph (i) after “leave” for “.” substitute “;”;
 - (iii) after sub-paragraph (i), insert—
 - “(j) the student becomes a person granted Calais leave;”;
- (d) in regulation 74(2)(b) (students becoming eligible in the course of an academic year) –
 - (i) in sub-paragraph (g) omit “or”;
 - (ii) in sub-paragraph (h) after “leave” for “.” substitute “;”;
 - (iii) after sub-paragraph (h), insert—
 - “(j) the student becomes a person granted Calais leave;”;
- (e) in regulation 83(2)(c) (students becoming eligible in the course of an academic year)-
 - (i) in sub-paragraph (h) after “leave” for “.” substitute “;”;
 - (ii) after sub-paragraph (h), insert—
 - “(i) the student becomes a person granted Calais leave;”;
- (f) in regulation 105 (eligible distance learning students)–
 - (i) after paragraph 11A (as inserted by these regulations) insert–
 - “(11B) Where—
 - (a) the Department determined that, by virtue of being a person granted Calais leave, a person (“A”) was an eligible distance learning student in connection with–
 - (i) an application for support for an earlier year of the current distance learning course; or
 - (ii) an application for support in connection with a designated course, designated part-time course or other designated distance learning course from which A’s status as an eligible student, eligible part-time student or eligible distance learning student has been transferred to the current 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 Calais leave is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,

A’s status as an eligible student terminates immediately before the first day of the academic year in respect of which A is applying for support.”;

- (g) in regulation 106(d) (students becoming eligible in the course of an academic year)-
 - (i) in paragraph 1A for “or (i)” substitute “(i), (j), (k), (l) or (m)”;
 - (ii) in paragraph 2 for “or (i)” substitute “(i), (j), (k), (l) or (m)”;
 - (iii) in paragraph 3 for “or (i)” substitute “(i), (j), (k), (l) or (m)”;
 - (iv) in paragraph (4)—
 - (aa) in sub-paragraph (i) omit “or”;
 - (bb) in sub-paragraph (j) after “leave” for “.” substitute “;”;
 - (cc) after sub-paragraph (j), insert—
 - “(k) the student becomes a person granted Calais leave;”;

(a) Regulations 18 was amended by Order 2011/1043 and S.R. 2019 No. 35
(b) Regulation 74(2) was amended by Order 2011/1043 and S.R. 2019 No. 35
(c) Regulation 83(2) was amended by Order 2011/1043 and S.R. 2019 No. 35
(d) Regulation 106(4) was amended by Order 2011/1043 and S.R. 2019 No. 35

- (h) in regulation 122 (eligible part-time students)—
- (i) after paragraph 10A, insert—
- “(10B) Where—
- (a) the Department determined that, by virtue of being a person granted Calais leave, 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, designated distance learning course or other designated part-time course from which A’s status as an eligible student, eligible part-time student or eligible distance learning student has been transferred to the current 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 Calais leave is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,
- A’s status as an eligible student terminates immediately before the first day of the academic year in respect of which A is applying for support.”;
- (i) in regulation 123(a) (students becoming eligible in the course of an academic year)—
- (i) in paragraph 1A for “or (i)” substitute “(i), (j), (k), (l) or (m)”;
- (ii) in paragraph 2 for “or (i)” substitute “(i), (j), (k), (l) or (m)”;
- (iii) in paragraph (3)—
- (aa) in sub-paragraph (i) omit “or”;
- (bb) in sub-paragraph (j) after “leave” for “.” substitute “,”;
- (cc) after sub-paragraph (j), insert—
- “(k) the student becomes a person granted Calais leave;”;
- (j) in regulation 139 (eligible postgraduate students)—
- (i) after paragraph 12A, insert
- “(12B) Where—
- (a) the Department determined that, by virtue of being a person granted Calais leave, 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
- (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 Calais leave is allowed to stay in the United Kingdom has expired and no further leave 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.”;
- (k) in regulation 140(2)(b) (students becoming eligible in the course of an academic year)
- (i) in sub-paragraph (g) omit “or”;
- (ii) in sub-paragraph (h) after leave for “.” substitute “,”;
- (iii) after sub-paragraph (h) insert –
- “(j) the student becomes a person granted Calais leave;”;

(a) Regulation 123(3) was amended by Order 2011/1043 and S.R. 2019 No. 35
 (b) Regulation 140 was amended by S.R. 2019 No. 35

- (l) in regulation 149(a) (eligible master’s, etc. students)
 - (i) after paragraph 11A (as inserted by these regulations) insert
“(11B) Where—
 - (a) the Department determined that, by virtue of being a person granted Calais leave, a person (“A”) was an eligible Master’s, etc. student in connection with—
 - (i) an application for support for an earlier year of the current Master’s, etc. course; or
 - (ii) an application for support in connection with another designated Master’s, etc. course from which A’s status as an eligible Master’s, etc. student has been transferred to the current Master’s, etc. 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 Calais leave is allowed to stay in the United Kingdom has expired and no further leave has been granted,
A’s status as an eligible Master’s, etc. student terminates immediately before the first day of the academic year in respect of which A is applying for support.”;
- (m) in regulation 151(b) (events)—
 - (i) in sub-paragraph (h) omit “or”;
 - (ii) in sub-paragraph (i) after “leave” for “.” substitute “;”;
 - (iii) after sub-paragraph (i), insert—
 - “(j) the student becomes a person granted Calais leave;”;
- (n) in Part 2 (categories) of Schedule 2 (eligible students) after paragraph 4A, insert—

“Persons granted Calais leave

4B. — A person granted Calais leave who is ordinarily resident in Northern Ireland on the first day of the first academic year of the course.”.

Amendments relating to Persons granted humanitarian protection and their family members

9. In Schedule 1 to the Student Fees (Qualifying Courses and Persons) Regulations (Northern Ireland) 2007 (interpretation) —

- (a) in paragraph 1(1) after the definition of “overseas territories” insert—
 - ““persons granted humanitarian protection” means a person—
 - (a) who, on the grounds of humanitarian protection, has been granted leave to remain under the immigration rules as defined in section 33(1) of the Immigration Act 1971;
 - (b) whose leave to remain is extant, or in respect of whose leave to remain an appeal is pending (within section 104 of the Nationality, Immigration and Asylum Act 2002)(c);
 - (c) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave to remain.”
- (b) after paragraph 4B (as inserted by these regulations), insert—

(a) Regulation 149 was amended by S.R.s 2017 No. 43, 2018 No. 35, 2020 No. 79
 (b) Regulation 151 was inserted by S.R. 2017 No. 7 and was amended by S.R. 2019 No. 35
 (c) section 104 was amended by the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c.19), section 26 and Schedule 2 and the Immigration, Asylum and Nationality Act 2006 (c.13), section 9

“Persons granted humanitarian protection and their family members

4C. —

(1) A person granted humanitarian protection who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.

(2) A person who—

- (a) is the spouse or civil partner of a person granted humanitarian protection;
- (b) was the spouse or civil partner of the person granted humanitarian protection on the date on which that person applied for asylum (the “asylum application date”);
- (c) who 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
- (d) who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.

(3) A person who—

- (a) is the child of a person granted humanitarian protection or the child of the spouse or civil partner of a person granted humanitarian protection;
- (b) on the asylum application date, was the child of that person or the child of a person who was the spouse or civil partner of the person granted humanitarian protection on that date;
- (c) was under 18 years of age on the asylum application date;
- (d) who 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) who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.”

10. The 2009 Regulations are amended as follows—

(a) in regulation 2(1) (interpretation), after the definition of “person granted Calais leave” (as inserted by these regulations) insert—

““person granted humanitarian protection” means a person —

- (a) who, on the grounds of humanitarian protection, has been granted leave to remain under the immigration rules as defined in section 33(1) of the Immigration Act 1971; and
- (b) whose leave to remain is extant, or in respect of whose leave to remain an appeal is pending (within section 104 of the Nationality, Immigration and Asylum Act 2002)(a); and
- (c) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave to remain;”;

(b) in regulation 5 (eligible students), after paragraph (11B) (as inserted by these regulations) insert—

“(11C) Where—

- (a) the Department determined that, by virtue of being a person granted humanitarian protection or the spouse, civil partner, child or step-child of such a person, a person (“A”) was—
 - (i) an eligible student in connection with an application for support for an earlier year of the current course, an application for support for a course in relation to

(a) section 104 was amended by the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c.19), section 26 and Schedule 2 and the Immigration, Asylum and Nationality Act 2006 (c.13), section 9

which the current course is an end-on course or an application for support in connection with a designated part-time course, designated distance learning course or other designated course from which A's status as an eligible student, eligible part-time student or eligible distance learning 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 humanitarian protection is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),

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.”;

(c) in regulation 18 (events) in sub-paragraph (b) after “refugee” insert “or becomes a person granted humanitarian protection”;

(d) in regulation 74(2) (students becoming eligible in the course of an academic year) in sub-paragraph (b) after “refugee” insert “or becomes a person granted humanitarian protection”;

(e) in regulation 83(2) (students becoming eligible in the course of an academic year) in sub-paragraph (a) after “refugee” insert “or becomes a person granted humanitarian protection”;

(f) in regulation 105 (eligible distance learning students)—

(i) after paragraph 11B (as inserted by these regulations) insert—

“(11C) Where—

(a) the Department determined that, by virtue of being a person granted humanitarian protection or the spouse, civil partner, child or step-child of such a person, a person (“A”) was an eligible distance learning student in connection with an application for support for an earlier year of the current course, or an application for support in connection with a designated course, designated part-time course, or other designated distance learning course from which A's status as an eligible part-time student, designated distance learning student or eligible student has been transferred to the current 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 humanitarian protection is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),

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.”;

(g) in regulation 106(4) (students becoming eligible in the course of an academic year) in sub-paragraph (b) after “refugee” insert “or becomes a person granted humanitarian protection”

(h) in regulation 122 (eligible part-time students)—

(i) after paragraph 10B (as inserted by these regulations), insert

“(10C) Where—

(a) the Department determined that, by virtue of being a person granted humanitarian protection or the spouse, civil partner, child or step-child of such a person, 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, designated distance learning course or other designated part-time course from which A's status as an eligible student, eligible part-time student or eligible distance learning student has been transferred to the current 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 humanitarian protection is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),

A's status as an eligible student terminates immediately before the first day of the academic year in respect of which A is applying for support.”;

- (i) in regulation 123(3) (students becoming eligible in the course of an academic year) in sub-paragraph (b) after “refugee” insert “or becomes a person granted humanitarian protection”;
- (j) in regulation 139 (eligible postgraduate students)—
 - (i) after paragraph 12B (as inserted by these regulations), insert —

“(12C) Where—

 - (a) the Department determined that, by virtue of being a person granted humanitarian protection or the spouse, civil partner, child or step-child of such a person, 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
 - (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 humanitarian protection is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),

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.”;

- (k) in regulation 140(2)(a) (students becoming eligible in the course of an academic year) in sub-paragraph (b) after “refugee” insert “or becomes a person granted humanitarian protection”;
- (l) in regulation 149(b) (eligible master's, etc. students)
 - (i) after paragraph 11B (as inserted by these regulations) insert—

“(11C) Where—

 - (a) the Department determined that, by virtue of being a person granted humanitarian protection or the spouse, civil partner, child or step-child of such a person, a person (“A”) was an eligible Master's, etc. student in connection with—
 - (i) an application for support for an earlier year of the current Master's, etc. course; or
 - (ii) an application for support in connection with another designated Master's, etc. course from which A's status as an eligible Master's, etc. student has been transferred to the current Master's, etc. course; and

(a) Regulation 140 was amended by S.R. 2019 No. 35

(b) Regulation 149 was amended by S.R.s 2017 No. 43, 2018 No. 35, 2020 No. 79

- (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 humanitarian protection is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002),

A's status as an eligible Master's, etc. student terminates immediately before the first day of the academic year in respect of which A is applying for support.”;

- (m) in regulation 151 (events) in sub-paragraph (b) after “refugee” insert “or becomes a person granted humanitarian protection”;
- (n) in Part 2 (categories) of Schedule 2 (eligible students), after paragraph 4B (as inserted by these regulations), insert—

“Persons granted humanitarian protection and their family members

4C. —

(1) A person granted humanitarian protection who is ordinarily resident in Northern Ireland on the first day of the first academic year of the course;

(2) A person who—

- (a) is the spouse or civil partner of a person granted humanitarian protection;
- (b) was the spouse or civil partner of the person granted humanitarian protection on the date on which that person applied for asylum (the “asylum application date”);
- (c) who 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
- (d) who is ordinarily resident in Northern Ireland on the first day of the first academic year of the course.

(3) A person who—

- (a) is the child of a person granted humanitarian protection or the child of the spouse or civil partner of a person granted humanitarian protection;
- (b) on the asylum application date, was the child of that person or the child of a person who was the spouse or civil partner of the person granted humanitarian protection on that date;
- (c) was under 18 years of age on the asylum application date;
- (d) who 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) who is ordinarily resident in Northern Ireland on the first day of the first academic year of the course.”

Amendments relating to Persons granted indefinite leave to remain as a bereaved partner

11. In Schedule 1 to the Student Fees (Qualifying Courses and Persons) Regulations (Northern Ireland) 2007 (interpretation) —

- (a) in paragraph 1(1) after the definition of “Person granted humanitarian protection” (as inserted by these regulations insert—

““person granted indefinite leave to remain as a bereaved partner” means a person—

- (a) granted indefinite leave to remain in the United Kingdom under any of the following provisions of the immigration rules, as defined in section 33(1) of the Immigration Act 1971—
 - (i) paragraph 288, as a person in relation to whom the requirements in paragraph 287(b) of those rules are met (bereaved partners),

- (ii) paragraph 295N, as a person in relation to whom the requirements in paragraph 295M of those rules are met (bereaved partners),
- (iii) paragraph D-BPILR.1.1 of Appendix FM (bereaved partners), or
- (iv) paragraph 36 of Appendix Armed Forces (bereaved partner of a member of HM Forces), and
- (b) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave;”;
- (b) after paragraph 4C (as inserted by these regulations), insert—

“Persons granted indefinite leave to remain as a bereaved partner

4D.— A person granted indefinite leave to remain as a bereaved partner, who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.”.

12. The 2009 Regulations are amended as follows—

- (a) in regulation 2(1) (interpretation), after the definition of “person granted humanitarian protection” (as inserted by these regulations) insert—
 - ““person granted indefinite leave to remain as a bereaved partner” means a person—
 - (a) granted indefinite leave to remain in the United Kingdom under any of the following provisions of the immigration rules, as defined in section 33(1) of the Immigration Act 1971—
 - (i) paragraph 288, as a person in relation to whom the requirements in paragraph 287(b) of those rules are met (bereaved partners),
 - (ii) paragraph 295N, as a person in relation to whom the requirements in paragraph 295M of those rules are met (bereaved partners),
 - (iii) paragraph D-BPILR.1.1 of Appendix FM (bereaved partners), or
 - (iv) paragraph 36 of Appendix Armed Forces (bereaved partner of a member of HM Forces), and
 - (b) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave;”;
- (b) in regulation 18 (events) after sub-paragraph (j) (as inserted by these regulations), insert—
 - “(k) the student becomes a person granted indefinite leave to remain as a bereaved partner; or”;
- (c) in regulation 74(2) (students becoming eligible in the course of an academic year) after sub-paragraph (i) (as inserted by these regulations), insert—
 - “(j) the student becomes a person granted indefinite leave to remain as a bereaved partner; or”;
- (d) in regulation 83(2) (students becoming eligible in the course of an academic year) after sub-paragraph (i) (as inserted by these regulations), insert—
 - “(j) the student becomes a person granted indefinite leave to remain as a bereaved partner; or”;
- (e) in regulation 106(4) (students becoming eligible in the course of an academic year) after sub-paragraph (k) (as inserted by these regulations), insert—
 - “(l) the student becomes a person granted indefinite leave to remain as a bereaved partner; or”;
- (f) in regulation 123(3) (students becoming eligible in the course of an academic year) after sub-paragraph (k) (as inserted by these regulations), insert—

- “(l) the student becomes a person granted indefinite leave to remain as a bereaved partner; or”;
- (g) in regulation 140(2) (students becoming eligible in the course of an academic year) after sub-paragraph (i) (as inserted by these regulations), insert—
 - “(j) the student becomes a person granted indefinite leave to remain as a bereaved partner; or”;
- (h) in regulation 151 (events) after sub-paragraph (j) (as inserted by these regulations), insert—
 - “(k) the student becomes a person granted indefinite leave to remain as a bereaved partner; or”;
- (i) in Part 2 (categories) of Schedule 2 (eligible students), after paragraph 4C (as inserted by these regulations), insert—

“Persons granted indefinite leave to remain as a bereaved partner

4D. — A person granted indefinite leave to remain as a bereaved partner, who is ordinarily resident in Northern Ireland on the first day of the first academic year of the course.”.

Amendments relating to persons granted indefinite leave to remain as a victim of domestic violence and domestic abuse

13. In Schedule 1 to the Student Fees (Qualifying Courses and Persons) Regulations (Northern Ireland) 2007 (interpretation) —

- (a) in paragraph 1(1) after the definition of “Person granted indefinite leave to remain as a bereaved partner” (as inserted by these regulations) insert—
 - ““person granted indefinite leave to remain as a victim of domestic violence or domestic abuse” means a person—
 - (i) granted indefinite leave to remain in the United Kingdom under any of the following provisions of the immigration rules, as defined in section 33(1) of the Immigration Act 1971—
 - (aa) paragraph 289B (victims of domestic violence);
 - (bb) paragraph D-DVILR.1.1. of Appendix FM (victims of domestic abuse);
 - or
 - (cc) paragraph 40 of Appendix Armed Forces (victims of domestic violence: partners of members of the armed forces); and
 - (ii) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave;”;
- (b) after paragraph 4D (as inserted by these regulations), insert—

“Persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse

4E. — A person granted indefinite leave to remain as a victim of domestic violence or domestic abuse, who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.”.

14. The 2009 Regulations are amended as follows—

- (a) in regulation 2(1) (interpretation), after the definition of “person granted indefinite leave to remain as a bereaved partner” (as inserted by these regulations) insert—
 - ““person granted indefinite leave to remain as a victim of domestic violence or domestic abuse” means a person—

- (a) granted indefinite leave to remain in the United Kingdom under any of the following provisions of the immigration rules, as defined in section 33(1) of the Immigration Act 1971—
 - (i) paragraph 289B (victims of domestic violence);
 - (ii) paragraph D-DVILR.1.1. of Appendix FM (victims of domestic abuse); or
 - (iii) paragraph 40 of Appendix Armed Forces (victims of domestic violence: partners of members of the armed forces); and
- (b) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave;”;
- (b) in regulation 18 (events) after sub-paragraph (k) (as inserted by these regulations), insert—

“(1) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse.”;
- (c) in regulation 74(2) (students becoming eligible in the course of an academic year) after sub-paragraph (j) (as inserted by these regulations), insert—

“(k) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse.”;
- (d) in regulation 83(2) (students becoming eligible in the course of an academic year) after sub-paragraph (j) (as inserted by these regulations), insert—

“(k) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse.”;
- (e) in regulation 106(4) (students becoming eligible in the course of an academic year) after sub-paragraph (l) (as inserted by these regulations), insert—

“(m) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse.”;
- (f) in regulation 123(3) (students becoming eligible in the course of an academic year) after sub-paragraph (l) (as inserted by these regulations), insert—

“(m) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse.”;
- (g) in regulation 140(2) (students becoming eligible in the course of an academic year) after sub-paragraph (j) (as inserted by these regulations), insert –

“(k) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse.”;
- (h) in regulation 151 (events) after sub-paragraph (k) (as inserted by these regulations), insert—

“(l) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse.”;
- (i) in Part 2 (categories) of Schedule 2 (eligible students), after paragraph 4D (as inserted by these regulations), insert—

“Persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse

4E. — A person granted indefinite leave to remain as a victim of domestic violence or domestic abuse, who is ordinarily resident in Northern Ireland on the first day of the first academic year of the course.”.

Amendments relating to persons granted stateless leave and their family members

15. The Student Fees (Qualifying Courses and Persons) Regulations (Northern Ireland) 2007 are amended as follows —

- (a) In sub-paragraph (c) of regulation 5(1)—
 - (i) after “4A” insert “4B, 4C, 4D, 4E, 4F”;
- (b) in paragraph 1(1) of Schedule 1, after the definition of “persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse” insert—
 - ““person granted stateless leave” means a person who—
 - (a) has extant leave to remain as a stateless person under the immigration rules (within the meaning given in section 33(1) of the Immigration Act 1971); and
 - (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave.”;
- (c) after paragraph 4E (as inserted by these regulations), insert—

“Persons granted stateless leave and their family members

4F. —

(1) A person granted stateless leave who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.

(2) A person—

- (a) who—
 - (i) is the spouse or civil partner of a person granted stateless leave; and
 - (ii) on the leave application date, was the spouse or civil partner of the person granted stateless leave; and
- (b) who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.

(3) A person—

- (a) who—
 - (i) is the child of a person granted stateless leave or the child of the spouse or civil partner of a person granted stateless leave; and
 - (ii) on the leave application date, was the child of the person granted stateless leave or the child of a person who, on the leave application date, was the spouse or civil partner of the person granted stateless leave;
- (b) who was under 18 years of age on the leave application date; and
- (c) who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.

(4) In this paragraph, “leave application date” means the date on which the person granted stateless leave made an application to remain in the United Kingdom as a stateless person under the immigration rules (within the meaning given in section 33(1) of the Immigration Act 1971).”

16. The 2009 Regulations are amended as follows —

- (a) in regulation 2(1) (interpretation), after the definition of “person granted indefinite leave to remain as a victim of domestic violence and domestic abuse” (as inserted by these regulations) insert—
 - ““person granted stateless leave” means a person who —
 - (a) has extant leave to remain as a stateless person under the immigration rules (within the meaning given in section 33(1) of the Immigration Act 1971); and
 - (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave.”
- (b) in regulation 5 (eligible students), after paragraph (11C) (as inserted by these regulations) insert—

“(11D) Where—

- (a) the Department determined that, by virtue of being a person granted stateless leave or the spouse, civil partner, child or step-child of such a person, a person (“A”) was an eligible student in connection with –
 - (i) an application for support for an earlier year of the current course;
 - (ii) an application for support for a course in relation to which the current course is an end-on course; or
 - (iii) an application for support in connection with a designated part-time course, designated distance learning course or other designated course from which A’s status as an eligible part-time student, eligible distance learning student or eligible student has been transferred to the current 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 stateless leave is allowed to stay in the United Kingdom has expired and no further leave to 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.”;

- (c) in regulation 18 (events) in sub-paragraph (b) after “protection” (as inserted by these regulations) insert “or becomes a person granted stateless leave”;
- (d) in regulation 74(2) (students becoming eligible in the course of an academic year) in sub-paragraph (b) after “protection” (as inserted by these regulations) insert “or becomes a person granted stateless leave”;
- (e) in regulation 83(2) (students becoming eligible in the course of an academic year) in sub-paragraph (a) after “protection” (as inserted by these regulations) insert “or becomes a person granted stateless leave”;
- (f) in regulation 105 (eligible distance learning students)—
 - (i) after paragraph 11C (as inserted by these regulations) insert -

“(11D) Where—

- (a) the Department determined that, by virtue of being a person granted stateless leave or the spouse, civil partner, child or step-child of such a person, a person (“A”) was—
 - (i) an eligible distance learning student in connection with an application for support for an earlier year of the current course,
 - (ii) an eligible student in connection with an application for support in connection with a designated course, designated part-time course, or other designated distance learning course from which A’s status as an eligible part-time student, designated distance learning student or eligible student has been transferred to the current 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 stateless leave is allowed to stay in the United Kingdom has expired and no further leave to 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.”;

- (g) in regulation 106(4) (students becoming eligible in the course of an academic year) in sub-paragraph (b) after “protection” (as inserted by these regulations) insert “or becomes a person granted stateless leave”;
- (h) in regulation 122 (eligible part-time students) –
 - (i) after paragraph 10C (as inserted by these regulations), insert

“(10D) Where—

- (a) the Department determined that, by virtue of being a person granted stateless leave or the spouse, civil partner, child or step-child of such a person, 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, designated distance learning course or other designated part-time course from which A’s status as an eligible student, eligible part-time student or eligible distance learning student has been transferred to the current 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 stateless leave is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,

A’s status as an eligible student terminates immediately before the first day of the academic year in respect of which A is applying for support.”;

- (i) in regulation 123(3) (students becoming eligible in the course of an academic year) in sub-paragraph (b) after “protection” (as inserted by these regulations) insert “or becomes a person granted stateless leave”;
- (j) in regulation 139 (eligible postgraduate students)—
 - (i) after paragraph 12C (as inserted by these regulations), insert “(12D) Where—
 - (a) the Department determined that, by virtue of being a person granted stateless leave or the spouse, civil partner, child or step-child of such a person, 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
 - (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 stateless leave is allowed to stay in the United Kingdom has expired and no further leave to 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.”;

- (k) in regulation 140(2)(a) (students becoming eligible in the course of an academic year) in sub-paragraph (b) after “protection” (as inserted by these regulations) insert “or becomes a person granted stateless leave”;
- (l) in regulation 149(b) (eligible master’s, etc. students)—
 - (i) after paragraph 11C (as inserted by these regulations) insert—
 - (a) the Department determined that, by virtue of being a person granted stateless leave or the spouse, civil partner, child or step-child of such a person, a person (“A”) was an eligible Master’s, etc. student in connection with—
 - (i) an application for support for an earlier year of the current Master’s, etc. course; or

(a) Regulation 140 was amended by S.R. 2019 No. 35

(b) Regulation 149 was amended by S.R.s 2017 No. 43, 2018 No. 35, 2020 No. 79

- (ii) an application for support in connection with another designated Master’s, etc. course from which A’s status as an eligible Master’s, etc. student has been transferred to the current Master’s, etc. 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 stateless leave is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted,
- A’s status as an eligible Master’s, etc. student terminates immediately before the first day of the academic year in respect of which A is applying for support.”;
- (m) in regulation 151 (events) in sub-paragraph (b) after “protection” (as inserted by these regulations) insert “or becomes a person granted stateless leave”;
 - (n) in Part 2 (categories) of Schedule 2 (eligible students), after paragraph 4E (as inserted by these regulations), insert—

“Persons granted stateless leave and their family members

4F. —

- (1) A person granted stateless leave who is ordinarily resident in Northern Ireland on the first day of the first academic year of the course.
- (2) A person—
 - (a) who—
 - (i) is the spouse or civil partner of a person granted stateless leave; and
 - (ii) on the leave application date, was the spouse or civil partner of the person granted stateless leave; and
 - (b) who 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
 - (c) who is ordinarily resident in Northern Ireland on the first day of the first academic year of the course.
- (3) A person—
 - (a) who—
 - (i) is the child of a person granted stateless leave or the child of the spouse or civil partner of a person granted stateless leave; and
 - (ii) on the leave application date, was the child of the person granted stateless leave or the child of a person who, on the leave application date, was the spouse or civil partner of the person granted stateless leave;
 - (b) who was under 18 years of age on the leave application date; and
 - (c) who 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
 - (d) who is ordinarily resident in Northern Ireland on the first day of the first academic year of the course.
- (4) In this paragraph, “leave application date” means the date on which the person granted stateless leave made an application to remain in Northern Ireland as a stateless person under the immigration rules (within the meaning given in section 33(1) of the Immigration Act 1971).”.

Amendments relating to person with leave to enter or remain

17. In Schedule 1 to the Student Fees (Qualifying Courses and Persons) Regulations (Northern Ireland) 2007(a) (interpretation) —

- (a) in paragraph 1(1) for the definition of “person with leave to enter or remain” substitute—
- ““person with leave to enter or remain on the grounds of discretionary leave” means a person (“P”)—
- (a) who has—
- (i) applied for refugee status but has, as a result of that application, been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although P is considered not to qualify for recognition as a refugee it is thought right to allow P to enter or remain in the United Kingdom on the grounds of discretionary leave, or
- (ii) not applied for refugee status but has been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that it is thought right to allow P to enter or remain in the United Kingdom on the grounds of discretionary leave,
- (b) who has been granted leave to enter or to remain accordingly,
- (c) whose period of leave to enter or remain has not expired or has been renewed and the period for which it was renewed has not expired or in respect of whose leave to enter or remain an appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002), and
- (d) who has been ordinarily resident in the United Kingdom and Islands throughout the period since P was granted leave to enter or remain.”;
- (b) In paragraph 5 (persons with leave to enter or remain and their family members)—
- (i) for the paragraph heading “**Persons with leave to enter or remain and their family members**” substitute “**Persons with leave to enter or remain on the grounds of discretionary leave and their family members**”;
- (ii) for paragraph 5 substitute—
- “5. —
- (1) A person granted leave to enter or remain on the grounds of discretionary leave who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.
- (2) A person—
- (a) who is the spouse or civil partner of a person with leave to enter or remain on the grounds of discretionary leave;
- (b) who was the spouse or civil partner of the person with leave to enter or remain on the grounds of discretionary leave on the leave application date;
- (c) who 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
- (d) who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.
- (3) A person—
- (a) who is the child of a person with leave to enter or remain on the grounds of discretionary leave or the child of the spouse or civil partner of a person with leave to enter or remain on the grounds of discretionary leave,

(a) S.R. 2007 No. 328

- (b) who, on the leave application date, was under 18 and was the child of the person with leave to enter or remain on the grounds of discretionary leave or the child of a person who was the spouse or civil partner of the person with leave to enter or remain on the grounds of discretionary leave on that date;
- (c) who 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
- (d) who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.

(4) In this paragraph, “leave application date” means the date on which the person with leave to enter or remain on the grounds of discretionary leave made the application that led to that person being granted leave to enter or remain on the grounds of discretionary leave in the United Kingdom.”

18. The 2009 Regulations are amended as follows—

- (a) in regulation 2(1) (interpretation), for the definition of “person with leave to enter or remain” substitute—
 - ““person with leave to enter or remain on the grounds of discretionary leave” means a person (“P”)—
 - (a) who has—
 - (i) applied for refugee status but has, as a result of that application, been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although P is considered not to qualify for recognition as a refugee it is thought right to allow P to enter or remain in the United Kingdom on the grounds of discretionary leave, or
 - (ii) not applied for refugee status but has been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that it is thought right to allow P to enter or remain in the United Kingdom on the grounds of discretionary leave,
 - (b) who has been granted leave to enter or to remain accordingly,
 - (c) whose period of leave to enter or remain has not expired or has been renewed and the period for which it was renewed has not expired or in respect of whose leave to enter or remain an appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002), and
 - (d) who has been ordinarily resident in the United Kingdom and Islands throughout the period since P was granted leave to enter or remain.”;
- (b) in regulation 5(12) (eligible students)—
 - (i) in sub-paragraph (a) after “remain” insert “on the grounds of discretionary leave”;
 - (ii) in sub-paragraph (b) after the first “remain” insert “on the grounds of discretionary leave”;
- (c) in regulation 18 (events) in sub-paragraph (b) after “remain” insert “on the grounds of discretionary leave”;
- (d) in regulation 74(2) (students becoming eligible in the course of an academic year) in sub-paragraph (b) after “remain” insert “on the grounds of discretionary leave”;
- (e) in regulation 83(2) (students becoming eligible in the course of an academic year) in sub-paragraph (a) after “remain” insert “on the grounds of discretionary leave”;
- (f) in regulation 105(12) (eligible distance learning students)—
 - (i) in sub-paragraph (a) after “remain” insert “on the grounds of discretionary leave”;
 - (ii) in sub-paragraph (b) after the first “remain” insert “on the grounds of discretionary leave”;

- (g) in regulation 106(4) (students becoming eligible in the course of an academic year) in sub-paragraph (b) after “remain” insert “on the grounds of discretionary leave”;
- (h) in regulation 122(11) (eligible part-time students) —
 - (i) in sub-paragraph (a) after “remain” insert “on the grounds of discretionary leave”;
 - (ii) in sub-paragraph (b) after the first “remain” insert “on the grounds of discretionary leave”;
- (i) in regulation 123(3) (students becoming eligible in the course of an academic year) in sub-paragraph (b) after “remain” insert “on the grounds of discretionary leave”;
- (j) in regulation 139(13) (eligible postgraduate students)—
 - (i) in sub-paragraph (a) after “remain” insert “on the grounds of discretionary leave”;
 - (ii) in sub-paragraph (b) after the first “remain” insert “on the grounds of discretionary leave”;
- (k) in regulation 140(2)(a) (students becoming eligible in the course of an academic year) in sub-paragraph (b) after “remain” insert “on the grounds of discretionary leave”;
- (l) in regulation 149(12)(b) (Eligible Master’s, etc. Students)—
 - (i) in sub-paragraph (a) after “remain” insert “on the grounds of discretionary leave”;
 - (ii) in sub-paragraph (b) after the first “remain” insert “on the grounds of discretionary leave”;
- (m) in regulation 151 (events) in sub-paragraph (b) after “remain” insert “on the grounds of discretionary leave”;
- (n) in Part 2 (categories) of Schedule 2 (eligible students), in paragraph 5 (persons with leave to enter or remain and their family members)—
 - (i) for the paragraph heading “**Persons with leave to enter or remain and their family members**” substitute “**Persons with leave to enter or remain on the grounds of discretionary leave and their family members**”;
 - (ii) for paragraph 5 substitute—

“5. —

(1) A person granted leave to enter or remain on the grounds of discretionary leave who is ordinarily resident in Northern Ireland on the first day of the first academic year of the course.

(2) A person—

- (a) who is the spouse or civil partner of a person with leave to enter or remain on the grounds of discretionary leave;
- (b) who was the spouse or civil partner of the person with leave to enter or remain on the grounds of discretionary leave on the leave application date;
- (c) who 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
- (d) who is ordinarily resident in Northern Ireland on the first day of the first academic year of the course.

(3) A person –

- (a) who is the child of a person with leave to enter or remain on the grounds of discretionary leave or the child of the spouse or civil partner of a person with leave to enter or remain on the grounds of discretionary leave;

(a) Regulation 140 was amended by S.R. 2019 No. 35

(b) Regulation 149 was amended by S.R.s 2017 No. 43, 2018 No. 35, 2020 No. 79

- (b) who, on the leave application date, was under 18 and was the child of the person with leave to enter or remain on the grounds of discretionary leave or the child of a person who was the spouse or civil partner of the person with leave to enter or remain on the grounds of discretionary leave on that date;
- (c) who 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
- (d) who is ordinarily resident in Northern Ireland on the first day of the first academic year of the course.

(4) In this paragraph, “leave application date” means the date on which the person with leave to enter or remain on the grounds of discretionary leave made the application that led to that person being granted leave to enter or remain on the grounds of discretionary leave in the United Kingdom.”

Amendments relating to long residence

19. The Student Fees (Qualifying Courses and Persons) Regulations (Northern Ireland) 2007 are amended in accordance with this regulation.

- (a) In the Schedule, after paragraph 11, insert—

“Long Residence

12. —

- (1) A person

- (a) who on the first day of the first academic year of the course is either—
 - (i) under the age of 18 and has lived in the United Kingdom throughout the seven-year period preceding the first day of the first academic year of the course; or
 - (ii) aged 18 years old or above and, preceding the first day of the first academic year of the course, has lived in the United Kingdom throughout either—
 - (aa) half their life; or
 - (bb) a period of twenty years;
- (b) is ordinarily resident in Northern Ireland;
- (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course; and
- (d) subject to sub-paragraph (2), whose residence in the United Kingdom and Islands has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the United Kingdom and Islands in accordance with paragraph 1(3).”.

20. In the 2009 Regulations in Part 2 (categories) of Schedule 2 (eligible students), after paragraph 12, insert—

“Long Residence

13. —

- (1) A person

- (a) who on the first day of the first academic year of the course is either—

- (i) under the age of 18 and has lived in the United Kingdom throughout the seven-year period preceding the first day of the first academic year of the course; or
 - (ii) aged 18 years old or above and, preceding the first day of the first academic year of the course, has lived in the United Kingdom throughout either—
 - (aa) half their life; or
 - (bb) a period of twenty years;
 - (b) is ordinarily resident in Northern Ireland;
 - (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the first day of the first academic year of the course; and
 - (d) subject to sub-paragraph (2), whose residence in the United Kingdom and Islands has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.
- (2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the United Kingdom and Islands in accordance with paragraph 1(4).”.

Amendment relating to Relevant Institutions of Higher Education in the Republic of Ireland

21. In Schedule 6(a) to the 2009 Regulations (Relevant Institutions of Higher Education in the Republic of Ireland)

- (a) omit “Institute of Technology, Cork”;
- (b) omit “Institute of Technology, Tralee”; and
- (c) insert “Munster Technological University” after “Mary Immaculate College, Limerick”.

Amendments to the Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009

22. The Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009 are amended as follows—

- (a) in regulation 5(1) (service by post or electronic communication) for “post” to the end substitute “post or by an electronic format.”;
- (b) in regulation 12(ca)(ii)(b) (date of repayment) for “such other day as HMRC specifies in order to take account of that adjustment” substitute “the day on which that adjustment is made or the last day of the relevant tax year if the adjustment is made outside the relevant tax year”;
- (c) In regulation 18(1) (information notices) for “at the borrower’s home address” substitute “by post or by an electronic format”;
- (d) In regulation 19(5) (penalties and penalty notices) for “at the borrower’s home address” substitute “by post or by an electronic format”.

Amendments relating to new payment rates for student support

23. The Schedule to these Regulations has effect to substitute the figure in the third column of the table for the figure in the second column where that figure appears in the provision of the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 set out in the first column.

Sealed with the Official Seal of the Department for the Economy on 4th March 2021.

(a) Schedule 6 was amended by S.R.s 2013 No. 223, 2014 No. 309, 2016 No. 21, 2017 No. 43, 2019 No.35, 2020 No. 79.
 (b) Paragraph (ca) was inserted by S.R. No. 2019 No. 35.



Ms Heather Cousins
A senior officer of the Department for the Economy

SCHEDULE

Regulation 23

NEW PAYMENT RATES FOR FEE LOANS, GRANTS FOR FEES AND FEE CONTRIBUTION LOANS

<i>Provision in the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009</i>	<i>Existing figure</i>	<i>New figure</i>
Regulation 25		
25(2A)(a)	£4,395	£4,530
25(2B)(a)	£2,185	£2,250
25(14)(b)	£4,395	£4,530
Regulation 32		
32(1)(a)	£1,735	£1,785
32(2)(a)	£845	£870
Regulation 33		
33(1)	£1,735	£1,785
33(2)	£845	£870
Regulation 36		
36(2)(a)	£1,735	£1,785
36(2)(a)	£845	£870
Regulation 89		
89(5)	£1,735	£1,785
Regulation 110A		
110A(1)(a)	£3,296.25	£3,397.50
Regulation 117		
117(4)(d)(i)	£3,296.25	£3,397.50
Regulation 127A		
127A(1)(a)	£3,296.25	£3,397.50
Regulation 135		
135(4A)(d)(i)	£3,296.25	£3,397.50
135(10B)(a)(i)	£3,296.25	£3,397.50
135(19)(a)(i)	£3,296.25	£3,397.50

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend legislation which makes provision about, or in connection with, student finance. Three sets of Student Support Regulations are amended. Those Regulations are the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 “the 2009 Regulations”, the Student Fees (Qualifying Courses and Persons) Regulations (Northern Ireland) 2007 “the 2007 QCP Regulations” and the Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009 “the 2009 Repayment Regulations”.

Notification of absence from courses (Regulation 3)

The 2009 Regulations are updated to clarify that applicants for support and students who have qualified for support must notify the Department if they suspend their studies or are suspended from their course, or where they are absent due to illness for more than 60 days.

This requirement applies in addition to the requirement to notify the Department if they withdraw or are expelled from, or abandon their course, or transfer to another course.

In addition, the 2009 Regulations are amended so that the institution at which the applicant or student is or was studying is under a corresponding duty to notify the Department of relevant changes in the applicant or student’s circumstances.

Provision to allow persons granted Calais leave, indefinite leave to remain as a bereaved partner, persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse to qualify for student support etc. (regulations 7, 8 and 11 to 14)

The 2009 Regulations are amended to provide that a person who has been granted indefinite leave to remain in the United Kingdom as a bereaved partner, a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse and those persons granted Calais leave (having extant leave to remain in the United Kingdom under paragraph 352J, 352K, 352L or 352T (Calais leave and “leave in line” granted by virtue of being a dependent child of a person granted Calais leave) of the immigration rules, as defined in section 33(1) of the Immigration Act 1971) are eligible to receive funding in respect of eligible higher education courses.

There is no requirement that these students must have been ordinarily resident in the UK, the EEA or Switzerland for the 3 years immediately prior to the start of their course to qualify for funding. Further, if a student is granted the above leave after their course has begun, the student may become eligible for funding.

The 2007 QCP Regulations are also amended to provide that a student granted indefinite leave to remain as a bereaved partner is a “qualifying person” meaning the student may not be charged more than the prescribed maximum amount in tuition fees.

Amendment of residency criteria and of ordinary residence requirements (regulations 4 to 6, 9, 10 and 15 to 20)

The 2009 Regulations are amended to clarify current residency criteria and to separate those into individual criteria. These Regulations also make clear that students in the relevant categories do not have to have been ordinarily resident in the United Kingdom for three years prior to the start of their course (“prior residence requirement”) to qualify for funding but do have to have been ordinarily resident in the United Kingdom and Islands since they were granted leave to enter or remain.

The relevant categories of student are:

- (a) persons granted stateless leave;
- (b) family members of persons granted stateless leave;
- (c) persons granted section 67 leave under paragraph 352ZG of the immigration rules;

- (d) dependent children of persons granted section 67 leave, who are granted “leave in line” under paragraph 352ZO of the immigration rules;
- (e) persons granted Calais leave;
- (f) dependent children of a person granted Calais leave who are granted “leave in line”;
- (g) persons granted humanitarian protection;
- (h) family members of persons granted humanitarian protection;
- (i) persons granted leave to enter or remain on the grounds of discretionary leave;
- (j) family members of persons granted leave to enter or remain on the grounds of discretionary leave.

Corresponding amendments are made to the 2007 QCP Regulations.

Amendments relating to electronic communication and date of repayment (regulation 22)

Regulation 22 amends regulations 5, 18 and 19 of the 2009 Repayment Regulations to allow post or electronic communication to be delivered, and an information notice or a penalty notice to be served electronically.

Regulation 22 also amends regulation 12 of the 2009 Repayment Regulations to specify that there is an adjustment to a deduction made by an employer under Part 4, the amount deducted is to be deemed received by the authority to whom the repayment is to be made on the day the adjustment is made or, where the adjustment is made outside of the relevant tax year, the last day of the relevant tax year.

New payment rates (regulation 23 and the Schedule)

The 2009 Regulations are amended to update the payment rates for student support for an academic year which begins on or after 1st August 2021 (regulation 23 and the Schedule).

An impact assessment has not been produced for this rule as no, or no significant impact on the private, voluntary or public sectors is foreseen.

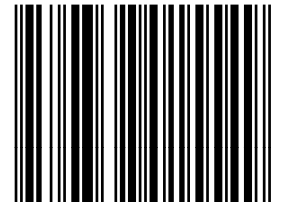
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