
STATUTORY RULES OF NORTHERN IRELAND

2021 No. 50

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

Amendments relating to persons granted Calais Leave

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(1) (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’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(2) (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)(3) (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—
 - “(i) the student becomes a person granted Calais leave;”;
- (e) in regulation 83(2)(4) (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(5) (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;”;
- (h) in regulation 122 (eligible part-time students)–
- (i) after paragraph 10A, insert—
 - “(10B) Where—

(3) Regulation 74(2) was amended by Order 2011/1043 and [S.R. 2019 No. 35](#)

(4) Regulation 83(2) was amended by Order 2011/1043 and [S.R. 2019 No. 35](#)

(5) Regulation 106(4) was amended by Order 2011/1043 and [S.R. 2019 No. 35](#)

- (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(6) (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)(7) (students becoming eligible in the course of an academic year)

(6) Regulation 123(3) was amended by Order 2011/1043 and [S.R. 2019 No. 35](#)

(7) Regulation 140 was amended by [S.R. 2019 No. 35](#)

- (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;”;
- (l) in regulation 149(8) (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(9) (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.”.

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

(9) Regulation 151 was inserted by S.R. 2017 No. 7 and was amended by S.R. 2019 No. 35