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STATUTORY INSTRUMENTS

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**2020 No. 46**

**The Education (Student Fees, Awards and Support etc.) (Amendment) Regulations 2020**

**Amendments relating to persons granted indefinite leave to remain as victims of domestic violence or domestic abuse**

2.—(1) In Schedule 1 to the Education (Fees and Awards) (England) Regulations 2007<sup>(1)</sup> (eligible students etc.), after paragraph 4B, insert—

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

**4C.** 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<sup>(2)</sup>—
  - (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);
- (b) who has been ordinarily resident in the United Kingdom and the Islands since the person was granted such leave; and
- (c) who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.”.

(2) In the Education (Student Support) (European University Institute) Regulations 2010<sup>(3)</sup>—

- (a) in regulation 3 (interpretation)—
  - (i) after the definition of “Institute”, insert—

““Islands” means the Channel Islands and the Isle of Man”;
  - (ii) after the definition of “person granted humanitarian protection” 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);

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(1) [S.I. 2007/779](#).

(2) [1971 c. 77](#); to which there are amendments but none is relevant.

(3) [S.I. 2010/447](#); relevant amending instruments are [S.I. 2012/3059](#) and [S.I. 2019/142](#). There other amending instruments but none is relevant.

- (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 Part 2 (categories) of Schedule 1 (eligible students), after paragraph 4B, insert—

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

**4C.** A person granted indefinite leave to remain as a victim of domestic violence or domestic abuse, who is ordinarily resident in England on the relevant date.”.

- (3) In the Education (Student Support) Regulations 2011(4)—
- (a) in regulation 2(1) (interpretation), after the definition of “person granted humanitarian protection” 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 17 (events giving rise to eligibility)—
    - (i) omit the “or” at the end of sub-paragraph (h);
    - (ii) after sub-paragraph (i) insert—
      - “(j) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse; or”;
  - (c) in regulation 85(2) (students becoming eligible in the course of an academic year)—
    - (i) omit the “or” at the end of sub-paragraph (g);
    - (ii) after sub-paragraph (h) insert—
      - “(i) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse; or”;
  - (d) in regulation 138(4) (students becoming eligible for support under Part 11A during the course of an academic year)—
    - (i) omit the “or” at the end of sub-paragraph (i);
    - (ii) after sub-paragraph (j) insert—

(4) S.I. 2011/1986; relevant amending instruments are S.I. 2012/1653, S.I. 2014/2765, S.I. 2015/1951, S.I. 2017/52, 2017/114, S.I. 2018/434, 2018/443, 2018/472, S.I. 2019/142, 2019/983; there are other amending instruments but none is relevant.

- “(k) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse; or”;
  - (e) in regulation 138A(2) (students becoming eligible for support under Part 11B in the course of an academic year)—
    - (i) omit the “or” at the end of sub-paragraph (g);
    - (ii) after sub-paragraph (h) insert—
      - “(i) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse; or”;
  - (f) in regulation 160(2) (students becoming eligible in the course of an academic year)—
    - (i) omit the “or” at the end of sub-paragraph (g);
    - (ii) after sub-paragraph (h) insert—
      - “(i) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse; or”;
  - (g) in Part 2 (categories) of Schedule 1 (eligible students), after paragraph 4B, insert—

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

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

- (4) In the Further Education Loans Regulations 2012<sup>(5)</sup>—
  - (a) in regulation 2 (interpretation), after the definition of “person granted humanitarian protection”, 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 7 (events giving rise to eligibility)—
    - (i) omit the “or” at the end of sub-paragraph (h);
    - (ii) after sub-paragraph (i) insert—
      - “(j) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse; or”;
  - (c) in Part 2 (categories) of Schedule 1 (eligible students), after paragraph 4B, insert—

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(5) [S.I. 2012/1818](#); relevant amending instrument [S.I. 2019/142](#).

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

**4C.** 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 designated further education course.”.

- (5) In the Education (Postgraduate Master’s Degree Loans) Regulations 2016~~(6)~~—
- (a) in regulation 2(1) (interpretation), after the definition of “person granted humanitarian protection”, 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 8 (events giving rise to eligibility)—
- (i) omit the “or” at the end of sub-paragraph (i);
- (ii) after sub-paragraph (j) insert—
- “(k) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse; or”;
- (c) in Part 2 (categories) of Schedule 1 (eligible students), after paragraph 4B, insert—

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

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

- (6) The Higher Education (Fee Limit Condition) (England) Regulations 2017~~(7)~~ are amended as follows—
- (a) in regulation 2 (interpretation), after sub-paragraph (bb) insert—
- “(bba) “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);

<sup>(6)</sup> S.I. 2016/606; relevant amending instruments are S.I. 2017/594, 2019/142

<sup>(7)</sup> S.I. 2017/1189; relevant amending instruments are S.I., 2018/903, S.I. 2019/142

- (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 the Islands since the person was granted such leave;”;
- (b) in regulation 6(2) (qualifying persons: effect of event during academic year)—
- (i) omit the “or” at the end of sub-paragraph (h);
  - (ii) after sub-paragraph (i) insert—
    - “(j) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse; or”;
- (c) in Part 2 of Schedule 1 (qualifying persons), after paragraph 5B, insert—

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

**5C.** 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.”.

- (7) In the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018<sup>(8)</sup>—
- (a) in regulation 2(1) (interpretation), after the definition of “person granted humanitarian protection”, 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 8 (events giving rise to eligibility)—
- (i) omit the “or” at the end of sub-paragraph (i);
  - (ii) after sub-paragraph (j) insert—
    - “(k) the student becomes a person granted indefinite leave to remain as a victim of domestic violence or domestic abuse; or”;
- (c) in Part 2 (categories) of Schedule 1 (eligible students), after paragraph 5A, insert—

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<sup>(8)</sup> S.I. 2018/599; relevant amending instrument is S.I. 2019/142.

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

**5B.** A person granted indefinite leave to remain as a victim of domestic violence or domestic abuse, who is ordinarily resident in England on the first day of the first academic year of the course.”.