

SCHEDULE 2 **N.I.**

QUALIFYING PERSONS

PART 3 **N.I.**

SPECIAL CATEGORIES

Refugees and their family members **N.I.**

- 8.—(1) A person who—
- (a) is a refugee;
 - (b) is ordinarily resident in the United Kingdom and the Islands and has not ceased to be so resident since they were recognised as a refugee; and
 - (c) is ordinarily resident in the United Kingdom and the Islands on the course start date.
- (2) A person who—
- (a) is a spouse or civil partner of a refugee;
 - (b) was the spouse or civil partner of the refugee on the date on which the refugee made their application for asylum;
 - (c) is ordinarily resident in the United Kingdom and the Islands and has not ceased to be so resident since they were given leave to enter or remain in the United Kingdom; and
 - (d) is ordinarily resident in the United Kingdom and the Islands on the course start date.
- (3) A person who—
- (a) is the child of a refugee or the child of the spouse or civil partner of a refugee;
 - (b) on the date on which the refugee made the application for asylum, was the child of the refugee or the child of a person who was the spouse or civil partner of the refugee on that date;
 - (c) was under 18 on the date on which the refugee made their application for asylum;
 - (d) is ordinarily resident in the United Kingdom and the Islands and has not ceased to be so resident since they were given leave to enter or remain in the United Kingdom; and
 - (e) is ordinarily resident in the United Kingdom on the course start date.

Commencement Information

II Sch. 2 para. 8 in operation at 1.9.2023, see [reg. 1](#)

Persons granted stateless leave and their family members **N.I.**

- 9.—(1) A person granted stateless leave, who is ordinarily resident in Northern Ireland on the course start date.
- (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 a person granted stateless leave;

Changes to legislation: There are currently no known outstanding effects for the The Agriculture (Student Fees) Regulations (Northern Ireland) 2023, PART 3. (See end of Document for details)

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

(4) In this paragraph, “leave application date” means the date on which a person granted stateless leave made an application to remain in the United Kingdom as a stateless person under the immigration rules.

Commencement Information

I2 Sch. 2 para. 9 in operation at 1.9.2023, see [reg. 1](#)

Persons granted section 67 leave **N.I.**

10. A person who—
- (a) has extant leave to remain as a person granted leave under paragraph 352ZG of the immigration rules, having been relocated to the United Kingdom pursuant to arrangements made by the Secretary of State under section 67 of the Immigration Act 2016, or a dependent child of such a person who has been granted “leave in line” under paragraph 352ZO of those rules; and
 - (b) has been ordinarily resident in the United Kingdom and the Islands throughout the period since the person was granted such leave; and
 - (c) is ordinarily resident in the United Kingdom on the course start date.

Commencement Information

I3 Sch. 2 para. 10 in operation at 1.9.2023, see [reg. 1](#)

Persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse **N.I.**

11. A person who—
- (a) has been granted indefinite leave to remain in the United Kingdom under any of the following provisions of the immigration rules—
 - (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) has been ordinarily resident in the United Kingdom and the Islands since the person was granted such leave; and
- (c) is ordinarily resident in the United Kingdom on the course start date.

Commencement Information

I4 Sch. 2 para. 11 in operation at 1.9.2023, see [reg. 1](#)

Persons granted Calais leave **N.I.**

12. 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;
 - (b) has been ordinarily resident in the United Kingdom and the Islands since the person was granted such leave to remain; and
 - (c) is ordinarily resident in the United Kingdom on the course start date.

Commencement Information

I5 Sch. 2 para. 12 in operation at 1.9.2023, see [reg. 1](#)

Persons granted indefinite leave to remain as a bereaved partner **N.I.**

13. A person who—
- (a) has been granted indefinite leave to remain in the United Kingdom under any of the following provisions of the immigration rules—
 - (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);
 - (b) has been ordinarily resident in the United Kingdom and the Islands since the person was granted such leave; and
 - (c) is ordinarily resident in the United Kingdom on the course start date.

Commencement Information

I6 Sch. 2 para. 13 in operation at 1.9.2023, see [reg. 1](#)

Persons granted humanitarian protection and their family members **N.I.**

14.—(1) A person granted humanitarian protection who is ordinarily resident in the United Kingdom on the course start date;

(2) A person who—

- (a) is the spouse or the civil partner of the 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) is ordinarily resident in the United Kingdom and the Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and
- (d) is ordinarily resident in the United Kingdom on the course start date.

(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 on the asylum application date;
- (d) is ordinarily resident in the United Kingdom and the Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and
- (e) is ordinarily resident in the United Kingdom on the course start date.

Commencement Information

I7 [Sch. 2 para. 14](#) in operation at 1.9.2023, see [reg. 1](#)

Persons with leave to enter or remain on the grounds of discretionary leave and their family members **N.I.**

15.—(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 course start date.

(2) A person who—

- (a) is the spouse or civil partner of a person with leave to enter or remain on the grounds of discretionary leave;
- (b) 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) is ordinarily resident in the United Kingdom and the 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 course start date.

(3) A person who—

- (a) 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;
- (b) 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) is ordinarily resident in the United Kingdom and the Islands and has not ceased to be so resident since being given leave to enter or remain in the United Kingdom; and

(d) is ordinarily resident in the United Kingdom on the course start date.

(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.

Commencement Information

18 Sch. 2 para. 15 in operation at 1.9.2023, see [reg. 1](#)

Persons granted leave under the Afghan Citizens Resettlement Scheme **N.I.**

16. A person—

(a) who has—

(i) indefinite leave to enter or remain in the United Kingdom, outside the immigration rules, on the basis of the Afghan Citizens Resettlement Scheme; or

(ii) indefinite leave to enter or remain in the United Kingdom, outside those rules, as the spouse, civil partner or dependent child of such a person, or dependent child of the spouse or civil partner;

(b) who has been ordinarily resident in the United Kingdom and the Islands throughout the period since the person was granted such leave; and

(c) is ordinarily resident in the United Kingdom on the course start date.

Commencement Information

19 Sch. 2 para. 16 in operation at 1.9.2023, see [reg. 1](#)

Persons granted leave under the Afghan Relocations and Assistance Policy Scheme **N.I.**

17. A person—

(a) who has—

(i) indefinite leave to enter the United Kingdom under paragraph 276BA2, or has indefinite leave to remain under paragraph 276BS2 of the immigration rules, having been relocated to the United Kingdom pursuant to paragraph 276BB1(iii)(a) of the immigration rules;

(ii) indefinite leave to enter the United Kingdom under paragraph ARAP 6.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.2 of that Appendix of those rules;

(iii) leave to enter the United Kingdom on the basis of the Afghan Relocations and Assistance Policy Scheme;

(iv) indefinite leave to enter or remain in the United Kingdom, outside those rules, on the basis of the Afghan Relocations and Assistance Policy Scheme; or

(v) leave to enter or indefinite leave to enter the United Kingdom as the spouse, civil partner or dependent child of such a person, or dependent child of the spouse or civil partner, having been granted that leave under paragraph 276BJ2 or 276BO2 of

Changes to legislation: There are currently no known outstanding effects for the *The Agriculture (Student Fees) Regulations (Northern Ireland) 2023, PART 3*. (See end of Document for details)

those rules or paragraph ARAP 16.1 of Appendix Afghan Relocation and Assistance Policy of those rules; and

- (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;
- (c) who is ordinarily resident in the United Kingdom on the course start date.

Commencement Information

I10 Sch. 2 para. 17 in operation at 1.9.2023, see [reg. 1](#)

Evacuated or assisted British nationals from Afghanistan **N.I.**

18. A person who—

- (a) is a British citizen, a British overseas territories citizen, a British National (Overseas), a British Overseas Citizen, a British subject under the British Nationality Act 1981⁽¹⁾ or a British protected person within the meaning of the Act;
- (b) was either—
 - (i) evacuated from Afghanistan by or on behalf of the United Kingdom, a North Atlantic Treaty Organisation member state, Pakistan, Uzbekistan, Tajikistan, Iran or Qatar during the period of the operation known as Operation Pitting, which began on 14th August 2021 and ended on 28th August 2021; or
 - (ii) assisted by or on behalf of the United Kingdom, after 28th August 2021 and before 6th January 2022, to leave Afghanistan;
- (c) has been ordinarily resident in the United Kingdom and Islands since they were evacuated from or otherwise left Afghanistan; and
- (d) is ordinarily resident in the United Kingdom on the course start date.

Commencement Information

I11 Sch. 2 para. 18 in operation at 1.9.2023, see [reg. 1](#)

Persons granted leave under the Homes for Ukraine Sponsorship Scheme **N.I.**

19. A person who—

- (a) has leave to enter or remain in the United Kingdom—
 - (i) under paragraph UKR 19.1 of Appendix Ukraine Scheme of the immigration rules; or
 - (ii) outside the immigration rules where the person—
 - (aa) was residing in Ukraine immediately before 1st January 2022; and
 - (bb) left Ukraine in connection with the Russian invasion which took place on 24th February 2022;
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave; and
- (c) is ordinarily resident in the United Kingdom on the course start date.

⁽¹⁾ 1981 c.61

Commencement Information

I12 Sch. 2 para. 19 in operation at 1.9.2023, see [reg. 1](#)

Persons granted leave under the Ukraine Extension Scheme **N.I.**

20. A person who—
- (a) has leave to enter or remain in the United Kingdom under paragraph UKR 27.1 of Appendix Ukraine Scheme of the immigration rules;
 - (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave; and
 - (c) is ordinarily resident in the United Kingdom on the course start date.

Commencement Information

I13 Sch. 2 para. 20 in operation at 1.9.2023, see [reg. 1](#)

Persons granted leave under the Ukraine Family Scheme **N.I.**

21. A person who—
- (a) has leave to enter or remain in the United Kingdom—
 - (i) under paragraph UKR 9.1 of Appendix Ukraine Scheme of the immigration rules; or
 - (ii) outside the immigration rules where the person—
 - (aa) was residing in Ukraine immediately before 1st January 2022; and
 - (bb) left Ukraine in connection with the Russian invasion which took place on 24th February 2022;
 - (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave; and
 - (c) is ordinarily resident in the United Kingdom on the course start date.

Commencement Information

I14 Sch. 2 para. 21 in operation at 1.9.2023, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Agriculture (Student Fees) Regulations (Northern Ireland) 2023, PART 3.