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STATUTORY INSTRUMENTS

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**2011 No. 87**

**The Education (Student Fees, Awards and Support) (Amendment) Regulations 2011**

**Amendment of the Fees Regulations**

7. In Schedule 1—

(a) in paragraph 1—

(i) within the definition of “family member”, for (a)(ii), substitute—

“(ii) direct descendants of the person or of the person’s spouse or civil partner who are—

(aa) under the age of 21; or

(bb) dependents of the person or the person’s spouse or civil partner; or”;

(ii) after the definition of “family member”, 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<sup>(1)</sup>;

(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<sup>(2)</sup>); 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;”;

(iii) omit the definition of “person with leave to enter or remain”;

(b) for paragraph 5, substitute—

**“Persons granted humanitarian protection and their family members**

**5.—(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—

(a) who is the spouse or civil partner of a person granted humanitarian protection;

(b) who 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”); and

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<sup>(1)</sup> 1971 c. 77.

<sup>(2)</sup> 2002 c. 41. Section 104 was amended by the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c. 19), Schedule 2 and the Immigration, Asylum and Nationality Act 2006 (c. 13), section 9.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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