

SCHEDULE

PART 2

Qualifying Persons

Persons granted humanitarian protection and their family members

- 6.—(1) A person granted humanitarian protection who—
- (a) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course; and
 - (b) 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.
- (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) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course; and
 - (d) 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.
- (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) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course; and
 - (e) 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.
- (4) In this paragraph, “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;
 - (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)(**1**);
 - (c) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave to remain.

(1) 2002 c.41; section 104 was amended by the Asylum and Immigration (Treatment of Claimants etc.) Act 2004 (c.19), section 26 and Schedules 2 and 4, the Immigration, Asylum and Nationality Act 2006 (c.13), section 9, and the Immigration Act 2014 (c.22), Schedule 9.