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STATUTORY INSTRUMENTS

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**2021 No. 1348**

The Education (Student Fees, Awards and Support) (Amendment) (No. 3) Regulations 2021

PART 3

Corresponding amendments to other Regulations

CHAPTER 1

Amendment of the Education (Fees and Awards) (England) Regulations 2007

*SECTION 1*

*Introductory*

**Amendment of the Education (Fees and Awards) (England) Regulations 2007**

**19.** The Education (Fees and Awards) (England) Regulations 2007(1) are amended as follows.

*SECTION 2*

*Afghan locally employed staff*

**Afghan locally employed staff: fees and awards**

**20.**—(1) In each of the regulations listed in sub-paragraphs (a) to (g)(2), in the appropriate place insert “, 5A”—

- (a) regulation 4(1)(a);
- (b) regulation 5(1)(b) and (c);
- (c) regulation 6(1)(b)(i) and (c)(i);
- (d) regulation 7(1) and (2);
- (e) regulation 8(1)(a) and (2)(a);
- (f) regulation 9(1)(a) and (2)(a);
- (g) regulation 9A(1) and (2).

(2) In Schedule 1—

- (a) in paragraph 1(1), at the appropriate place in the alphabetical order, insert—  
““person granted leave under the Afghan Relocations and Assistance Scheme”  
means a person—

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

(2) All of the provisions listed were amended by [S.I. 2021/127](#); regulation 9A was inserted by [S.I. 2018/1141](#).

- (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(iv) of the Immigration Rules as defined in section 33(1) of the Immigration Act 1971;
  - (ii) leave to enter the United Kingdom on the basis of the Afghan Relocations and Assistance Scheme;
  - (iii) indefinite leave to enter or remain in the United Kingdom, outside those rules, on the basis of the Afghan Relocations and Assistance Scheme; or
  - (iv) 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 276BJ1 or 276BO1 of those rules;
- (b) who has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”;
- (b) after paragraph 5, insert—

**“Persons granted leave under the Afghan Relocations and Assistance Scheme**

**5A.** A person granted leave under the Afghan Relocations and Assistance Scheme who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.”.

*SECTION 3*

*Students from British overseas territories*

**Persons resident in Gibraltar**

- 21.**—(1) In regulation 4(1B)(3) for “9B and 9BA” substitute “9B, 9BA and 9E”.
- (2) In regulation 5(2) for “9B and 9BA” substitute “9B, 9BA and 9E”.
  - (3) In regulation 6(1C) for “9B and 9BA” substitute “9B, 9BA and 9E”.
  - (4) In regulation 7(3) for “9B and 9BA” substitute “9B, 9BA and 9E”.
  - (5) In regulation 8(4) for “9B and 9BA” substitute “9B, 9BA and 9E”.
  - (6) In regulation 9(4) for “9B and 9BA” substitute “9B, 9BA and 9E”.
  - (7) In regulation 9A(4) for “9B and 9BA” substitute “9B, 9BA and 9E”.

**Students from British overseas territories: fees and awards**

**22.** In Schedule 1

- (a) in paragraph (1), in paragraph (e) of the definition of “family member”(4), for “paragraphs 9, 9B, 9C, 9D and 9E” substitute “paragraphs 9, 9B, 9E or for the purposes of paragraphs 9C and 9D in relation to a person settled in the United Kingdom”;
- (b) in paragraph 9C(1)(a)—

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(3) The provisions amended by this regulation were all inserted by [S.I. 2021/127](#) and were amended by [S.I. 2021/929](#).

(4) Paragraph (e) of the definition of “family member” was amended by [S.I. 2021/127](#).

- (i) in sub-paragraph (i), for “a United Kingdom national” substitute “a person who is settled in the United Kingdom”;
- (ii) in sub-paragraph (ii), at the end insert “, or who would be such a person if they were ordinarily resident in the United Kingdom”.

#### *SECTION 4*

##### *Ending of grace period*

#### **Omission of references to grace period: fees and awards**

**23.** In Schedule 1—

- (a) in paragraph 1(1)—
  - (i) omit the definition of “grace period”;
  - (ii) in the definition of “person with protected rights”, omit paragraph (a)(iii).
- (b) omit paragraph 3(1)(a)(iii).

#### *SECTION 5*

##### *Family members*

#### **Family members**

**24.** In Schedule 1, in paragraph 9D(1)(a) for “a United Kingdom national” substitute “settled in the United Kingdom”.

#### *SECTION 6*

##### *Persons granted Calais leave*

#### **Persons granted Calais leave**

**25.** In Schedule 1, in paragraph 4D(b)(5), for “first granted such leave” substitute “granted such leave to remain”.