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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 5

Amendment of the Higher Education (Fee Limit Condition) (England) Regulations 2017

SECTION 3

*Afghan locally employed staff*

**Afghan locally employed staff: qualifying persons**

**51.**—(1) In regulation 2, at the appropriate place in the alphabetical order, insert—

““person granted leave under the Afghan Relocations and Assistance Scheme” means a person—

(a) who has —

- (i) indefinite leave to enter the United Kingdom under paragraph 276BA2 of 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;”.

(2) In regulation 4(4)(a)(1), after “5E,” insert “5F.”

(3) In regulation 6(2)(2), move the terminal “or” from after sub-paragraph (k) to after sub-paragraph (l) and after that paragraph insert—

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(1) Paragraph (4) was substituted by [S.I. 2021/127](#) and amended by [S.I. 2021/929](#).

(2) Regulation 6(2) has been amended including the insertion of sub-paragraph (l) by [S.I. 2020/1203](#).

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*Status: This is the original version (as it was originally made).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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“(m) the student becomes a person granted leave under the Afghan Relocations and Assistance Scheme.”.

(4) In the Schedule (qualifying persons), after paragraph 5E, insert—

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

**5F.** 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.”.