
STATUTORY INSTRUMENTS

2023 No. 74

The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023

PART 3

Corresponding amendments to other subordinate legislation

CHAPTER 1

The Education (Fees and Awards) (England) Regulations 2007

SECTION 3

Qualifying persons

Amendments relating to family members of persons granted leave under one of the Afghan Schemes or one of the Ukraine Schemes

64.—(1) Schedule 1 (eligible students) (as amended by regulations 59 and 60(9) of these Regulations) is amended as follows.

(2) In paragraph 1(1)—

(a) in the definition of “person granted leave under the Afghan Citizens Resettlement Scheme”, for paragraph (a) (other than “and” at the end) substitute—

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

(b) in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”—

(i) insert “or” at the end of paragraph (a)(ii);

(ii) at the end of paragraph (a)(iii), for “or” substitute “and”;

(iii) omit paragraph (a)(iv).

(3) In paragraph 5A—

(a) for the heading substitute—

“Persons granted leave under one of the Afghan Schemes and their family members”;

(b) the existing text becomes sub-paragraph (1);

(c) after that sub-paragraph insert—

“(2) A person who—

(a) is the spouse or civil partner of a person granted leave under one of the Afghan Schemes;

(b) on the leave application date, was the spouse or civil partner of that person;

- (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted 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—
 - (i) the child of a person granted leave under one of the Afghan Schemes; or
 - (ii) the child of the spouse or civil partner of a person granted leave under one of the Afghan Schemes;
 - (b) on the leave application date was—
 - (i) the child of the person granted leave under one of the Afghan Schemes; or
 - (ii) the child of a person who was the spouse or civil partner of a person granted leave under one of the Afghan Schemes on that date;
 - (c) was under 18 on the leave application date;
 - (d) is ordinarily resident in the United Kingdom and 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.
- (4) In this paragraph “leave application date” means the date on which the person granted leave under one of the Afghan Schemes made an application for leave to enter or remain in the United Kingdom.”.
- (4) For paragraph 5C (including the heading)(1) substitute—

“Persons granted leave under one of the Ukraine Schemes and their family members

5C.—(1) A person granted leave under one of the Ukraine Schemes, 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 granted leave under one of the Ukraine Schemes;
 - (b) on the leave application date, was the spouse or civil partner of that person;
 - (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted 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—
 - (i) the child of a person granted leave under one of the Ukraine Schemes; or
 - (ii) the child of the spouse or civil partner of a person granted leave under one of the Ukraine Schemes;
 - (b) on the leave application date, was—
 - (i) the child of the person granted leave under one of the Ukraine Schemes; or

(1) Paragraph 5C was inserted by [S.I. 2022/534](#).

- (ii) the child of a person who was the spouse or civil partner of a person granted leave under one of the Ukraine Schemes on that date;
 - (c) was under 18 on the leave application date;
 - (d) is ordinarily resident in the United Kingdom and 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.
- (4) In this paragraph “leave application date” means the date on which the person granted leave under one of the Ukraine Schemes made an application for leave to enter or remain in the United Kingdom.”

Commencement Information

II Reg. 64 in force at 16.2.2023, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Education (Student Fees, Awards and Support) (Amendment) Regulations 2023, Section 64.