
STATUTORY INSTRUMENTS

2024 No. 85

The Education (Student Fees, Awards and Support) (Amendment) Regulations 2024

PART 2

Amendment of the Education (Student Support) Regulations 2011

Amendment of the Education (Student Support) Regulations 2011

3. The Education (Student Support) Regulations 2011(1) are amended in accordance with this Part.

Victims of domestic abuse

4.—(1) In regulation 2 (interpretation), in paragraph (1), in the definition of “person granted indefinite leave to remain as a victim of domestic violence or domestic abuse”—

- (a) for “leave to remain”, in both places, substitute “leave to enter or remain”;
- (b) for paragraphs (i) to (iii) of sub-paragraph (a), substitute—

“(i) paragraph VDA 9.1 of the Appendix Victim of Domestic Abuse(2); or

(ii) where such leave was granted before the coming into force of the Appendix Victim of Domestic Abuse, paragraph 289B (victims of domestic violence), paragraph D-DVILR.1.1. of Appendix FM (victims of domestic abuse) or paragraph 40 of Appendix Armed Forces (victims of domestic violence: partners of members of the armed forces);”.

(2) In both regulation 2A(3)(e)(3) (meaning of “protected category event”) and paragraph 4C(4) of Schedule 1 (eligible students), in each place it occurs, including in the heading to paragraph 4C of Schedule 1, for “leave to remain”, substitute “leave to enter or remain”.

Afghan Relocations and Assistance Policy Scheme

5. In regulation 2, in paragraph (1), in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”, for sub-paragraph (a)(ia), substitute—

(1) [S.I. 2011/1986](#).

(2) The Appendix was added to the immigration rules by Statement of Changes to the Immigration Rules laid before Parliament on 7th December 2023 (HC 246). An electronic copy of HC 246 is available at <https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-246-7-december-2023>, and a hard copy is available by written request to Home Office, 2 Marsham Street, London, SW1P 4DF.

(3) Regulation 2A was inserted by [S.I. 2023/74](#).

(4) Paragraph 4C was inserted by [S.I. 2020/48](#) and amended by [S.I. 2023/74](#).

“(ia) indefinite leave to enter or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules(5);”.

Qualified teacher learning and skills status

6.—(1) In regulation 2, in paragraph (1), omit the definition of “qualified teacher learning and skills status”(6).

(2) In regulation 12 (fee loans: previous course)—

- (a) in paragraph (4), at the beginning of sub-paragraph (c) insert “where the current course falls within regulation 2(1ZA)(a), (b), (c) or (d), ”;
- (b) omit paragraph (4ZA)(7).

(3) In regulation 13 (fee loans: miscellaneous)—

- (a) after paragraph (1), insert—
 - “(1A) An eligible student does not qualify for a fee loan under this Part if—
 - (a) the current course is a course falling within regulation 2(1ZA)(e),(f),(g),(h) or (i); and
 - (b) the student has completed a previous course falling within regulation 2(1ZA) (e), (f), (g), (h) or (i) and achieved the intended qualification.”;
- (b) omit paragraph (2ZA)(8).

(4) In regulation 144 (fee loans for designated part-time courses beginning on or after 1st September 2012)—

- (a) after paragraph (2) insert—
 - “(2A) An eligible part-time student does not qualify for a fee loan if—
 - (a) the current course is a course falling within regulation 2(1ZA)(e), (f), (g), (h) or (i); and
 - (b) the student has completed a previous course falling within regulation 2(1ZA) (e), (f), (g), (h) or (i) and achieved the intended qualification.”.
- (b) omit paragraph (6A)(9).

Children of persons granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse or as a bereaved partner

7.—(1) In regulation 2A (meaning of terms including protected category event), in paragraph (3), in sub-paragraphs (e) and (g), after “the student” insert “or the student’s parent”.

(2) In Schedule 1 (eligible students)—

- (a) in the heading to paragraph 4C (persons granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse), at the end, insert “and their children”;
- (b) paragraph 4C becomes sub-paragraph (1) of that paragraph;
- (c) after that sub-paragraph (1) insert—

(5) The Appendix was added to the immigration rules by the Statement of Changes in the Immigration Rules laid before Parliament on 18th October 2022 (HC 719). An electronic version of HC 719 is available at, <https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc719-18-october-2022>, and a hard copy is available by written request to Home Office, 2 Marsham Street, London, SW1P 4DF.

(6) The definition of “qualified teacher learning and skills status” was inserted by S.I. 2021/1348.

(7) Paragraph (4ZA) was inserted by S.I. 2021/1348 and amended by S.I. 2023/74.

(8) Paragraph (2ZA) was inserted by S.I. 2021/1348 and amended by S.I. 2023/74.

(9) Paragraph (6A) was inserted by S.I. 2021/1348 and amended by S.I. 2023/74.

“(2) A person—

- (a) granted indefinite leave to enter or remain;
- (b) who—
 - (i) is the child of a person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse; and
 - (ii) on the leave application date, was the child of the person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse;
- (c) who was under 18 on the leave application date;
- (d) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave; and
- (e) who is ordinarily resident in England on the course start date.

(3) In this paragraph, “leave application date” means the date on which a person granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse made an application to remain in the United Kingdom on those grounds under the immigration rules.”;

- (d) in the heading to paragraph 4E (persons granted indefinite leave to remain as a bereaved partner)(10), at the end, insert “and their children”;
- (e) paragraph 4E becomes sub-paragraph (1) of that paragraph;
- (f) after that sub-paragraph (1) insert—

“(2) A person—

- (a) granted indefinite leave to remain;
- (b) who—
 - (i) is the child of a person granted indefinite leave to remain as a bereaved partner; and
 - (ii) on the leave application date, was the child of the person granted indefinite leave to remain as a bereaved partner;
- (c) who was under 18 on the leave application date;
- (d) who has been ordinarily resident in the United Kingdom and Islands since the person was granted such leave; and
- (e) who is ordinarily resident in England on the course start date.

(3) In this paragraph, “leave application date” means the date on which a person granted indefinite leave to remain as a bereaved partner made an application to remain in the United Kingdom on those grounds under the immigration rules.”.

Students settled in the United Kingdom

8.—(1) In regulation 2A (meaning of terms including in-year qualifying event and settled status event)(11)—

- (a) in paragraph (2), after sub-paragraph (b), insert—
 - “(ba) the student becomes a person described in paragraph 2 of Schedule 1;”;

(10) Paragraph 4E was inserted by [S.I. 2020/1203](#) and amended by [S.I. 2023/74](#).

(11) Regulation 2A was inserted by [S.I. 2023/74](#).

- (b) in paragraph (4), for the words from “means the student becomes a family member” to the end substitute—
 - “means—
 - (a) the student becomes a person described in paragraph 2A or 9BB of Schedule 1; or
 - (b) the student becomes a family member described in paragraph 9A(1)(a), 9C(1)(a) or 9D(1)(a) or (2)(a) of Schedule 1.”
- (2) In Schedule 1—
 - (a) in paragraphs 2(1)(a) and 9BB(1)(a)(i)(12) of Schedule 1, omit “on the first day of the first academic year of the course”;
 - (b) in paragraph 2(1)(a)(ii) after “England”, insert “on the first day of the first academic year of the course”;
 - (c) in paragraph 2A(1)(a)(13) omit “on the course start date”.

Termination of eligible student status

- 9.—(1) In regulation 4 (eligible students)—
- (a) in paragraph (12)(b), for the words from “has expired” to the end of sub-paragraph (b), substitute—
 - “has expired and—
 - (i) no further leave to remain has been granted,
 - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002(14)), and
 - (iii) the person (A or A’s spouse, civil partner, parent or step-parent) whose refugee status has expired has not become a British or Irish citizen,”;
 - (b) in paragraphs (12A)(b), (12B)(b) and (13D)(b)(15), after “has been granted” insert “and that person has not become a British or Irish citizen”;
 - (c) in paragraph (12C)(b)(16), after “has been granted” insert “and A has not become a British or Irish citizen”;
 - (d) in paragraph (13)(b), for the words from “has expired” to the end of sub-paragraph (b), substitute—
 - “has expired and—
 - (i) no further leave to remain has been granted;
 - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and
 - (iii) the person (A or A’s spouse, civil partner, parent or step-parent) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen,”;

(12) Paragraph 9BB was inserted by [S.I. 2021/1348](#). Paragraph 9BB(1)(a) is renumbered, creating paragraph 9BB(1)(a)(i), by regulation 11(a)(ii) of this instrument.

(13) Paragraph 2A was inserted by [S.I. 2021/127](#) and amended by [S.I. 2021/929](#) and [S.I. 2023/74](#).

(14) [2002 c. 41](#). Section 104 was amended by Schedule 9 to the Immigration Act 2014 and by [S.I. 2005/565](#), [2010/21](#) and [2014/2771](#).

(15) Paragraph (12A) was inserted by [S.I. 2018/137](#); paragraph (12B) by [S.I. 2019/142](#) and paragraph (13D) by [S.I. 2022/534](#). Paragraph (13D) was amended by [S.I. 2023/74](#).

(16) Paragraph (12C) was inserted by [S.I. 2020/48](#).

- (e) in paragraph (13A)(b)(17), after “has been granted under those rules” insert “and A has not become a British or Irish citizen”;
 - (f) in paragraph (13B)(b)(18) after “protected rights” insert “and has not become a British or Irish citizen”;
 - (g) in paragraph (13C)(b)(19) after “has expired” insert “and that person has not become a British or Irish citizen”;
 - (h) after paragraph (13D) insert—
 - “(13E) Where—
 - (a) the Secretary of State determined that, by virtue of being a person satisfying the criteria in paragraph 13 of Schedule 1 (eligible students: long residence), a person (“A”) was an eligible student in connection with—
 - (i) an application for support for an earlier year of the current course;
 - (ii) an application for support for a course in relation to which the current course is an end-on course; or
 - (iii) an application for support in connection with a designated part-time course or other designated course from which A’s status as an eligible part-time student or eligible student has been transferred to the current course; and
 - (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which A was granted leave to stay in the United Kingdom has expired and—
 - (i) no further leave to remain has been granted;
 - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and
 - (iii) A has not become a British or Irish citizen,
- A’s status as an eligible student terminates immediately before the first day of the academic year in respect of which A is applying for support.”.
- (2) In regulation 137 (eligible part-time students)—
 - (a) in paragraph (10)(b), for the words from “has expired” to the end of sub-paragraph (b), substitute—
 - “has expired and—
 - (i) no further leave to remain has been granted;
 - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and
 - (iii) the person (A or A’s spouse, civil partner, parent or step-parent) whose refugee status has expired has not become a British or Irish citizen,”;
 - (b) in paragraphs (10A)(b), (10B)(b) and (11D)(b)(20), after “has been granted” insert “and that person has not become a British or Irish citizen”;
 - (c) in paragraph (10C)(b)(21), after “has been granted” insert “and A has not become a British or Irish citizen”;

(17) Paragraph (13A) was inserted by [S.I. 2021/127](#).

(18) Paragraph (13B) was inserted by [S.I. 2021/127](#) and amended by [S.I. 2021/929](#) and [2021/1348](#).

(19) Paragraph (13C) was inserted by [S.I. 2021/127](#) and amended by [S.I. 2022/57](#) and [2023/74](#).

(20) Paragraph (10A) was inserted by [S.I. 2018/137](#); paragraph (10B) by [S.I. 2019/142](#) and paragraph (11D) was inserted by [S.I. 2022/534](#) and amended by [S.I. 2023/74](#).

(21) Paragraph (10C) was inserted by [S.I. 2020/48](#).

- (d) in paragraph (11)(b), for the words from “has expired” to the end of sub-paragraph (b), substitute—
- “has expired and—
- (i) no further leave to remain has been granted;
 - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and
 - (iii) the person (A or A’s spouse, civil partner, parent or step-parent) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen;”
- (e) in paragraph (11A)(b)(22), after “has been granted under those rules” insert “and A has not become a British or Irish citizen”;
- (f) in paragraph (11B)(b)(23), after “protected rights” insert “and has not become a British or Irish citizen”;
- (g) in paragraph (11C)(b)(24), after “has expired” insert “and that person has not become a British or Irish citizen”;
- (h) after paragraph (11D), insert—
- “(11E) Where—
- (a) the Secretary of State determined that, by virtue of being a person satisfying the criteria in paragraph 13 of Schedule 1 (eligible students: long residence), a person (“A”) was an eligible part-time student in connection with—
 - (i) an application for support for an earlier year of the current part-time course; or
 - (ii) an application for support in connection with a designated course or other designated part-time course from which A’s status as an eligible student or eligible part-time student has been transferred to the current part-time course; and
 - (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which A was granted leave to stay in the United Kingdom has expired and—
 - (i) no further leave to remain has been granted;
 - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and
 - (iii) A has not become a British or Irish citizen,

A’s status as an eligible part-time student terminates immediately before the first day of the academic year in respect of which A is applying for support.”.
- (3) In regulation 159 (eligible postgraduate students)—
- (a) in paragraph (15)(b), for the words from “has expired” to the end of sub-paragraph (b), substitute—
- “has expired and—
- (i) no further leave to remain has been granted;
 - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and

(22) Paragraph (11A) was inserted by [S.I. 2021/127](#).

(23) Paragraph (11B) was inserted by [S.I. 2021/127](#) and amended by [S.I. 2021/1348](#).

(24) Paragraph (11C) was inserted by [S.I. 2021/1348](#) and amended by [S.I. 2022/57](#) and [2023/74](#).

- (iii) the person (A or A's spouse, civil partner, parent or step-parent) whose refugee status has expired has not become a British or Irish citizen,";
- (b) in paragraphs (15A)(b), (15B)(b) and (16D)(b)(25), after "has been granted" insert "and that person has not become a British or Irish citizen";
- (c) in paragraph (15C)(b)(26), after "has been granted" insert "and A has not become a British or Irish citizen";
- (d) in paragraph (16)(b), for the words from "has expired" to the end of sub-paragraph (b), substitute—
 - "has expired and—
 - (i) no further leave to remain has been granted;
 - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and
 - (iii) the person (A or A's spouse, civil partner, parent or step-parent) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen,";
- (e) in paragraph (16A)(b)(27), after "has been granted under those rules" insert "and A has not become a British or Irish citizen";
- (f) in paragraph (16B)(28), sub-paragraph (c) is renumbered sub-paragraph (b);
- (g) in paragraph (16B)(b) as so renumbered, after "protected rights" insert "and has not become a British or Irish citizen";
- (h) in paragraph (16C)(b)(29), after "has expired" insert "and that person has not become a British or Irish citizen";
- (i) after paragraph (16D), insert—
 - "(16E) Where—
 - (a) the Secretary of State determined that, by virtue of being a person satisfying the criteria in paragraph 13 of Schedule 1 (eligible students: long residence), a person ("A") was an eligible postgraduate student in connection with—
 - (i) an application for support for an earlier year of the current postgraduate course; or
 - (ii) an application for support in connection with another designated postgraduate course from which A's status as an eligible postgraduate student has been transferred to the current postgraduate course; and
 - (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which A was granted leave to remain in the United Kingdom has expired and—
 - (i) no further leave to remain has been granted;
 - (ii) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and
 - (iii) A has not become a British or Irish citizen,

(25) Paragraph (15A) was inserted by [S.I. 2018/137](#); paragraph (15B) by [S.I. 2019/142](#) and paragraph (16D) was inserted by [S.I. 2022/534](#) and amended by [S.I. 2023/74](#).

(26) Paragraph (15C) was inserted by [S.I. 2020/48](#).

(27) Paragraph (16A) was inserted by [S.I. 2021/127](#).

(28) Paragraph (16B) was inserted by [S.I. 2021/127](#) and amended by [S.I. 2021/929](#) and [2021/1348](#).

(29) Paragraph (16C) was inserted by [S.I. 2021/1348](#) and amended by [S.I. 2022/57](#) and [2023/74](#).

A's status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which A is applying for support.”.

Loans for designated part-time courses

10.—(1) In regulation 144 (fee loans for designated part-time courses beginning on or after 1st September 2012), in paragraph (8)(c), in each place it occurs, for “the current course” substitute “the current part-time course”.

(2) In regulation 157B (qualifying conditions for the loan for living costs)(**30**), in paragraph (8)(c), in each place it occurs, for “the current course” substitute “the current part-time course”.

British citizens of Chagossian descent

11. In Schedule 1, in paragraph 9BB—

(a) in sub-paragraph (1)—

(i) at the beginning, insert “Subject to paragraphs (3) and (4), ”;

(ii) in paragraph (a), the words from “settled in” become sub-paragraph (i);

(iii) after that sub-paragraph (i), insert—

“or

(ii) a British citizen who—

(aa) was born in the British Indian Ocean Territory or, prior to 8th November 1965, in those islands designated as the British Indian Ocean Territory on that date; or

(bb) is a direct descendant of a person who was born in the British Indian Ocean Territory or, prior to 8th November 1965, in those islands designated as the British Indian Ocean Territory on that date;”;

(b) after sub-paragraph (2), insert—

“(3) For the purposes of paragraphs (c) and (d) of sub-paragraph (1), a person mentioned in paragraph (a)(ii) of sub-paragraph (1) is treated as being ordinarily resident in the specified British overseas territories in any period before the first day of the first academic year of the course in which they are not ordinarily resident in the United Kingdom or the Islands.

(4) Paragraphs (e) and (f) of sub-paragraph (1) do not apply to a person mentioned in paragraph (a)(ii) of that sub-paragraph.”.

Substitution of amounts specified in the Education (Student Support) Regulations 2011

12. The Schedule makes amendments to substitute amounts specified in the Education (Student Support) Regulations 2011.

(30) Regulation 157B was inserted by [S.I. 2018/472](#) and amended by [S.I. 2021/1348](#); there are other amending instruments but none is relevant.