
STATUTORY INSTRUMENTS

2024 No. 85

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

PART 3

Corresponding amendments to other subordinate legislation

CHAPTER 6

The Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018

Amendment of the Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018

46. The Education (Postgraduate Doctoral Degree Loans and the Education (Student Loans) (Repayment) (Amendment) (No. 2) etc.) Regulations 2018⁽¹⁾ are amended in accordance with this Chapter.

Victims of domestic abuse

47.—(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 sub-paragraphs (i) to (iii), substitute—

“(i) paragraph VDA 9.1 of the Appendix Victim of Domestic Abuse; 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 7(2)(g) (students becoming eligible in the course of an academic year) and paragraph 5B(2) of Schedule 1 (persons granted indefinite leave to remain as a victim of domestic violence or domestic abuse), in each place it occurs, including in the heading to paragraph 5B of Schedule 1, for “leave to remain”, substitute “leave to enter or remain”.

Afghan Relocations and Assistance Policy Scheme

48. In regulation 2 (interpretation), 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. 2018/599](#); relevant amending instruments are [S.I. 2019/142](#), [2020/48](#), [2020/1203](#), [2021/127](#), [2021/1348](#) and [2023/74](#).
(2) Paragraph 5B 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;”.

Termination of eligible student status

49. In regulation 3 (eligible students)—

- (a) in paragraph (11A)(b)(3) 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(4)); 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 paragraph (11B)(b)(5), after “has been granted” insert “and that person has not become a British or Irish citizen”;
- (c) in paragraphs (11C)(b) and (11D)(b)(6), after “has been granted” insert “and A has not become a British or Irish citizen”;
- (d) in paragraph (11E)(7), 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 (11F)(b)(8), after “has been granted under those rules” insert “and A has not become a British or Irish citizen”;
- (f) in paragraph (11G)(b)(9), after “has expired” insert “and the person (A or S) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen”;
- (g) in paragraph (11H)(b)(10), after “has been granted” insert “and the person (A or U) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen”;
- (h) after paragraph (11H) insert—
 - “(11I) Where—

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

(4) [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](#).

(5) Paragraph (11B) was inserted by [S.I. 2023/74](#).

(6) Paragraphs (11C) and (11D) were inserted by [S.I. 2023/74](#).

(7) Paragraph (11E) was inserted by [S.I. 2023/74](#).

(8) Paragraph (11F) was inserted by [S.I. 2023/74](#).

(9) Paragraph (11G) was inserted by [S.I. 2023/74](#).

(10) Paragraph (11H) was inserted by [S.I. 2023/74](#).

- (a) the Secretary of State has determined that a person (“A”) is an eligible student by virtue of paragraph 14 of Schedule 1 (long residence) in connection with an application for a postgraduate doctoral degree loan for a designated course; and
- (b) as at the day before the relevant day, the period for which A is allowed 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 relevant day.”;
- (i) in paragraph (12)(b)(11), after “protected rights” insert “and has not become a British or Irish citizen”;
- (j) in paragraph (13)(a)(12) for “, (11G) and (11H)” substitute “and (11G) to (11I)”.

Students settled in the United Kingdom

50.—(1) In regulation 7 (students becoming eligible in the course of an academic year), in paragraph (2)—

- (a) after sub-paragraph (b) insert—
 - “(ba) the student becomes a person described in paragraph 2 of Schedule 1;
 - “(bb) the student becomes a person described in paragraph 2A of Schedule 1;”;
 - (b) after sub-paragraph (d) insert—
 - “(da) the student becomes a person described in paragraph 10BB of Schedule 1;”.
- (2) In Schedule 1—
- (a) in paragraphs 2(1)(a) and 10BB(1)(a)(i)(13), 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)(14), omit “on the course start date”.

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

51.—(1) In regulation 7 (students becoming eligible in the course of an academic year)(15), in paragraph (2)(g) and (i), after “the student” insert “or the student’s parent”.

- (2) In Schedule 1—
- (a) in the heading to paragraph 5B (persons granted indefinite leave to enter or remain as a victim of domestic violence or domestic abuse)(16), at the end, insert “and their children”;
 - (b) paragraph 5B becomes sub-paragraph (1) of that paragraph;
 - (c) after that sub-paragraph (1) insert—

(11) Paragraph (12) was inserted by [S.I. 2021/127](#) and amended by [S.I. 2021/929](#), [S.I. 2021/1348](#) and [S.I. 2023/74](#).

(12) Paragraph (13) was inserted by [S.I. 2023/74](#).

(13) Paragraph 2(1)(a) was amended by [S.I. 2021/127](#) and paragraph 10BB was inserted by [S.I. 2021/1348](#). Paragraph 10BB(1)(a) is renumbered, creating paragraph 10BB(1)(a)(i), by regulation 53(a)(ii) of this instrument.

(14) Paragraph 2A was inserted by [S.I. 2021/127](#) and sub-paragraph (1)(a) was amended by [S.I. 2021/929](#) and [S.I. 2023/74](#).

(15) Regulation 7 was substituted by [S.I. 2023/74](#).

(16) Paragraph 5B was inserted by [S.I. 2020/48](#) 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 5D (persons granted indefinite leave to remain as a bereaved partner⁽¹⁷⁾, at the end, insert “and their children”;
- (e) paragraph 5D 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.”.

Substitution of amounts

52.—(1) In regulation 12 (amount of the postgraduate doctoral degree loan), in paragraph (1)(a) for “£28,673” substitute “£29,390”.

(2) In regulation 13 (payment of postgraduate doctoral degree loans), in paragraph (4), for “£12,167” substitute “£12,471”.

(17) Paragraph 5D was inserted by [S.I. 2020/1203](#) and amended by [S.I. 2023/74](#).

British citizens of Chagossian descent

53. In Schedule 1, in paragraph 10BB—

(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 person who is a British citizen and 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.”.