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STATUTORY INSTRUMENTS

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**2024 No. 85**

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

**PART 3**

Corresponding amendments to other subordinate legislation

**CHAPTER 7**

The Higher Education Short Course Loans Regulations 2022

**Amendment of the Higher Education Short Course Loans Regulations 2022**

**54.** The Higher Education Short Course Loans Regulations 2022(1) are amended in accordance with this Chapter.

**Victims of domestic abuse**

**55.**—(1) In regulations 2(2)(d) (interpretation) and 7(2)(e) (students who cease to be eligible students before the start of an HE short course) and paragraph 9 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 9 of Schedule 1, for “leave to remain”, substitute “leave to enter or remain”.

(2) In Schedule 1, in paragraph 1(1) (interpretation), 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) in paragraph (a), 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).”

**Termination of eligible student status**

**56.**—(1) In regulation 3 (eligible students)—

(a) in paragraph (5)(c)—

(i) after paragraph (i), omit “and”;

(ii) after paragraph (ii), omit the semi-colon and insert—

- “, and
    - (iii) the person (P or R) whose refugee status has expired has not become a British or Irish citizen;”;
  - (b) in paragraph (5)(d)—
    - (i) after paragraph (i), omit “and”;
    - (ii) after paragraph (ii), omit the semi-colon and insert—
      - “, and
        - (iii) the person (P or H) whose period for which they are allowed to stay in the United Kingdom has expired has not become a British or Irish citizen;”;
  - (c) in paragraph (5)(e)—
    - (i) after paragraph (i), omit “and”;
    - (ii) after paragraph (ii), omit the semi-colon and insert—
      - “, and
        - (iii) the person (P 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;”;
  - (d) in paragraph (5)(f)—
    - (i) after paragraph (i), omit “and”;
    - (ii) after paragraph (ii), omit the semi-colon and insert—
      - “, and
        - (iii) P has not become a British or Irish citizen;”;
  - (e) in paragraph (5)(g), at the end, insert “and has not become a British or Irish citizen”;
  - (f) in paragraph (5)(h)(2), at the end, insert “and the person (P or A) 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 (5)(i)(3), at the end, insert “and the person (P 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 (5)(i), insert—
    - “(j) where the Secretary of State determined that P was an eligible student in connection with the reference course by virtue of paragraph 25 of Schedule 1 (long residence), the period for which P is allowed to stay in the United Kingdom has expired and P has not become a British or Irish citizen.”.
- (2) In regulation 6 (students who cease to be eligible students before the start of an HE short course)—
- (a) in paragraph (2)(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

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(2) Sub-paragraph (h) was substituted by [S.I. 2023/74](#).

(3) Sub-paragraph (i) was substituted by [S.I. 2023/74](#).

- (iii) the person (P or P’s spouse, civil partner, parent or step-parent) whose refugee status has expired has not become a British or Irish citizen.”;
- (b) in paragraph (3)(b), after “has been granted” insert “and the person (P or P’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.”;
- (c) in paragraphs (4)(b) and (5)(b) after “has been granted” insert “and P has not become a British or Irish citizen”;
- (d) in paragraph (6)(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 (P or P’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 (7)(b), after “has been granted under those rules” insert “and P has not become a British or Irish citizen”;
- (f) in paragraph (8)(b), after “protected rights” insert “and P has not become a British or Irish citizen”;
- (g) in paragraph (9)(b), for “P is allowed to stay in the United Kingdom has expired” substitute “the person granted leave under one of the Afghan schemes is allowed to stay in the United Kingdom has expired and that person has not become a British or Irish citizen.”;
- (h) in paragraph (9A)(b)(4), for “P is allowed to stay in the United Kingdom has expired” substitute “the person granted leave under one of the Ukraine schemes is allowed to stay in the United Kingdom has expired and that person has not become a British or Irish citizen.”;
- (i) after paragraph (9A) insert—
  - “(9B) This paragraph applies in relation to a person (“P”) if—
  - (a) the Secretary of State has determined that, by virtue of being a person granted leave under paragraph 25 of Schedule 1 (long residence), P is an eligible student in connection with an application for an HESC loan for the relevant course, and
  - (b) as at the day before the current course begins, the period P is allowed to stay in the United Kingdom has expired and—
    - (i) no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002); and
    - (ii) P has not become a British or Irish citizen.”.

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

57.—(1) In regulation 7 (students becoming eligible after the start of an HE short course), in paragraph (2)(e) and (f), after “the student” insert “or the student’s parent”.

(2) In Schedule 1—

- (a) in the heading to paragraph 9 (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 9 becomes sub-paragraph (1) of that paragraph;
- (c) after that sub-paragraph (1) insert—

“(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 first day of the HE short course.

(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 enter or remain in the United Kingdom on those grounds under the immigration rules.”;

- (d) in the heading to paragraph 11 (persons granted indefinite leave to remain as a bereaved partner), at the end, insert “and their children”;
- (e) paragraph 11 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 first day of the HE short course.

(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**

**58.**—(1) In regulation 7 (students who become eligible students after the start of an HE short course) in paragraph (2)—

- (a) after sub-paragraph (g) insert—

“(ga) the student becomes a person described in paragraph 3 of Part 2 of Schedule 1;

- (gb) the student becomes a person described in paragraph 4 of Part 2 of Schedule 1;”;
- (b) after sub-paragraph (i) insert—
  - “(ia) the student becomes a person described in paragraph 19 of Part 2 of Schedule 1;”.
- (2) In Schedule 1 (eligible students)—
  - (a) in paragraphs 3(1)(a), 4(1)(a) and 19(1)(a)(i)(5) omit “on the first day of the HE short course”;
  - (b) in paragraph 3(1)(a)(ii), after “England”, insert “on the first day of the HE short course”.

### **Afghan Relocations and Assistance Policy Scheme**

**59.** In Schedule 1 (eligible students: interpretation), in paragraph 1(1), in the definition of “person granted leave under the Afghan Relocations and Assistance Policy Scheme”, for sub-paragraph (a) (ia), substitute—

- “(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;”.

### **British citizens of Chagossian descent**

**60.** In Schedule 1, in paragraph 19—

- (a) in sub-paragraph (1)—
  - (i) at the beginning, insert “Subject to paragraphs (3) and (4), ”;
  - (ii) in paragraph (a)(6), 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 HE short 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.”.

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(5) Paragraph 19(1)(a) is renumbered, creating paragraph 19(1)(a)(i), by regulation 60(a)(ii) of this instrument.

(6) Paragraph (a) is amended by regulation 57(2)(a) of this instrument.