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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

**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)(1), 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)(2), 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
    - (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.”;

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

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

- (h) in paragraph (9A)(b)(3), 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.”.