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STATUTORY INSTRUMENTS

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**2024 No. 85**

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

**PART 2**

**Amendment of the Education (Student Support) Regulations 2011**

**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<sup>(1)</sup>), 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)<sup>(2)</sup>, after “has been granted” insert “and that person has not become a British or Irish citizen”;

(c) in paragraph (12C)(b)<sup>(3)</sup>, 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,”;

(e) in paragraph (13A)(b)<sup>(4)</sup>, after “has been granted under those rules” insert “and A has not become a British or Irish citizen”;

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(1) 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](#).

(2) 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](#).

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

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

- (f) in paragraph (13B)(b)(5) after “protected rights” insert “and has not become a British or Irish citizen”;
  - (g) in paragraph (13C)(b)(6) 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)(7), after “has been granted” insert “and that person has not become a British or Irish citizen”;
  - (c) in paragraph (10C)(b)(8), after “has been granted” insert “and A has not become a British or Irish citizen”;
  - (d) in paragraph (11)(b), for the words from “has expired” to the end of sub-paragraph (b), substitute—
    - “has expired and—

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

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

(7) 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](#).

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

- (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)(9), after "has been granted under those rules" insert "and A has not become a British or Irish citizen";
  - (f) in paragraph (11B)(b)(10), after "protected rights" insert "and has not become a British or Irish citizen";
  - (g) in paragraph (11C)(b)(11), 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
      - (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,";

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

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

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

- (b) in paragraphs (15A)(b), (15B)(b) and (16D)(b)(12), after “has been granted” insert “and that person has not become a British or Irish citizen”;
- (c) in paragraph (15C)(b)(13), 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)(14), after “has been granted under those rules” insert “and A has not become a British or Irish citizen”;
- (f) in paragraph (16B)(15), 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)(16), 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,

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.”.

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(12) 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.

(13) Paragraph (15C) was inserted by S.I. 2020/48.

(14) Paragraph (16A) was inserted by S.I. 2021/127.

(15) Paragraph (16B) was inserted by S.I. 2021/127 and amended by S.I. 2021/929 and 2021/1348.

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

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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