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Entitle students granted discretionary leave to remain to be charged tuition fees and maintenance support on the same basis as home students; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Amendment of the Qualifying Courses and Persons Regulations

- (1) The Student Fees (Qualifying Courses and Persons) (England) Regulations 2007 (S.I. 2007/778), as amended by the Education (Student Fees, Awards and Support) (Amendment) Regulations 2011 (S.I. 2011/87), is amended as follows.
- (2) In paragraph 1 of Schedule 1, for the definition of “person granted humanitarian protection” substitute—
- ““person with leave to enter or remain” means a person who has—
- (a) applied for refugee status but has as a result of that application been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although that person is considered not to qualify for recognition as a refugee, it is thought right to allow that person to enter or remain in the United Kingdom and they are granted leave accordingly, or
- (b) not applied for refugee status but has been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that it is thought right to allow that person to enter or remain in the United Kingdom and the person has been granted leave to enter or remain on human rights grounds or outside the Immigration rules.”
- (3) For paragraph 5 of Schedule 1, substitute—
- “Persons with leave to enter or remain and their family members**
- 5 (1) A person—

- (a) with leave to enter or remain; and
 - (b) who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.
- (2) A person who –
- (a) is the spouse or civil partner of a person with leave to enter or remain; 5
 - (b) was the spouse or civil partner of the person with leave to enter or remain on the date on which that person made –
 - (i) the application for asylum; or
 - (ii) the application for leave to enter or remain, where no application for asylum was made; and 10
 - (c) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.
- (3) A person –
- (a) who is the child of a person with leave to enter or remain or the child of the spouse or civil partner of a person with leave to enter or remain; 15
 - (b) who, on the date on which the person with leave to enter or remain made –
 - (i) the application for asylum; or 20
 - (ii) the application for leave to enter or remain, where no application for asylum was made,
 was the child of that person or the child of a person who was the spouse or civil partner of the person with leave to enter or remain on that date; 25
 - (c) who was under 18 on the date on which the person with leave to enter or remain made –
 - (i) the application for asylum; or
 - (ii) the application for leave to enter or remain, where no application for asylum was made; and 30
 - (d) who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.”

2 Amendment of the Fees Regulations

- (1) The Education (Fees and Awards) (England) Regulations 2007 S.I. 2007/779, as amended by the Education (Student Fees, Awards and Support) (Amendment) Regulations 2011 (S.I. 2011/87), is amended as follows. 35
- (2) In paragraph 1 of Schedule 1, for the definition of “person granted humanitarian protection” substitute –
 - ““person with leave to enter or remain” means a person who has –
 - (a) applied for refugee status but has as a result of that application been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although that person is considered not to qualify for recognition as a refugee, it is thought right to allow that person to enter or remain in the United Kingdom and they are granted leave accordingly, or 40
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- (b) not applied for refugee status but has been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that it is thought right to allow that person to enter or remain in the United Kingdom and the person has been granted leave to enter or remain on human rights grounds or outside the Immigration rules.” 5
- (3) For paragraph 5 of Schedule 1, substitute –
“Persons with leave to enter or remain and their family members
- 5 (1) A person – 10
- (a) with leave to enter or remain; and
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- (2) A person who –
- (a) is the spouse or civil partner of a person with leave to enter or remain; 15
- (b) was the spouse or civil partner of the person with leave to enter or remain on the date on which that person made –
- (i) the application for asylum; or
- (ii) the application for leave to enter or remain, where no application for asylum was made; and 20
- (c) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.
- (3) A person –
- (a) who is the child of a person with leave to enter or remain or the child of the spouse or civil partner of a person with leave to enter or remain; 25
- (b) who, on the date on which the person with leave to enter or remain made –
- (i) the application for asylum; or 30
- (ii) the application for leave to enter or remain, where no application for asylum was made,
- was the child of that person or the child of a person who was the spouse or civil partner of the person with leave to enter or remain on that date; 35
- (c) who was under 18 on the date on which the person with leave to enter or remain made –
- (i) the application for asylum; or
- (ii) the application for leave to enter or remain, where no application for asylum was made; and 40
- (d) who is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.”
- 3 Extent, commencement and short title**
- (1) This Act extends to England only.
- (2) This section comes into force on the day on which this Act is passed. 45

- (3) Sections 1 and 2 come into force six months after the day on which this Act is passed.
- (4) This Act may be cited as the Student Fees (Qualifying Persons) (England) Act 2015.

Student Fees (Qualifying Persons) (England) Bill [HL]

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To entitle students granted discretionary leave to remain to be charged tuition fees and maintenance support on the same basis as home students; and for connected purposes.

Lord Taverne

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