



Department for the

Economy

An Roinn

Geilleagair

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Peter McCallion
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Northern Ireland Assembly
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1 June 2026

Dear Peter

SL1 - The Education (Student Support) (Amendment No.2) Regulations (Northern Ireland) 2026

The Department for the Economy (DfE) proposes to make this amending Statutory Rule under powers conferred by Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998 and Articles 4(8) and 14(4) of the Higher Education (Northern Ireland) Order 2005. The Statutory Rule will be subject to the negative resolution procedure before the Assembly.

Purpose of the Statutory Rule

This Statutory Rule will make amendments to the Education (Student Support) (No. 2) Regulations (NI) 2009 (“the Student Support Regulations”), and the Student Fees (Qualifying Courses and Persons) Regulations (Northern Ireland) 2007 (“the QCP Regulations”).

Amending rules on overstayers and entitlement to student support and home fee status

Eligible students for the purposes of student support and home fee status are defined in the Student Support Regulations and the QCP Regulations respectively. The regulations provide for the eligibility of persons who have been granted leave to remain here under specified circumstances.

Paragraph SUI 13.1 (“Exceptions for overstayers”) of the Home Office Immigration Rules allows the Home Office to disregard periods of overstaying where the application was made within a certain timeframe and it considers that there was a good reason why the application for leave could not have been made before the expiry of the most recent leave. Paragraph SUI 13.1 replaces paragraph 39E of the Immigration Rules, which was deleted and relocated to paragraph SUI 13.1 in November 2025.

At present, the Student Support Regulations provide that if a formerly eligible student’s leave expires and no further leave has been granted or the person has not become a British or Irish citizen, then their status as an eligible student terminates immediately before the first day of the academic year in respect of which they are applying for support. Should student support (and home fee status) be removed from students where they have applied for further leave after the expiry of their most recent leave but in circumstances within paragraph SUI 13.1 of the Immigration Rules, it could be considered unfair and potentially disproportionate.

The proposed Statutory Rule would amend the Student Support Regulations to ensure that where a student is applying for further leave in line with the relevant provisions of paragraph SUI 13.1, their eligibility for student support would not be terminated for so long as the application falls within the scope of paragraph SUI 13.1 of the Immigration Rules. Accordingly, eligibility for support would continue unless a decision was ultimately made by the Home Office to refuse them further leave to remain.

It would also make corresponding changes to the QCP Regulations to ensure that this group of students, in such circumstances, continue to qualify for home fee status and, for undergraduate students, are ‘qualifying persons’ for the purposes of fee limits.

Amending references to the Ukraine Schemes

The proposed Statutory Rule would amend the Student Support Regulations and the QCP Regulations to update references to the Ukraine Schemes following amendments made to Home Office Immigration Rules.

The Home Office introduced the Ukraine Permission Extension Scheme (UPES) on 4 February 2025, following earlier changes to the Immigration Rules on 19 February 2024. The UPES extends a person’s leave in the UK for a further 18 months and replaces other ‘in-country’ Ukraine schemes such as the Ukraine Family Scheme and the Ukraine Extension Scheme.

The Student Support Regulations and the QCP Regulations have previously been amended such that those who have been granted leave under the UPES, and their

eligible family members, may qualify for student support and home fee status, and are “qualifying persons” for the purposes of tuition fee limits, for academic years of a course beginning on or after 1 August 2024, without requiring them to meet the normal three-year ordinary residence requirement.

The Home Office has since made further changes to the Immigration Rules to include UPES. The proposed Statutory Rule would update regulations to reflect the latest paragraph numbers within the Immigration Rules, ensuring consistency with other provisions which link particular schemes to the Home Office rules.

The proposed amendments also update definitions of persons granted leave under the Ukraine Extension Scheme, and the Ukraine Family Scheme, to reflect that these schemes have been removed from the Home Office rules. The Ukraine Extension Scheme closed to most new applications on 16 May 2024 and closed in its entirety on 4 February 2025. The Ukraine Family Scheme closed to new applicants on 19 February 2024.

Student Support Regulations – calculation of maximum amounts of loans for current system students with full entitlement

Regulation 66 of the Student Support Regulations determines the maximum amount of maintenance loan available to undergraduate students when the level of any maintenance grant awarded has been taken into account.

This Statutory Rule makes a technical amendment to update Regulation 66(4) of the Student Support Regulations in line with the same 2.7% inflationary increase previously applied to maintenance grants and loans by way of S.R. 2026 No. 56.

Previous Engagement with the Committee

Application of an inflationary uplift to the calculation of maximum amounts of loans, when taking into account any grant received, is in line with the general 2.7% inflationary increase for student maintenance support for academic year 2026/27 provided for by the Education (Student Support, etc.) (Amendment) Regulations (Northern Ireland) 2026 (S.R. 2026 No.56). This was considered by the Committee for the Economy at its meeting of 11 March 2026. The Committee agreed that it was content for the Department to make the rule.

Financial Implications

The amendment to the rules on overstayers is expected to affect a very small number of individuals and any associated costs are considered to be de minimis.

There are no financial implications arising from the amendments to references to the Ukraine Schemes.

Costs associated with the proposed amendment to the calculation of maximum loan amounts were included within the overall costs of the 2.7% increase to student maintenance support for academic year 2026/27 previously reported in relation to the Education (Student Support) (Amendment) Regulations (Northern Ireland) 2026 [S.R. 2026 No. 56].

Consultation

There is no statutory requirement to consult on these amendments.

Compliance with Section 24 of the Northern Ireland Act 1998

The making of this Statutory Rule complies with Section 24 of the Northern Ireland Act 1998.

Equality Impact

Equality screening has identified no adverse impacts on any Section 75 categories.

Regulatory Impact

A Regulatory Impact Assessment has not been prepared for this Statutory Rule as it does not place an additional burden on business, charities or voluntary bodies.

Rural Needs Impact

A Rural Needs Impact Assessment screening exercise has been carried out. The changes in this amendment will be applicable to relevant students irrespective of rural or non-rural location. It is not considered that individuals residing in rural areas will be more affected than those residing in non-rural areas.

Data Protection Impact

A Data Protection Impact Assessment has not been prepared for this Statutory Rule as the proposed amendments do not require the processing of personal data.

Child Rights Impact

An assessment has not been carried out as the number of students under the age of 18 in the Higher Education system is negligible.

Position in Great Britain

Immigration policy is a reserved matter and the amendments to the Home Office Immigration Rules apply to all the Devolved Administrations. Regulatory provisions in respect of student support arrangements differ across administrations and changes do not always require similar amendments. Corresponding changes have been made in England in relation to overstayers and references to the Ukraine Schemes through the Education (Student Fees, Awards, Support and Loan Repayments) (Amendment) Regulations 2026.

Any other information

None.

Proposed timing of consideration of the SL1

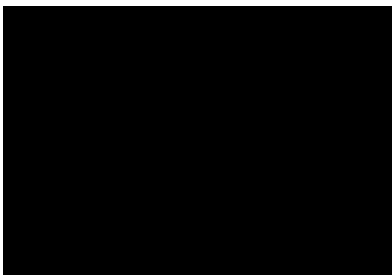
The SL1 has been submitted in line with the minimum four-week Committee consideration period. It is proposed that the Committee considers the SL1 on 1 July 2026.

Proposed Operational Date

It is proposed that the Statutory Rule come into operation on or before 1 August 2026, ahead of commencement of the 2026/27 academic year.

The draft of the proposed Statutory Rule and Explanatory Memorandum are attached, and you will wish to bring this matter to the attention of the Committee for the Economy.

Yours sincerely



Departmental Assembly Liaison Officer

cc Human Rights Commission
Equality Commission