

SCHEDULE

1. A person who on the relevant date—
 - (a) is settled in the United Kingdom within the meaning of the Immigration Act 1971, and
 - (b) meets the residence conditions referred to in paragraph 9.
2. A person who is a refugee, ordinarily resident in the United Kingdom and Islands, who has not ceased to be so ordinarily resident since he was recognised as a refugee, or is the spouse, or child of such a refugee.
- 3.—(1) A person who—
 - (a) has been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although he is considered not to qualify for recognition as a refugee, it is thought right to allow him to enter or remain in the United Kingdom,
 - (b) has been granted leave to enter to remain accordingly, and
 - (c) has been ordinarily resident in the United Kingdom and Islands throughout the period since he was granted leave to enter or remainor who is the spouse or child of such a person.
 - (2) For the purposes of this paragraph “child” includes a person adopted in pursuance of adoption proceedings and a step-child.
4. A person who was admitted to his course in pursuance of arrangements with an institution outside the United Kingdom for the exchange of students on a fully reciprocal basis.
5. A person who is a national of a member State of the European Community, or who is the child of such a national, who meets the residence conditions referred to in paragraph 9.
6. A person who is an EEA migrant worker who—
 - (a) may not be required to pay higher fees, or who may not be made ineligible for an award under rules of eligibility, by virtue of Article 7(2) or (3) of Council Regulation (EEC) No. 1612/68 on freedom of movement of workers within the Community, as extended by the EEA Agreement⁽¹⁾, or, where he is a national of the United Kingdom, by virtue of an enforceable Community right to be treated no less favourably than a national of another member State in relation to matters which are the subject of Article 7(2) and (3), and
 - (b) meets the residence conditions referred to in paragraph 9.
7. A person who is the spouse of an EEA migrant worker who—
 - (a) is installed in the United Kingdom with his spouse, and
 - (b) meets the residence conditions referred to in paragraph 9.
- 8.—(1) A person who is the child of an EEA migrant worker who—
 - (a) may not be required to pay higher fees, or may not be made ineligible for an award under rules of eligibility, by virtue of Article 12 of the above mentioned Council Regulation, or, where his migrant worker parent is a national of the United Kingdom, by virtue of an enforceable Community right to be treated no less favourably than the child of a national of another member State in relation to matters which are the subject of Article 12, and
 - (b) meets the residence conditions referred to in paragraph 9.

(1) OJ No. L257, 19.10.68, p.2 (OJ/SE 1968 (II), p.457).

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

(2) For the purposes of this paragraph “parent” includes a guardian, any other person having parental responsibility for a child and any person having care of a child, and “child” shall be construed accordingly.

9. The residence conditions referred to above are that—

- (a) the person has been ordinarily resident throughout the three year period preceding the relevant date, in the case of a person mentioned in paragraph 1, in the United Kingdom and Islands or, in the case of a person mentioned in paragraphs 5 to 8, in the European Economic Area; and
- (b) his residence in the United Kingdom and Islands, or in the European Economic Area, as the case may be, has not during any part of the period referred to in sub-paragraph (a) been wholly or mainly for the purpose of receiving full-time education.

11th August 1997

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