



OFFERYNNAU STATUDOL
CYMRU

2011 Rhif 1978 (Cy.218)

ADDYSG, CYMRU

Rheoliadau Addysg (Ffioedd
Myfyrwyr, Dyfarniadau a
Chymorth) (Cymru) 2011

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn yn diwygio:

- (a) Rheoliadau Grantiau a Benthyciadau Dysgu y Cynulliad (Addysg Uwch) (Cymru) 2011 (O.S. 2011/148 (Cy.32)) ("Rheoliadau 2011");
- (b) Rheoliadau Grantiau a Benthyciadau Dysgu'r Cynulliad (Addysg Uwch) (Cymru) (Rhif 2) 2011 (O.S. 2011/886 (Cy.130)) ("Rheoliadau 2012");
- (c) Rheoliadau Grantiau Dysgu'r Cynulliad (Sefyliadau Ewropeaidd) (Cymru) 2011 (O.S. 2011/736 (Cy.113)) ("Rheoliadau'r Sefyliadau Ewropeaidd");
- (ch) Rheoliadau Grantiau Dysgu'r Cynulliad (Athrofa Brifysgol Ewropeaidd) (Cymru) 2009 (O.S. 2009/3359 (Cy.295)) ("Rheoliadau'r Athrofa Brifysgol Ewropeaidd");
- (d) Rheoliadau Addysg (Ffioedd a Dyfarniadau) (Cymru) 2007 (O.S. 2007/2310 (Cy.181)) ("y Rheoliadau Ffioedd"); ac
- (dd) Rheoliadau Ffioedd Myfyrwyr (Cyrsiau a Phersonau Cymhwysol) (Cymru) 2011 (O.S. 2011/691 (Cy.103)) ("Rheoliadau'r Cyrsiau a Phersonau Cymhwysol").

Mae rheoliad 4 yn diwygio'r diffiniad o "person sydd â chaniatâd i ddod i mewn neu i aros" yn rheoliad 2(1) o Reoliadau 2011. Mae'r diwygiad hwn yn estyn y cymhwystra i gael cymorth i fyfyrwyr i'r personau hynny sydd wedi cael caniatâd yn ôl disgrifiwn (a'u priod, partneriaid sifil a'u plant) p'un a yw'r personau hynny wedi bod yn wrthrych cais am loches sydd wedi

WELSH STATUTORY
INSTRUMENTS

2011 No. 1978 (W.218)

EDUCATION, WALES

The Education (Student Fees,
Awards and Support) (Wales)
Regulations 2011

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend:

- (a) the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2011 (S.I. 2011/148 (W.32)) ("the 2011 Regulations");
- (b) the Assembly Learning Grants and Loans (Higher Education) (Wales) (No. 2) Regulations 2011 (S.I. 2011/886 (W.130)) ("the 2012 Regulations");
- (c) the Assembly Learning Grants (European Institutions) (Wales) Regulations 2011 (S.I. 2011/736 (W.113)) ("the European Institutions Regulations");
- (d) the Assembly Learning Grants (European University Institute) (Wales) Regulations 2009 (S.I. 2009/3359 (W.295)) ("the European University Institute Regulations");
- (e) the Education (Fees and Awards) (Wales) Regulations 2007 (S.I. 2007/2310 (W.181)) ("the Fees Regulations"); and
- (f) the Student Fees (Qualifying Courses and Persons) (Wales) Regulations 2011 (S.I. 2011/691 (W.103)) ("the Qualifying Courses and Persons Regulations").

Regulation 4 amends the definition of "person with leave to enter or remain" in regulation 2(1) of the 2011 Regulations. This amendment extends eligibility for student support to those persons who have been granted discretionary leave (and their spouses, civil partners and children), whether or not those persons have been the subject of a failed asylum application.

methu ai peidio. Mae rheoliad 5 yn gwneud diwygiadau i'r categori perthnasol o fyfyrwr yn Atodlen 1 i Reoliadau 2011 sydd yn ganlyniad i'r diwygiadau a wnaed gan reoliad 4.

Mae rheoliadau 6 i 8 yn gwneud diwygiadau cyfatebol i Reoliadau 2012 ac mae rheoliadau 9 i 11 yn gwneud diwygiadau cyfatebol i Reoliadau'r Sefydliau Ewropeaidd.

Mae rheoliad 13 yn diwygio'r diffiniad o "person sydd â chaniatâd i ddod i mewn neu i aros" yn rheoliad 3 o Reoliadau'r Athrofa Brifysgol Ewropeaidd. Mae'r diwygiad hwn yn estyn y cymhwystra i gael cymorth i fyfyrwyr i'r personau hynny sydd wedi cael caniatâd yn ôl disgrifiwn (a'u priod, partneriaid sifil a'u plant) p'un a yw'r personau hynny'n wrthrych cais am loches sydd wedi methu ai peidio. Mae rheoliad 14 yn diwygio'r diffiniad o "aelod o deulu" ym mharagraff 1(1) o Atodlen 1 i Reoliadau'r Athrofa Brifysgol Ewropeaidd. Mae'r diwygiad hwn yn rhoi yn lle'r cyfeiriad at "plentyn" un sy'n cyfeirio at ddisgynyddion uniongyrchol y person, neu ddisgynyddion uniongyrchol priod neu bartner sifil y person sydd o dan 21 oed, neu'n ddibynyddion y person neu'n ddibynyddion priod neu bartner sifil y person. Mae'r diwygiad hwn yn golygu bod y diffiniad o "aelod o deulu" yn Rheoliadau'r Athrofa Brifysgol Ewropeaidd bellach yn cyfateb i ddiffiniad y term hwnnw yn Rheoliadau 2011 a Rheoliadau 2012. Mae rheoliad 15 yn gwneud diwygiadau i'r categori perthnasol o fyfyrwr yn Atodlen 1 i Reoliadau'r Athrofa Brifysgol Ewropeaidd sydd yn ganlyniad i'r diwygiadau a wnaed gan reoliad 13.

Mae rheoliad 17 yn diwygio'r diffiniad o "aelod o'r teulu" yn yr Atodlen i'r Rheoliadau Ffioedd. Mae'r diwygiad hwn yn rhoi yn lle'r cyfeiriad at "plentyn" un sy'n cyfeirio at ddisgynyddion uniongyrchol y person, neu ddisgynyddion uniongyrchol priod neu bartner sifil y person sydd o dan 21 oed, neu'n ddibynyddion y person neu'n ddibynyddion priod neu bartner sifil y person. Mae'r diwygiad hwn yn golygu bod y diffiniad o "aelod o'r teulu" yn y Rheoliadau Ffioedd bellach yn cyfateb i ddiffiniad y term hwnnw yn Rheoliadau 2011 a Rheoliadau 2012. Mae rheoliad 18 yn diwygio'r diffiniad o "person sydd â chaniatâd i ddod i mewn neu aros" yn yr Atodlen i'r Rheoliadau Ffioedd. Mae'r diffiniad diwygiedig hwn yn estyn y categorïau o berson na chaniateir codi ffioedd dysgu ('tramor') uwch arno, drwy gynnwys personau sydd wedi cael caniatâd yn ôl disgrifiwn (a'u priod, partneriaid sifil a'u plant) p'un a yw'r personau hynny wedi bod yn wrthrych cais am loches sydd wedi methu ai peidio. Mae rheoliad 19 yn gwneud diwygiadau i'r categori perthnasol o fyfyrwr yn yr Atodlen i'r Rheoliadau Ffioedd sydd yn ganlyniad i'r diwygiadau a wnaed gan reoliad 18.

Regulation 5 makes amendments to the relevant category of student in Schedule 1 to the 2011 Regulations which are consequential upon the amendments made by regulation 4.

Regulations 6 to 8 make corresponding amendments to the 2012 Regulations and regulations 9 to 11 make corresponding amendments to the European Institutions Regulations.

Regulation 13 amends the definition of "person with leave to enter or remain" in regulation 3 of the European University Institute Regulations. This amendment extends eligibility for student support to persons who have been granted discretionary leave (and their spouses, civil partners and children) whether or not those persons have been the subject of a failed asylum application. Regulation 14 amends the definition of "family member" in paragraph 1(1) of Schedule 1 to the European University Institute Regulations. This amendment replaces the reference to "child" with one that refers to direct descendants of the person or of the person's spouse or civil partner who are under the age of 21 or dependants of the person or the person's spouse or civil partner. This amendment means that the definition of "family member" in the European University Institute Regulations now corresponds with the definition of that term in the 2011 Regulations and the 2012 Regulations. Regulation 15 makes amendments to the relevant category of student in Schedule 1 to the European University Institute Regulations which are consequential upon the amendments made by regulation 13.

Regulation 17 amends the definition of "family member" in the Schedule to the Fees Regulations. This amendment replaces the reference to "child" with one that refers to direct descendants of the person or of the person's spouse or civil partner who are under the age of 21 or dependants of the person or the person's spouse or civil partner. This amendment means that the definition of "family member" in the Fees Regulations now corresponds with the definition of that term in the 2011 Regulations and the 2012 Regulations. Regulation 18 amends the definition of "person with leave to enter or remain" in the Schedule to the Fees Regulations. This amended definition extends the categories of person to whom higher ('overseas') tuition fees may not be charged by including persons who have been granted discretionary leave (and their spouses, civil partners and children), whether or not those persons have been the subject of a failed asylum application. Regulation 19 makes amendments to the relevant category of student in the Schedule to the Fees Regulations which are consequential upon the amendments made by regulation 18.

Mae rheoliad 21 yn diwygio'r diffiniad o "person sydd â chaniatâd i ddod i mewn neu i aros" yn yr Atodlen i Reoliadau'r Cyrsiau a Phersonau Cymhwysol. Mae'r diffiniad diwygiedig hwn yn estyn y categorïau o bersonau cymhwysol a ragnodir gan y Rheoliadau hynny, drwy gynnwys personau sydd wedi cael caniatâd yn ôl disgrifiwn (a'u priod, partneriaid sifil a'u plant) p'un a yw'r personau hynny wedi bod yn wrthrych cais am loches sydd wedi methu ai peidio. Mae rheoliad 22 yn gwneud diwygiadau i'r categori perthnasol o fyfyriwr yn yr Atodlen i Reoliadau'r Cyrsiau a Phersonau Cymhwysol sydd yn ganlyniad i ddiwygiadau a wnaed gan reoliad 21.

Regulation 21 amends the definition of "person with leave to enter or remain" in the Schedule to the Qualifying Courses and Persons Regulations. This amended definition extends the categories of qualifying persons prescribed by those Regulations by including persons who have been granted discretionary leave (and their spouses, civil partners and children), whether or not those persons have been the subject of a failed asylum application. Regulation 22 makes amendments to the relevant category of student in the Schedule to the Qualifying Courses and Persons Regulations which are consequential upon the amendments made by regulation 21.

2011 Rhif 1978 (Cy.218)

ADDYSG, CYMRU

Rheoliadau Addysg (Ffioedd
Myfyrwyr, Dyfarniadau a
Chymorth) (Cymru) 2011

Gwnaed	9 Awst 2011
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	10 Awst 2011
Yn dod i rym	31 Awst 2011

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 22 a 43(1) o Ddeddf Addysgu ac Addysg Uwch 1998(1) ac adrannau 1 a 2 o Ddeddf Addysg (Ffioedd a Dyfarniadau) 1983(2), ac sydd bellach yn arferadwy

2011 No. 1978 (W.218)

EDUCATION, WALES

The Education (Student Fees,
Awards and Support) (Wales)
Regulations 2011

Made	9 August 2011
Laid before the National Assembly for Wales	10 August 2011
Coming into force	31 August 2011

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State by sections 22 and 43(1) of the Teaching and Higher Education Act 1998(1) and sections 1 and 2 of the Education (Fees and Awards) Act 1983(2) and now exercisable by

- (1) 1998 p.30; cafodd adran 22 ei diwygio gan Ddeddf Dysgu a Medrau 2000 (p.21), adran 146 ac Atodlen 11, Deddf Treth Inewm (Enillion a Phensiynau) 2003 (p.1), Atodlen 6, Deddf Cyllid 2003 (p.14), adran 147, Deddf Addysg Uwch 2004 (p.8), adrannau 42 a 43 ac Atodlen 7 a Deddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 (p.22), adran 257.
- (2) 1983 p.40; cafodd adran 1 ei diwygio gan Ddeddf Diwygio Addysg 1988 (p.40), adran 237 ac Atodlen 12; Deddf Addysg Bellach ac Uwch 1992 (p.13), adran 93 ac Atodlen 8; Deddf Addysg 1994 (p.30), adran 24 ac Atodlen 2; Deddf Addysg 1996 (p.56), adran 582(1) ac Atodlen 37; Deddf Dysgu a Medrau 2000 (p.21) adran 149 ac Atodlen 9; Deddf Addysg 2002 (p.32), adran 215 ac Atodlen 21; Deddf Addysg 2005 (p.18), adran 98 ac Atodlen 14; Gorchymyn Cyngor Cenedlaethol Cymru dros Addysg a Hyfforddiant (Trosglwyddo Swyddogaethau i Gynlliad Cenedlaethol Cymru a Diddymu'r Cyngor) 2005 (O.S. 2005/3238), erthygl 9 ac Atodlen 1; Gorchymyn Deddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 (Diwygiadau Canlyniadol) (Cymru a Lloegr) 2010 (O.S. 2010/1080), erthygl 2 ac Atodlen 1 a Gorchymyn yr Awdurdodau Addysg Lleol ac Awdurdodau Gwasanaethau Plant (Integreiddio Swyddogaethau) 2010 (O.S. 2010/1158), erthygl 5 ac Atodlen 2. Cafodd adran 2 ei diwygio gan Ddeddf Addysgu ac Addysg Uwch 1998 (p.30), adran 44 ac Atodlen 4.

- (1) 1998 c.30; section 22 was amended by the Learning and Skills Act 2000 (c.21), section 146 and Schedule 11, the Income Tax (Earnings and Pensions) Act 2003 (c.1), Schedule 6, the Finance Act 2003 (c.14), section 147, the Higher Education Act 2004 (c.8), sections 42 and 43 and Schedule 7 and the Apprenticeships, Skills, Children and Learning Act 2009 (c.22), section 257.
- (2) 1983 c.40; section 1 was amended by the Education Reform Act 1988 (c.40), section 237 and Schedule 12; the Further and Higher Education Act 1992 (c.13), section 93 and Schedule 8; the Education Act 1994 (c.30), section 24 and Schedule 2; the Education Act 1996 (c.56), section 582(1) and Schedule 37; the Learning and Skills Act 2000 (c.21) section 149 and Schedule 9; the Education Act 2002 (c.32), section 215 and Schedule 21; the Education Act 2005 (c.18) section 98 and Schedule 14; the National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238), article 9 and Schedule 1; the Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (England and Wales) Order 2010 (S.I. 2010/1080), article 2 and Schedule 1 and the Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), article 5 and Schedule 2. Section 2 was amended by the Teaching and Higher Education Act 1998 (c.30), section 44 and Schedule 4.

ganddynt hwy(1) a thrwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adran 28(6) o Ddeddf Addysg Uwch 2004(2) ac sydd bellach yn arferadwy ganddynt hwy(3), yn gwneud y Rheoliadau a ganlyn:

Enwi, cychwyn a chymhwysos

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Ffioedd Myfyrwyr, Dyfarniadau a Chymorth) (Cymru) 2011.

(2) Mae'r Rheoliadau hyn yn dod i rym ar 31 Awst 2011 ac maent yn gymwys o ran Cymru.

Dehongli

2. Yn y Rheoliadau hyn—

ystyr "Rheoliadau 2011" ("the 2011 Regulations") yw Rheoliadau Grantiau a Benthyciadau Dysgu y Cynulliad (Addysg Uwch) (Cymru) 2011(4);

ystyr "Rheoliadau 2012" ("the 2012 Regulations") yw Rheoliadau Grantiau a Benthyciadau Dysgu'r Cynulliad (Addysg Uwch) (Cymru) (Rhif 2) 2011(5);

(1) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 22 o Ddeddf Addysgu ac Addysg Uwch 1998 (ac eithrio i'r graddau y maent yn ymwnedd â gwneud unrhyw ddarpariaeth a awdurdodir gan is-adran 2(a), (c), (j) neu (k), (3)(e) neu (f) neu (5) o adran 22) i Gynulliad Cenedlaethol Cymru gan adran 44 o Ddeddf Addysg Uwch 2004 a Gorchymyn Deddf Addysg Uwch 2004 (Cychwyn Rhif 2 a Darpariaeth Drosiannol) (Cymru) 2005 (O.S. 2005/1833 (Cy.149) (C.79)) fel y'i diwygiwyd gan Orchymyn Deddf Addysg Uwch 2004 (Cychwyn Rhif 2 a Darpariaeth Drosiannol) (Cymru) (Diwygio) 2006 (O.S. 2006/1660 (Cy.159) (C.56)). Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd paragraffau 30(1) a 30(2)(c) o Atoden 11 i Ddeddf Llywodraeth Cymru 2006 (p.32). Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 1 o Ddeddf Addysg (Ffioedd a Dyfarniadau) 1983, i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2006 (O.S. 2006/1458) gydag effaith o 8 Mehefin 2006 ymlaen. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 2 o Ddeddf Addysg (Ffioedd a Dyfarniadau) 1983, i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru mewn perthynas ag adrannau 1 a 2 o Ddeddf Addysg (Ffioedd a Dyfarniadau) 1983 i Weinidogion Cymru yn rhinwedd paragraffau 30(1) a 30(2)(d) o Atoden 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

(2) 2004 p.8; mae adran 28 wedi ei diwygio gan Ddeddf Addysg 2005 (p.18), adran 98 ac Atoden 14.

(3) Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd paragraffau 30(1) a 30(2)(c) o Atoden 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

(4) O.S. 2011/148 (Cy.32).

(5) O.S. 2011/886 (Cy.130).

them(1) and in exercise of the powers conferred upon the National Assembly for Wales by section 28(6) of the Higher Education Act 2004(2) and now exercisable by them(3) make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Education (Student Fees, Awards and Support) (Wales) Regulations 2011.

(2) These Regulations come into force on 31 August 2011 and apply in relation to Wales.

Interpretation

2. In these Regulations—

"the 2011 Regulations" ("Rheoliadau 2011") means the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2011(4);

"the 2012 Regulations" ("Rheoliadau 2012") means the Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) Regulations 2011(5);

(1) The functions of the Secretary of State under section 22 of the Teaching and Higher Education Act 1998 (except so far as they relate to the making of any provision authorised by subsection (2)(a), (c), (j) or (k), (3)(e) or (f) or (5) of section 22) were transferred to the National Assembly for Wales by section 44 of the Higher Education Act 2004 and the Higher Education Act 2004 (Commencement No. 2 and Transitional Provision) (Wales) Order 2005 (S.I. 2005/1833 (W.149) (C.79)) as amended by the Higher Education Act 2004 (Commencement No. 2 and Transitional Provision) (Wales) (Amendment) Order 2006 (S.I. 2006/1660 (W.159) (C.56)). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraphs 30(1) and 30(2)(c) of Schedule 11 to the Government of Wales Act 2006 (c.32). The functions of the Secretary of State under section 1 of the Education (Fees and Awards) Act 1983, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 2006 (S.I. 2006/1458) with effect from 8 June 2006. The functions of the Secretary of State under section 2 of the Education (Fees and Awards) Act 1983, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions of the National Assembly for Wales in relation to sections 1 and 2 of the Education (Fees and Awards) Act 1983 were transferred to the Welsh Ministers by virtue of paragraphs 30(1) and 30(2)(d) of Schedule 11 to the Government of Wales Act 2006 (c.32).

(2) 2004 c.8; section 28 was amended by the Education Act 2005 (c.18), section 98 and Schedule 14.

(3) The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraphs 30(1) and 30(2)(c) of Schedule 11 to the Government of Wales Act 2006 (c.32).

(4) S.I. 2011/148 (W.32).

(5) S.I. 2011/886 (W.130).

ystyr "y Rheoliadau Ffioedd" ("Fees Regulations") yw Rheoliadau Addysg (Ffioedd a Dyfarniadau) (Cymru) 2007(1);

ystyr "Rheoliadau'r Athrofa Brifysgol Ewropeaidd" ("European University Institute Regulations") yw Rheoliadau Grantiau Dysgu'r Cynulliad (Athrofa Brifysgol Ewropeaidd) (Cymru) 2009(2);

ystyr "Rheoliadau'r Cyrsiau a Phersonau Cymhwysol" ("Qualifying Courses and Persons Regulations") yw Rheoliadau Ffioedd Myfyrwyr (Cyrsiau a Phersonau Cymhwysol) (Cymru) 2011(3); ac

ystyr "Rheoliadau'r Sefydliadau Ewropeaidd" ("European Institutions Regulations") yw Rheoliadau Grantiau Dysgu'r Cynulliad (Sefydliadau Ewropeaidd) (Cymru) 2011(4).

Diwygio Rheoliadau 2011

3. Mae Rheoliadau 2011 yn cael eu diwygio yn unol â rheoliadau 4 a 5.

4. Yn rheoliad 2(1), yn y diffiniad o "person sydd â chaniatâd i ddod i mewn neu i aros" ("person with leave to enter or remain"), yn lle is-baragraff (a) rhodder—

"(a) sydd—

- (i) wedi gwneud cais am statws ffoadur ond sydd, o ganlyniad i'r cais hwnnw, wedi ei hysbysu'n ysgrifenedig gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref, y tybir ei bod yn iawn caniatâu i A ddod i mewn i'r Deyrnas Unedig neu i aros ynddi ar seiliau diogelwch dyngarol(5) neu ganiatâd yn ôl disgrifiwn(6) er yr ystyri nad yw A yn gymwys i gael ei gydnabod fel ffoadur; neu
- (ii) heb wneud cais am statws ffoadur ond sydd wedi ei hysbysu'n ysgrifenedig gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref y tybir ei bod yn iawn caniatâu i A ddod i mewn i'r Deyrnas Unedig neu i aros ynddi ar seiliau caniatâd yn ôl disgrifiwn;".

(1) O.S. 2007/2310 (Cy.181), fel y'i diwygiwyd gan O.S. 2008/1259 ac O.S. 2010/1142.

(2) O.S. 2009/3359 (Cy.295).

(3) O.S. 2011/691 (Cy.103).

(4) O.S. 2011/736 (Cy.113).

(5) Caniateir i ddiogelwch dyngarol gael ei roi gan yr Ysgrifennydd Gwladol yn unol â Rhan 11 o'r Rheolau Mewnfudo a wnaed o dan adran 3(2) o Ddeddf Mewnfudo 1971 (p.77).

(6) Caniateir i ganiatâd yn ôl disgrifiwn gael ei roi gan yr Ysgrifennydd Gwladol o dan adran 3(1)(b) o Ddeddf Mewnfudo 1971.

"European Institutions Regulations" ("Rheoliadau'r Sefydliadau Ewropeaidd") means the Assembly Learning Grants (European Institutions) (Wales) Regulations 2011(1);

"European University Institute Regulations" ("Rheoliadau'r Athrofa Brifysgol Ewropeaidd") means the Assembly Learning Grants (European University Institute) (Wales) Regulations 2009(2);

"Fees Regulations" ("y Rheoliadau Ffioedd") means the Education (Fees and Awards) (Wales) Regulations 2007(3); and

"Qualifying Courses and Persons Regulations" ("Rheoliadau'r Cyrsiau a Phersonau Cymhwysol") means the Student Fees (Qualifying Courses and Persons) (Wales) Regulations 2011(4).

Amendment of the 2011 Regulations

3. The 2011 Regulations are amended in accordance with regulations 4 and 5.

4. In regulation 2(1), in the definition of "person with leave to enter or remain" ("person sydd â chaniatâd i ddod i mewn neu i aros"), for sub-paragraph (a) substitute—

"(a) who has—

- (i) 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 A is considered not to qualify for recognition as a refugee it is thought right to allow A to enter or remain in the United Kingdom on the grounds of humanitarian protection(5) or discretionary leave(6); or
- (ii) 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 A to enter or remain in the United Kingdom on the grounds of discretionary leave;".

(1) S.I. 2011/736 (W.113).

(2) S.I. 2009/3359 (W.295).

(3) S.I. 2007/2310 (W.181), as amended by S.I. 2008/1259 and S.I. 2010/1142.

(4) S.I. 2011/691 (W.103).

(5) Humanitarian protection may be granted by the Secretary of State pursuant to Part 11 of the Immigration Rules made under section 3(2) of the Immigration Act 1971 (c.77).

(6) Discretionary leave may be granted by the Secretary of State under section 3(1)(b) of the Immigration Act 1971.

5. Yn Rhan 2 o Atodlen 1—

- (a) yn lle paragraff 5(2)(b), rhodder—
- "(b)a oedd yn briod neu'n bartner sifil i'r person sydd â chaniatâd i ddod i mewn neu i aros ar y dyddiad y gwnaeth y person hwnnw—
- (i) y cais am loches; neu
 - (ii) y cais am ganiatâd yn ôl disgrifiwn, os nad oedd cais am loches wedi ei wneud;";
- (b) yn lle paragraff 5(3)(b), rhodder—
- "(b)a oedd, ar y dyddiad y gwnaeth y person sydd â chaniatâd i ddod i mewn neu i aros—
- (i) y cais am loches; neu
 - (ii) y cais am ganiatâd yn ôl disgrifiwn, os nad oedd cais am loches wedi ei wneud,";
- yn blentyn i'r person hwnnw neu'n blentyn i berson a oedd yn briod neu'n bartner sifil i'r person sydd â chaniatâd i ddod i mewn neu i aros ar y dyddiad hwnnw;"; ac
- (c) yn lle paragraff 5(3)(c), rhodder—
- "(c)a oedd o dan 18 oed ar y dyddiad y gwnaeth y person sydd â chaniatâd i ddod i mewn neu i aros—
- (i) y cais am loches; neu
 - (ii) y cais am ganiatâd yn ôl disgrifiwn, os nad oedd cais am loches wedi ei wneud;".

Diwygio Rheoliadau 2012

6. Mae Rheoliadau 2012 wedi eu diwygio yn unol â rheoliadau 7 ac 8.

7. Yn rheoliad 2(1), yn y diffiniad o "person sydd â chaniatâd i ddod i mewn neu i aros" ("*person with leave to enter or remain*"), yn lle is-baragraff (a) rhodder—

- "(a)sydd—
- (i) wedi gwneud cais am statws ffoadur ond sydd, o ganlyniad i'r cais hwnnw, wedi ei hysbysu'n ysgrifenedig gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref, y tybir ei bod yn iawn caniatâu i A ddod i mewn i'r Deyrnas Unedig neu i aros ynddi ar seiliau diogelwch dyngarol neu ganiatâd yn ôl disgrifiwn er yr ystyrir nad yw A yn gymwys i gael ei gydnabod fel ffoadur; neu
 - (ii) heb wneud cais am statws ffoadur ond sydd wedi ei hysbysu'n ysgrifenedig gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr

5. In Part 2 of Schedule 1—

- (a) for paragraph 5(2)(b), substitute—
- "(b)who 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 discretionary leave, where no application for asylum was made;";
- (b) for paragraph 5(3)(b), substitute—
- "(b)who, on the date on which the person with leave to enter or remain made—
- (i) the application for asylum; or
 - (ii) the application for discretionary leave, 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;"; and
- (c) for paragraph 5(3)(c), substitute—
- "(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 discretionary leave, where no application for asylum was made;".

Amendment of the 2012 Regulations

6. The 2012 Regulations are amended in accordance with regulations 7 and 8.

7. In regulation 2(1), in the definition of "person with leave to enter or remain" ("*person sydd â chaniatâd i ddod i mewn neu i aros*"), for sub-paragraph (a) substitute—

- "(a)who has—
- (i) 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 A is considered not to qualify for recognition as a refugee it is thought right to allow A to enter or remain in the United Kingdom on the grounds of humanitarian protection or discretionary leave; or
 - (ii) 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

Adran Gartref y tybir ei bod yn iawn caniatáu i A ddod i mewn i'r Deyrnas Unedig neu i aros ynddi ar seiliau caniatâd yn ôl disgrifiwn;".

8. Yn Rhan 2 o Atodlen 1—

- (a) yn lle paragraff 5(2)(b), rhodder—
- "(b) a oedd yn briod neu'n bartner sifil i'r person sydd â chaniatâd i ddod i mewn neu i aros ar y dyddiad y gwnaeth y person hwnnw—
- (i) y cais am loches; neu
 - (ii) y cais am ganiatâd yn ôl disgrifiwn, os nad oedd cais am loches wedi ei wneud;";
- (b) yn lle paragraff 5(3)(b), rhodder—
- "(b)a oedd, ar y dyddiad y gwnaeth y person sydd â chaniatâd i ddod i mewn neu i aros—
- (i) y cais am loches; neu
 - (ii) y cais am ganiatâd yn ôl disgrifiwn, os nad oedd cais am loches wedi ei wneud,
- yn blentyn i'r person hwnnw neu'n blentyn i berson a oedd yn briod neu'n bartner sifil i'r person sydd â chaniatâd i ddod i mewn neu i aros ar y dyddiad hwnnw;"; ac
- (c) yn lle paragraff 5(3)(c), rhodder—
- "(c)a oedd o dan 18 oed ar y dyddiad y gwnaeth y person sydd â chaniatâd i ddod i mewn neu i aros y canlynol;
- (i) y cais am loches; neu
 - (ii) y cais am ganiatâd yn ôl disgrifiwn, os nad oedd cais am loches wedi ei wneud;".

Diwygio Rheoliadau'r Sefydliadau Ewropeaidd

9. Mae Rheoliadau'r Sefydliadau Ewropeaidd wedi eu diwygio yn unol â rheoliadau 10 ac 11.

10. Yn rheoliad 3(1), yn y diffiniad o "person sydd â chaniatâd i ddod i mewn neu i aros" ("person with leave to enter or remain"), yn lle is-baragraff (a) rhodder—

- "(a)sydd—
- (i) wedi gwneud cais am statws ffoadur ond sydd, o ganlyniad i'r cais hwnnw, wedi ei hysbysu'n ysgrifenedig gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref, y tybir ei bod yn iawn caniatáu i P ddod i mewn i'r Deyrnas Unedig neu i aros ynddi ar seiliau diogelwch dyngarol neu ganiatâd yn ôl disgrifiwn er yr ystyrir nad yw P yn gymwys i gael ei gydnabod fel ffoadur; neu

Department that it is thought right to allow A to enter or remain in the United Kingdom on the grounds of discretionary leave;".

8. In Part 2 of Schedule 1—

- (a) for paragraph 5(2)(b), substitute—
- "(b) who 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 discretionary leave, where no application for asylum was made;";
- (b) for paragraph 5(3)(b), substitute—
- "(b)who, on the date on which the person with leave to enter or remain made—
- (i) the application for asylum; or
 - (ii) the application for discretionary leave, 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;"; and
- (c) for paragraph 5(3)(c), substitute—
- "(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 discretionary leave, where no application for asylum was made;".

Amendment of the European Institutions Regulations

9. The European Institutions Regulations are amended in accordance with regulations 10 and 11.

10. In regulation 3(1), in the definition of "person with leave to enter or remain" ("person sydd â chaniatâd i ddod i mewn neu i aros"), for sub-paragraph (a) substitute—

- "(a)who has—
- (i) 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 P is considered not to qualify for recognition as a refugee, it is thought right to allow P to enter or remain in the United Kingdom on the grounds of humanitarian protection or discretionary leave; or

- (ii) heb wneud cais am statws ffoadur ond sydd wedi ei hysbysu'n ysgrifenedig gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref y tybir ei bod yn iawn caniatâu i P ddod i mewn i'r Deyrnas Unedig neu i aros ynddi ar seiliau caniatâd yn ôl disgrifiwn;".

11. Yn Rhan 2 o Atodlen 1—

- (a) yn lle paragraff 5(2)(b), rhodder—
 - "(b) a oedd yn briod neu'n bartner sifil i'r person sydd â chaniatâd i ddod i mewn neu i aros ar y dyddiad y gwnaeth y person hwnnw—
 - (i) y cais am loches; neu
 - (ii) y cais am ganiatâd yn ôl disgrifiwn, os nad oedd cais am loches wedi ei wneud;";
- (b) yn lle paragraff 5(3)(b), rhodder—
 - "(b)a oedd, ar y dyddiad y gwnaeth y person sydd â chaniatâd i ddod i mewn neu i aros—
 - (i) y cais am loches; neu
 - (ii) y cais am ganiatâd yn ôl disgrifiwn, os nad oedd cais am loches wedi ei wneud,

yn blentyn i'r person hwnnw neu'n blentyn i berson a oedd yn briod neu'n bartner sifil i'r person sydd â chaniatâd i ddod i mewn neu i aros ar y dyddiad hwnnw;" ac
- (c) yn lle paragraff 5(3)(c), rhodder—
 - "(c)a oedd o dan 18 oed ar y dyddiad y gwnaeth y person sydd â chaniatâd i ddod i mewn neu i aros—
 - (i) y cais am loches; neu
 - (ii) y cais am ganiatâd yn ôl disgrifiwn, os nad oedd cais am loches wedi ei wneud,".

Diwygio Rheoliadau'r Athrofa Brifysgol Ewropeaidd

12. Mae Rheoliadau'r Athrofa Brifysgol Ewropeaidd wedi eu diwygio yn unol â rheoliadau 13 i 15.

13. Yn rheoliad 3, yn y diffiniad o "person sydd â chaniatâd i ddod i mewn neu i aros" ("person with leave to enter or remain"), yn lle paragraff (a) rhodder—

- "(a) sydd—
 - (i) wedi gwneud cais am statws ffoadur ond sydd, o ganlyniad i'r cais hwnnw, wedi ei hysbysu'n ysgrifenedig gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref, y tybir ei bod yn iawn

- (ii) 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 P to enter or remain in the United Kingdom on the grounds of discretionary leave;".

11. In Part 2 of Schedule 1—

- (a) for paragraph 5(2)(b), substitute—
 - "(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 discretionary leave, where no application for asylum was made;";
- (b) for paragraph 5(3)(b), substitute—
 - "(b)on the date on which the person with leave to enter or remain made—
 - (i) the application for asylum; or
 - (ii) the application for discretionary leave, 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;" and
- (c) for paragraph 5(3)(c), substitute—
 - "(c)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 discretionary leave, where no application for asylum was made;".

Amendment of the European University Institute Regulations

12. The European University Institute Regulations are amended in accordance with regulations 13 to 15.

13. In regulation 3, in the definition of "person with leave to enter or remain" ("person sydd â chaniatâd i ddod i mewn neu i aros"), for paragraph (a) substitute—

- "(a) who has—
 - (i) 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

caniatáu i'r person hwnnw ddod i mewn i'r Deyrnas Unedig neu i aros ynddi ar seiliau diogelwch dyngarol neu ganiatâd yn ôl disgrifiwn er yr ystyrir nad yw'n gymwys i gael ei gydnabod fel ffoadur; neu

- (ii) heb wneud cais am statws ffoadur ond sydd wedi ei hysbysu'n ysgrifenedig gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref y tybir ei bod yn iawn caniatáu i'r person hwnnw ddod i mewn i'r Deyrnas Unedig neu i aros ynddi ar seiliau caniatâd yn ôl disgrifiwn;".

14. Yn Rhan 1 o Atodlen 1, ym mharagraff 1(1), yn y diffiniad o "aelod o deulu" ("family member") yn lle is-baragraff (a)(ii) rhodder—

- "(ii) disgynyddion uniongyrchol y person neu ddisgynyddion uniongyrchol priod neu bartner sifil y person sydd—
(aa) o dan 21 oed; neu
(bb) yn ddibynnyddion y person neu'n ddibynnyddion priod neu bartner sifil y person; neu".

15. Yn Rhan 2 o Atodlen 1—

- (a) yn lle paragraff 5(2)(b), rhodder—
"(b)a oedd yn briod neu'n bartner sifil i'r person sydd â chaniatâd i ddod i mewn neu i aros ar y dyddiad y gwnaeth y person hwnnw—
(i) y cais am loches; neu
(ii) y cais am ganiatâd yn ôl disgrifiwn, os nad oedd cais am loches wedi ei wneud;";
(b) yn lle paragraff 5(3)(b), rhodder—
"(b)a oedd, ar y dyddiad y gwnaeth y person sydd â chaniatâd i ddod i mewn neu i aros—
(i) y cais am loches; neu
(ii) y cais am ganiatâd yn ôl disgrifiwn, os nad oedd cais am loches wedi ei wneud,";
yn blentyn i'r person hwnnw neu'n blentyn i berson a oedd yn briod neu'n bartner sifil i'r person sydd â chaniatâd i ddod i mewn neu i aros ar y dyddiad hwnnw;"; ac
(c) yn lle paragraff 5(3)(c), rhodder—
"(c)a oedd o dan 18 oed ar y dyddiad y gwnaeth y person sydd â chaniatâd i ddod i mewn neu i aros—
(i) y cais am loches; neu
(ii) y cais am ganiatâd yn ôl disgrifiwn, os nad oedd cais am loches wedi ei wneud;".

to qualify for recognition as a refugee, it is thought right to allow that person to enter or remain in the United Kingdom on the grounds of humanitarian protection or discretionary leave; or

- (ii) has 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 on the grounds of discretionary leave;".

14. In Part 1 of Schedule 1, in paragraph 1(1), in the definition of "family member" ("aelod o deulu") for sub-paragraph (a)(ii) substitute—

- "(ii) direct descendants of the person or of the person's spouse or civil partner who are—
(aa) under the age of 21; or
(bb) dependants of the person or the person's spouse or civil partner; or".

15. In Part 2 of Schedule 1—

- (a) for paragraph 5(2)(b), substitute—
"(b) who 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 discretionary leave, where no application for asylum was made;";
(b) for paragraph 5(3)(b), substitute—
"(b) who, on the date on which the person with leave to enter or remain made—
(i) the application for asylum; or
(ii) the application for discretionary leave, 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;" and
(c) for paragraph 5(3)(c), substitute—
"(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 discretionary leave, where no application for asylum was made;".

Diwygio'r Rheoliadau Ffioedd

16. Mae'r Rheoliadau Ffioedd yn cael eu diwygio yn unol â rheoliadau 17 i 19.

17. Ym mharagraff 1 o'r Atodlen, yn y diffiniad o "aelod o'r teulu" ("family member"), yn lle is-baragraff (a)(ii) rhodder—

- "(ii) disgynyddion uniongyrchol y person neu ddisgynyddion uniongyrchol priod neu bartner sifil y person sydd—
(aa) o dan 21 oed; neu
(bb) yn ddibynyddion y person neu'n ddibynyddion priod neu bartner sifil y person; neu".

18. Ym mharagraff 1 o'r Atodlen, yn y diffiniad o "person sydd â chaniatâd i ddod i mewn neu aros" ("person with leave to enter or remain"), yn lle is-baragraff (a) rhodder—

- "(a) sydd—
(i) wedi gwneud cais am statws ffoadur ond sydd, o ganlyniad i'r cais hwnnw, wedi ei hysbysu'n ysgrifenedig gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref, y tybir ei bod yn iawn caniatâu i'r person hwnnw ddod i mewn i'r Deyrnas Unedig neu i aros ynddi ar seiliau diogelwch dyngarol neu ganiatâd yn ôl disgrifiwn er yr ystyri nad yw'n gymwys i gael ei gydnabod fel ffoadur; neu
(ii) heb wneud cais am statws ffoadur ond sydd wedi ei hysbysu'n ysgrifenedig gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref y tybir ei bod yn iawn caniatâu i'r person hwnnw ddod i mewn i'r Deyrnas Unedig neu i aros ynddi ar seiliau caniatâd yn ôl disgrifiwn;".

19. Yn yr Atodlen—

- (a) yn lle paragraff 5(2)(b), rhodder—
"(b)a oedd yn briod neu'n bartner sifil i'r person sydd â chaniatâd i ddod i mewn neu aros ar y dyddiad y gwnaeth y person hwnnw—
(i) y cais am loches; neu
(ii) y cais am ganiatâd yn ôl disgrifiwn, os nad oedd cais am loches wedi ei wneud; ac";
(b) yn lle paragraff 5(3)(b), rhodder—
"(b)a oedd, ar y dyddiad y gwnaeth y person sydd â chaniatâd i ddod i mewn neu aros—
(i) y cais am loches; neu

Amendment of the Fees Regulations

16. The Fees Regulations are amended in accordance with regulations 17 to 19.

17. In paragraph 1 of the Schedule, in the definition of "family member" ("aelod o deulu"), for subparagraph (a)(ii) substitute—

- "(ii) direct descendants of the person or of the person's spouse or civil partner who are—
(aa) under the age of 21; or
(bb) dependants of the person or the person's spouse or civil partner; or".

18. In paragraph 1 of the Schedule, in the definition of "person with leave to enter or remain" ("person sydd â chaniatâd i ddod i mewn neu aros"), for subparagraph (a) substitute—

- "(a) who has—
(i) 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 on the grounds of humanitarian protection or discretionary leave; or
(ii) 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 on the grounds of discretionary leave;".

19. In the Schedule—

- (a) for paragraph 5(2)(b), substitute—
"(b) who 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 discretionary leave, where no application for asylum was made; and";
(b) for paragraph 5(3)(b), substitute—
"(b) who, on the date on which the person with leave to enter or remain made—
(i) the application for asylum; or

- (ii) y cais am ganiatâd yn ôl disgrifiwn, os nad oedd cais am loches wedi ei wneud,
yn blentyn i'r person hwnnw neu'n blentyn i berson a oedd yn briod neu'n bartner sifil i'r person sydd â chaniatâd i ddod i mewn neu aros ar y dyddiad hwnnw;"; ac
- (c) yn lle paragraff 5(3)(c), rhodder—
 "(c)a oedd o dan 18 oed ar y dyddiad y gwnaeth y person sydd â chaniatâd i ddod i mewn neu aros—
 (i) y cais am loches; neu
 (ii) y cais am ganiatâd yn ôl disgrifiwn, os nad oedd cais am loches wedi ei wneud; ac".
- (ii) the application for discretionary leave, 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;"; and
- (c) for paragraph 5(3)(c), substitute—
 "(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 discretionary leave, where no application for asylum was made; and".

Diwygio Rheoliadau'r Cyrsiau a Phersonau Cymhwysol

20. Mae Rheoliadau'r Cyrsiau a Phersonau Cymhwysol wedi eu diwygio yn unol â rheoliadau 21 a 22.

21. Ym mharagraff 1(1) o'r Atodlen, yn y diffiniad o "person sydd â chaniatâd i ddod i mewn neu i aros" ("person with leave to enter or remain"), yn lle is-baragraff (a) rhodder—

- (a) sydd—
 (i) wedi gwneud cais am statws ffoadur ond sydd, o ganlyniad i'r cais hwnnw wedi ei hysbysu'n ysgrifenedig gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref, y tybir ei bod yn iawn caniatâu i P ddod i mewn i'r Deyrnas Unedig neu i aros ynddi ar seiliau diogelwch dyngarol neu ganiatâd yn ôl disgrifiwn er yr ystyri nad yw P yn gymwys i gael ei gydnabod fel ffoadur; neu
 (ii) heb wneud cais am statws ffoadur ond sydd wedi ei hysbysu'n ysgrifenedig gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref y tybir ei bod yn iawn caniatâu i P ddod i mewn i'r Deyrnas Unedig neu i aros ynddi ar seiliau caniatâd yn ôl disgrifiwn;".

22. Yn yr Atodlen—

- (a) yn lle paragraff 5(2)(b), rhodder—
 "(b)a oedd yn briod neu'n bartner sifil i'r person sydd â chaniatâd i ddod i mewn neu i aros ar y dyddiad y gwnaeth y person hwnnw—
 (i) y cais am loches; neu
 (ii) y cais am ganiatâd yn ôl disgrifiwn, os nad oedd cais am loches wedi ei wneud; ac";
- (b) yn lle paragraff 5(3)(b), rhodder—

- (ii) the application for discretionary leave, 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;"; and
- (c) for paragraph 5(3)(c), substitute—
 "(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 discretionary leave, where no application for asylum was made; and".

Amendment of the Qualifying Courses and Persons Regulations

20. The Qualifying Courses and Persons Regulations are amended in accordance with regulations 21 and 22.

21. In paragraph 1(1) of the Schedule, in the definition of "person with leave to enter or remain" ("person sydd â chaniatâd i ddod i mewn neu i aros") for sub-paragraph (a) substitute—

- (a) who has—
 (i) 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 P is considered not to qualify for recognition as a refugee, it is thought right to allow P to enter or remain in the United Kingdom on the grounds of humanitarian protection or discretionary leave; or
 (ii) 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 P to enter or remain in the United Kingdom on the grounds of discretionary leave;".

22. In the Schedule—

- (a) for paragraph 5(2)(b), substitute—
 "(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 discretionary leave, where no application for asylum was made; and";
- (b) for paragraph 5(3)(b), substitute—

"(b)a oedd ar y dyddiad y gwnaeth y person sydd â chaniatâd i ddod i mewn neu i aros—

- (i) y cais am loches; neu
- (ii) y cais am ganiatâd yn ôl disgrifiwn, os nad oedd cais am loches wedi ei wneud,

yn blentyn i'r person hwnnw neu'n blentyn i berson a oedd yn briod neu'n bartner sifil i'r person sydd â chaniatâd i ddod i mewn neu i aros ar y dyddiad hwnnw;"; ac

(c) yn lle paragraff 5(3)(c), rhodder—

"(c)a oedd o dan 18 oed ar y dyddiad y gwnaeth y person sydd â chaniatâd i ddod i mewn neu i aros;

- (i) y cais am loches; neu
- (ii) y cais am ganiatâd yn ôl disgrifiwn, os nad oedd cais am loches wedi ei wneud; ac".

"(b)who, on the date on which the person with leave to enter or remain made—

- (i) the application for asylum; or
- (ii) the application for discretionary leave, 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;"; and

(c) for paragraph 5(3)(c), substitute—

"(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 discretionary leave, where no application for asylum was made; and".

Jane Hutt

Y Gweinidog Cyllid ac Arweinydd y Tŷ, un o Weinidogion Cymru

Minister for Finance and Leader of the House, one of the Welsh Ministers

9 Awst 2011

9 August 2011

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EDUCATION, WALES

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