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WELSH STATUTORY INSTRUMENTS

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**2021 No. 9**

**The Education (Student Fees, Awards and Support)  
(Ordinary Residence) (Wales) Regulations 2021**

**PART 7**

**AMENDMENTS TO THE EDUCATION (STUDENT  
SUPPORT) (WALES) REGULATIONS 2018**

**Amendments to the Education (Student Support) (Wales) Regulations 2018**

**41.** The Education (Student Support) (Wales) Regulations 2018(1) are amended in accordance with regulations 42 to 51.

**42.** In regulation 23—

- (a) in paragraph (1)(a), for “Category 3 eligible student (see Schedule 2)” substitute “Category 3 eligible student or an eligible student on grounds of humanitarian protection under paragraph 339C of the immigration rules (see Schedule 2)”;
- (b) in paragraph (1)(b)(ii), after “eligible student” insert “or an eligible student on grounds of humanitarian protection under paragraph 339C of the immigration rules”.

**43.** In regulation 80—

(a) for paragraph (2)(b)(i) substitute—

“(i) the student or the student’s spouse, civil partner or parent is recognised as a refugee, becomes a person granted stateless leave, becomes a person with leave to enter or remain or becomes a person granted humanitarian protection under paragraph 339C of the immigration rules;”;

(b) in paragraph (3), in the appropriate place insert ““immigration rules” (*“rheolau mewnfudo”*)”.

**44.** For regulation 81(3)(b)(i) substitute—

“(i) the student or the student’s spouse, civil partner or parent is recognised as a refugee, becomes a person granted stateless leave, becomes a person with leave to enter or remain or becomes a person granted humanitarian protection under paragraph 339C of the immigration rules;”.

**45.** In Schedule 2, after paragraph 2 (Category 2 - refugees and their family members) insert—

**“Category 2ZA - Protected persons and their family members**

**2ZA.—**(1) A person—

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(1) S.I. 2018/191 (W. 42), amended by S.I. 2018/813 (W. 164); S.I. 2018/814 (W. 165); S.I. 2019/235 (W. 54); S.I. 2019/1094; S.I. 2019/1192 (W. 209); S.I. 2020/142 (W. 25); S.I. 2020/153 (W. 27); S.I. 2020/708 (W. 159); and S.I. 2020/1302 (W. 287) (as from IP completion day, as defined by the European Union (Withdrawal Agreement) Act 2020 (c. 1), section 39(1) to (5)).

- (a) granted leave to enter or remain as a protected person,
  - (b) who is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since the person was granted such leave, and
  - (c) who is ordinarily resident in Wales 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 granted leave to enter or remain as a protected person,
  - (b) on the leave application date, was the spouse or civil partner of a person granted leave to enter or remain as a protected person, and
  - (c) is ordinarily resident in Wales on the first day of the first academic year of the course.
- (3) A person—
- (a) who—
    - (i) is the child of a person granted leave to enter or remain as a protected person, or the child of the spouse or civil partner of a person granted leave to enter or remain as a protected person, and
    - (ii) on the leave application date, was the child of a person granted leave to enter or remain as a protected person or the child of a person who, on the leave application date, was the spouse or civil partner of a person granted leave to enter or remain as a protected person,
  - (b) who was under 18 on the leave application date, and
  - (c) who is ordinarily resident in Wales on the first day of the first academic year of the course.
- (4) In this paragraph—
- (a) “leave application date” means the date on which a person made an application for leave to enter or remain in the United Kingdom that results in a person becoming a person granted leave to enter or remain as a protected person;
  - (b) “person granted leave to enter or remain as a protected person” means a person who has extant leave to enter or remain on the grounds of humanitarian protection under paragraph 339C of the immigration rules.”

**46.** In Schedule 2, in paragraph 2A (Category 2A - persons granted stateless leave and their family members)—

- (a) for sub-paragraph (1) substitute—

“(1) A person granted stateless leave who is ordinarily resident in Wales on the first day of the first academic year of the course.”;
- (b) at the end of sub-paragraph (2)(a)(ii) insert “and”;
- (c) at the end of sub-paragraph (2)(b) for “, and” substitute a full stop;
- (d) omit sub-paragraph (2)(c);
- (e) at the end of sub-paragraph (3)(b) insert “and”;
- (f) at the end of sub-paragraph (3)(c) for “, and” substitute a full stop;
- (g) omit sub-paragraph (3)(d).

**47.** In Schedule 2, in paragraph 3 (Category 3 - persons with leave to enter or remain and their family members), in sub-paragraph (4)(a)(i), omit “humanitarian protection or”.

- 48.** In Schedule 2, in paragraph 3A (Category 3A - persons with section 67 leave to remain)—
- (a) at the end of sub-paragraph (1)(a) insert “and”;
  - (b) at the end of sub-paragraph (1)(b) for “, and” substitute a full stop;
  - (c) omit sub-paragraph (1)(c);
  - (d) at the end of sub-paragraph (2)(b) insert “and”;
  - (e) at the end of sub-paragraph (2)(c) for “, and” substitute a full stop;
  - (f) omit sub-paragraph (2)(d).
- 49.** In Schedule 4 (disabled postgraduate student’s grant), in paragraph 13 (other persons who cease to have leave to enter or remain)—
- (a) in sub-paragraph (1)(a), for “category 3 eligible postgraduate student (see Schedule 2)” substitute “category 3 eligible postgraduate student or an eligible postgraduate student on grounds of humanitarian protection under paragraph 339C of the immigration rules (see Schedule 2)”;
  - (b) in sub-paragraph (1)(b)(ii), after “postgraduate student” insert “or an eligible postgraduate student on grounds of humanitarian protection under paragraph 339C of the immigration rules”.
- 50.** In Schedule 4, in paragraph 14 (becoming eligible during an academic year)—
- (a) for sub-paragraph (3)(b)(i) substitute—
    - “(i) the student or the student’s spouse, civil partner or parent is recognised as a refugee, becomes a person granted stateless leave, becomes a person with leave to enter or remain or becomes a person granted humanitarian protection under paragraph 339C of the immigration rules;”;
  - (b) in sub-paragraph (4), in the appropriate place insert ““immigration rules” (*“rheolau mewnfudo”*)”.
- 51.** In Schedule 5, in paragraph 4 (students becoming eligible during the course of an academic year)—
- (a) for sub-paragraph (2)(a) substitute—
    - “(a) the student or the student’s spouse, civil partner or parent is recognised as a refugee, becomes a person granted stateless leave, becomes a person with leave to enter or remain or becomes a person granted humanitarian protection under paragraph 339C of the immigration rules;”;
  - (b) in sub-paragraph (3), in the appropriate place insert ““immigration rules” (*“rheolau mewnfudo”*)”.