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WELSH STATUTORY INSTRUMENTS

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**2022 No. 79**

**The Education (Student Finance) (Miscellaneous  
Amendments) (Wales) Regulations 2022**

**PART 6**

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

**CHAPTER 2**

**Eligibility for certain Afghan citizens**

**Insertion of new regulation 23F (termination of eligibility – relevant Afghan citizen)**

**34.** In regulation 12(1), for “23D or 23E” substitute “23D, 23E or 23F”.

**35.** After regulation 23E insert—

“**23F.**—(1) This regulation applies where—

- (a) a person (“P”) was an eligible student as a result of being a person with leave to enter or remain as a relevant Afghan citizen (see Schedule 2, paragraph 2ZA) in connection with an application for support—
  - (i) for an earlier year of the present course,
  - (ii) for a full-time course in relation to which the present course is a full-time end-on course, or
  - (iii) for a course from which P’s status as an eligible student has been transferred to the present course under regulation 28 or paragraph 7 of Schedule 5, and
- (b) as at the end of the day before the first day of the academic year in respect of which P is applying for support, the period for which P is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending.

(2) Where this regulation applies, P’s status as an eligible student terminates immediately before the first day of the academic year in respect of which P is applying for support.”

**Amendment to regulation 80 (qualifying for a tuition fee loan during the academic year)**

**36.** In regulation 80—

(a) after paragraph (2)(b)(ib) insert—

“(ic) the student becomes a person with leave to enter or remain as a relevant Afghan citizen;”;

(b) in paragraph (3), at the appropriate place insert “person with leave to enter or remain as a relevant Afghan citizen”.

**Amendment to regulation 81 (qualifying for grants or maintenance loan during the academic year)**

37. In regulation 81(3)(b), after paragraph (ib) insert—  
“(ic) the student becomes a person with leave to enter or remain as a relevant Afghan citizen;”.

**Amendments to Schedule 2 (categories of eligible student)**

38. In Schedule 2, in paragraph 2ZA—
- (a) in sub-paragraph (4)(b)—
    - (i) in sub-paragraph (iii), omit the terminal “or” and after sub-paragraph (iv) insert “or”;
    - (ii) after sub-paragraph (iv) insert—  
“(v) a person with leave to enter or remain as a relevant Afghan citizen;”;
  - (b) after sub-paragraph (4)(e) insert—
    - “(ea) “person with leave to enter or remain as a relevant Afghan citizen” means a person granted—
      - (i) indefinite leave to enter the United Kingdom under paragraph 276BA2 of the immigration rules, indefinite leave to remain in the United Kingdom under paragraph 276BS2 of the immigration rules or leave to enter or indefinite leave to enter the United Kingdom under paragraph 276BJ2 or 276BO2 of the immigration rules,
      - (ii) leave to enter or indefinite leave to enter or remain in the United Kingdom outside the immigration rules on the basis of the Afghan Relocations and Assistance Policy Scheme,
      - (iii) indefinite leave to enter or remain in the United Kingdom outside the immigration rules on the basis of the Afghan Citizens Resettlement Scheme, or
      - (iv) indefinite leave to enter or remain in the United Kingdom outside the immigration rules as the spouse, civil partner or dependent child of a person falling into paragraph (iii) or dependent child of such a spouse or civil partner;”.

**Amendments to Schedule 4 (disabled postgraduate student’s grant)**

39. In Schedule 4—
- (a) after paragraph 13E insert—
    - “13F.—(1) This paragraph applies where—
      - (a) a person (“P”) was an eligible postgraduate student by reason of them being a person with leave to enter or remain as a relevant Afghan citizen (see Schedule 2, paragraph 2ZA) in connection with an application for disabled postgraduate student’s grant—
        - (i) for an earlier year of the present postgraduate course, or
        - (ii) in connection with a course from which P’s status as an eligible postgraduate student has been transferred to the present postgraduate course under paragraph 15, and
      - (b) as at the end of the day before the first day of the academic year in respect of which P is applying for a disabled postgraduate student’s grant, the period for

which P is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending.

(2) Where this paragraph applies, P’s status as an eligible student terminates immediately before the first day of the academic year in respect of which P is applying for support.”;

(b) after paragraph 14(3)(b)(ib) insert—

“(ic) the student becomes a person with leave to enter or remain as a relevant Afghan citizen;”;

(c) in paragraph 14(4), at the appropriate place insert “person with leave to enter or remain as a relevant Afghan citizen” (“*person sydd â chaniatâd i ddod i mewn neu i aros fel dinesydd perthnasol o Affganistan*”);”.

#### **Amendment to Schedule 5 (Oxbridge college fee loans)**

**40.** In Schedule 5, paragraph 4—

(a) after sub-paragraph (2)(ab) insert—

“(ac) the student becomes a person with leave to enter or remain as a relevant Afghan citizen;”;

(b) in sub-paragraph (3), at the appropriate place insert “person with leave to enter or remain as a relevant Afghan citizen” (“*person sydd â chaniatâd i ddod i mewn neu i aros fel dinesydd perthnasol o Affganistan*”);”.

#### **Amendment to Schedule 7 (index of defined terms)**

**41.** In Schedule 7, in Table 16, at the appropriate place insert—

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““person with leave to enter or remain as Schedule 2, paragraph 2ZA”  
a relevant Afghan citizen”

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