
WELSH STATUTORY INSTRUMENTS

2021 No. 481

The Education (Student Finance) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2021

PART 6

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

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

129. In Schedule 2, in paragraph 1 (category 1 – persons settled in the United Kingdom)—

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

“(i) is settled in the United Kingdom and does not fall within sub-paragraph (2), and”;

(b) for sub-paragraph (2)(a) substitute—

“(a) meets one of the following conditions—

(i) the person is within the personal scope of the citizens’ rights provisions and is settled in the United Kingdom by virtue of the grant of indefinite leave to enter or remain under residence scheme immigration rules,

(ii) the person—

(aa) is within the personal scope of the citizens’ rights provisions,

(bb) is an Irish citizen settled in the United Kingdom who, pursuant to section 3ZA of the Immigration Act 1971, does not require leave to enter or remain in the United Kingdom, and

(cc) would meet the eligibility requirements for indefinite leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules if that person were to make an application for such leave,

(iii) the person—

(aa) is within the personal scope of the citizens’ rights provisions,

(bb) is a relevant person for the purposes of regulation 3 of the 2020 Citizens’ Rights Regulations, and

(cc) has, or is treated as having, a right of permanent residence for the purposes of the Immigration (European Economic Area) Regulations 2016, as those Regulations continue to have effect by virtue of the 2020 Citizens’ Rights Regulations in relation to that person during the grace period,

(iv) the person—

(aa) is within the personal scope of the citizens’ rights provisions,

- (bb) is an applicant for the purposes of regulation 4 of the 2020 Citizens’ Rights Regulations, and
 - (cc) has, or is treated as having, a right of permanent residence for the purposes of the Immigration (European Economic Area) Regulations 2016, as those Regulations continue to have effect by virtue of the 2020 Citizens’ Rights Regulations in relation to that person during the relevant period, or
 - (v) the person is a family member of a relevant person of Northern Ireland for the purposes of residence scheme immigration rules, where that family member is settled in the United Kingdom by virtue of the grant of indefinite leave to enter or remain under residence scheme immigration rules,”;
- (c) after sub-paragraph (2) insert—
- “(3) A person—
 - (a) who is settled in the United Kingdom on the first day of the first academic year of the course and does not fall within sub-paragraph (2),
 - (b) who is undertaking a designated course in Wales,
 - (c) who has been ordinarily resident in the territory comprising the United Kingdom, Islands and the Republic of Ireland throughout the three-year period preceding the first day of the first academic year of the course, and
 - (d) whose ordinary residence in the territory comprising the United Kingdom, Islands and the Republic of Ireland has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education (unless the person is treated as being ordinarily resident in that territory in accordance with paragraph 9(2)).
 - (4) For the purposes of sub-paragraph (2)(a)(ii)(cc), “eligibility requirements for indefinite leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigrations rules” means the eligibility requirements for such leave in accordance with paragraph EU11 of Appendix EU to the immigration rules.”