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WELSH STATUTORY INSTRUMENTS

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**2021 No. 481**

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

**PART 4**

**AMENDMENTS TO THE EDUCATION (STUDENT SUPPORT) (WALES) REGULATIONS 2017**

**Amendments to the Education (Student Support) (Wales) Regulations 2017**

72. In Schedule 1, for paragraph 4ZA (protected persons and their family members) substitute—

**“Protected persons and their family members**

**4ZA.**—(1) A person—

- (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 being 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 a protected spouse or civil partner;
- (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 (by virtue of humanitarian protection under paragraph 339C of the immigration rules or as a stateless person under the immigration rules);
- (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted leave to enter or remain in the United Kingdom;
- (d) is ordinarily resident in Wales on the first day of the first academic year of the course.

(3) A person who—

- (a) is a protected child;
- (b) on the leave application date was—
  - (i) under 18 years old; and
  - (ii) was the child of a person granted leave to enter or remain as a protected person, or as the case may be, the child of a person who was the spouse or civil partner of the person granted leave to enter or remain as a protected person on that date (by virtue of humanitarian protection under paragraph 339C of the immigration rules, stateless leave under the immigration rules

- or section 67 of the Immigration Act 2016 and the immigration rules, as the case may be);
- (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted leave to enter or remain in the United Kingdom;
  - (d) 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 (“P”) made an application for leave to enter or remain in the United Kingdom that results in P becoming a person granted leave to enter or remain as a protected person;
  - (b) “leave to enter or remain as a protected person” means—
    - (i) a person granted leave to enter or remain on the grounds of humanitarian protection under paragraph 339C of the immigration rules;
    - (ii) a person granted stateless leave;
    - (iii) a person with section 67 leave to remain; or
    - (iv) a person with Calais leave;
  - (c) “protected child” means—
    - (i) a child of—
      - (aa) a person who has extant leave to enter or remain on the grounds of humanitarian protection under paragraph 339C of the immigration rules;
      - (ab) a person granted stateless leave; or
      - (ac) a person with section 67 leave to remain;
    - (ii) a child of the spouse or civil partner of—
      - (aa) a person who has extant leave to enter or remain on the grounds of humanitarian protection under paragraph 339C of the immigration rules; or
      - (ab) a person granted stateless leave;
  - (d) “protected spouse or civil partner” means a spouse or civil partner of—
    - (i) a person who has extant leave to enter or remain on the grounds of humanitarian protection under paragraph 339C of the immigration rules; or
    - (ii) a person granted stateless leave.”