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OFFERYNNAU STATUDOL CYMRU

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**2021 Rhif 9 (Cy. 4)**

**ADDYSG, CYMRU**

Rheoliadau Addysg (Ffioedd Myfyrwyr, Dyfarndaliadau a Chymorth)  
(Preswylfa Arferol) (Cymru) 2021

<i>Gwnaed</i>	<i>6 Ionawr 2021</i>
<i>Gosodwyd gerbron Senedd Cymru</i>	<i>7 Ionawr 2021</i>
<i>Yn dod i rym</i>	<i>28 Ionawr 2021</i>

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WELSH STATUTORY INSTRUMENTS

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**2021 No. 9 (W. 4)**

**EDUCATION, WALES**

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

<i>Made</i>	<i>6 January 2021</i>
<i>Laid before Senedd Cymru</i>	<i>7 January 2021</i>
<i>Coming into force</i>	<i>28 January 2021</i>

**£11.50**





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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2021 Rhif 9 (Cy. 4)**

**2021 No. 9 (W. 4)**

**ADDYSG, CYMRU**

**EDUCATION, WALES**

Rheoliadau Addysg (Ffioedd  
Myfyrwyr, Dyfardaliadau a  
Chymorth) (Preswylfa Arferol)  
(Cymru) 2021

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

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

*(This note is not part of the Regulations)*

Mae'r Rheoliadau hyn yn diwygio—

These Regulations amend—

- (a) Rheoliadau Addysg (Ffioedd a Dyfarniadau) (Cymru) 2007 (“y Rheoliadau Ffioedd a Dyfarniadau”),
  - (b) Rheoliadau Addysg (Athrofa Brifysgol Ewropeaidd) (Cymru) 2014 (“Rheoliadau'r ABE”),
  - (c) Rheoliadau Addysg Uwch (Cyrsiau Cymhwysol, Personau Cymhwysol a Darpariaeth Atodol) (Cymru) 2015 (“y Rheoliadau CPC”),
  - (d) Rheoliadau Addysg (Cymorth i Fyfywrwyr) (Cymru) 2017 (“Rheoliadau 2017”),
  - (e) Rheoliadau Addysg (Benthyciadau at Radd Feistr Ôl-raddedig) (Cymru) 2017 (“Rheoliadau Graddau Meistr 2017”),
  - (f) Rheoliadau Addysg (Cymorth i Fyfywrwyr) (Cymru) 2018 (“Rheoliadau 2018”),
  - (g) Rheoliadau Addysg (Benthyciadau at Radd Ddoethurol Ôl-raddedig) (Cymru) 2018 (“y Rheoliadau Graddau Doethurol”), ac
  - (h) Rheoliadau Addysg (Cymorth i Fyfywrwyr) (Graddau Meistr Ôl-raddedig) (Cymru) 2019 (“Rheoliadau Graddau Meistr 2019”).
- (a) the Education (Fees and Awards) (Wales) Regulations 2007 (“the Fees and Awards Regulations”),
  - (b) the Education (European University Institute) (Wales) Regulations 2014 (“the EUI Regulations”),
  - (c) the Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015 (“the QCP Regulations”),
  - (d) the Education (Student Support) (Wales) Regulations 2017 (“the 2017 Regulations”),
  - (e) the Education (Postgraduate Master’s Degree Loans) (Wales) Regulations 2017 (“the 2017 Master’s Regulations”),
  - (f) the Education (Student Support) (Wales) Regulations 2018 (“the 2018 Regulations”),
  - (g) the Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018 (“the Doctoral Degree Regulations”), and
  - (h) the Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019 (“the 2019 Master’s Regulations”).

Mae Rhan 2 o'r Rheoliadau hyn yn diwygio'r Rheoliadau Ffioedd a Dyfarniadau. Mae'r Rheoliadau Ffioedd a Dyfarniadau yn darparu, o dan amgylchiadau penodol, ei bod yn gyfreithlon i sefydliadau wahaniaethu rhwng rhai neu bob un o'r personau hynny a grybwyllir yn yr Atodlen ac unrhyw berson arall, drwy godi ffioedd uwch ar bersonau nas crybwyllir yn yr Atodlen na'r ffioedd a godir ar bersonau a grybwyllir felly. Er mwyn dod o fewn yr Atodlen honno, mae'n ofynnol bod personau y rhoddwyd caniatâd iddynt aros fel personau diwladwriaeth ac aelodau o'u teuluoedd a phersonau sydd â chaniatâd i aros o dan adran 67 o Ddeddf Mewnffio 2016 ("caniatâd i aros o dan adran 67") a'u plant wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf eu cwrs. Mae Rhan 2 o'r Rheoliadau hyn yn diwygio paragraffau 4A a 5A o'r Atodlen er mwyn dileu'r gofyniad hwnnw.

Mae Rhan 3 o'r Rheoliadau hyn yn diwygio Rheoliadau'r ABE. Mae Rheoliadau'r ABE yn darparu ar gyfer cymorth i un myfyriwr cymwys sy'n dilyn cwrs addysg uwch dynodedig yn yr Athrofa Brifysgol Ewropeaidd. Er mwyn ennill statws myfyriwr cymwys, mae'n ofynnol bod personau y rhoddwyd diogelwch dyngarol iddynt ac aelodau o'u teuluoedd, personau sydd â chaniatâd i aros fel personau diwladwriaeth ac aelodau o'u teuluoedd a phersonau sydd â chaniatâd i aros o dan adran 67 a'u plant wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf eu cwrs. Mae Rhan 3 o'r Rheoliadau hyn yn mewnosod categori newydd (paragraff 4ZA) yn Atodlen 1 i Rheoliadau'r ABE ac yn diwygio paragraffau 4A a 5A o'r Atodlen honno er mwyn dileu'r gofyniad hwnnw. Mae Rhan 3 o'r Rheoliadau hyn hefyd yn gwneud diwygiadau cysylltiedig i reoliadau 3 a 6 o Rheoliadau'r ABE.

Mae Rhan 4 o'r Rheoliadau hyn yn diwygio'r Rheoliadau CPC. Mae'r Rheoliadau CPC yn rhagnodi'r cyrsiau cymhwysol a'r personau cymhwysol at ddibenion adran 5 o Ddeddf Addysg Uwch (Cymru) 2015, sy'n nodi bod rhaid i gynlluniau ffioedd a mynediad bennu terfynau ffioedd, neu ddarparu ar gyfer penderfynu ar derfynau ffioedd, mewn perthynas â chysiau cymhwysol. Terfyn ffioedd yw'r uchafswm sy'n daladwy gan berson cymhwysol mewn perthynas â chwrs cymhwysol ac mae'r Atodlen i'r Rheoliadau CPC yn rhestru'r personau hynny a all fod yn bersonau cymhwysol. Er mwyn dod o fewn yr Atodlen honno, mae'n ofynnol bod personau y rhoddwyd caniatâd iddynt aros fel personau diwladwriaeth ac aelodau o'u teuluoedd a phersonau

Part 2 of these Regulations amends the Fees and Awards Regulations. The Fees and Awards Regulations provide that, in certain circumstances, it is lawful for institutions to discriminate between some or all of those persons mentioned in the Schedule and any other person, by charging higher fees to persons not mentioned in the Schedule than the fees which are charged to persons so mentioned. In order to fall within that Schedule, persons granted stateless leave and their family members and persons with leave to remain under section 67 of the Immigration Act 2016 ("section 67 leave") and their children are required to have been ordinarily resident in the United Kingdom and Islands throughout the three year period preceding the first day of the first academic year of their course. Part 2 of these Regulations amends paragraphs 4A and 5A of the Schedule so as to remove that requirement.

Part 3 of these Regulations amends the EUI Regulations. The EUI Regulations provide for support for one eligible student taking a designated higher education course at the European University Institute. In order to attain eligible student status, persons granted humanitarian protection and their family members, persons with stateless leave and their family members and persons with section 67 leave and their children are required to have been ordinarily resident in the United Kingdom and Islands throughout the three year period preceding the first day of the first academic year of their course. Part 3 of these Regulations inserts a new category (paragraph 4ZA) into Schedule 1 to the EUI Regulations and amends paragraphs 4A and 5A of that Schedule so as to remove that requirement. Part 3 of these Regulations also makes related amendments to regulations 3 and 6 of the EUI Regulations.

Part 4 of these Regulations amends the QCP Regulations. The QCP Regulations prescribe the qualifying courses and persons for the purposes of section 5 of the Higher Education (Wales) Act 2015, which sets out that fee and access plans must specify or provide for the determination of fee limits in relation to qualifying courses. A fee limit is the maximum amount payable by a qualifying person in relation to a qualifying course and the Schedule to the QCP Regulations lists those persons who may be qualifying persons. In order to fall within that Schedule, persons granted stateless leave and their family members and persons with section 67 leave and their children are required to have been ordinarily resident in the United Kingdom and Islands throughout

sydd â chaniatâd i aros o dan adran 67 a'u plant wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academiaidd gyntaf eu cwrs. Mae Rhan 4 o'r Rheoliadau hyn yn diwygio paragraffau 4A a 5A o'r Atodlen er mwyn dileu'r gofyniad hwnnw.

Mae Rhan 5 o'r Rheoliadau hyn yn diwygio Rheoliadau 2017. Mae Rheoliadau 2017 yn darparu ar gyfer cymorth ariannol i fyfyrwyr cymwys sy'n dilyn cyrsiau addysg uwch dynodedig sy'n dechrau cyn 1 Medi 2018. Er mwyn ennill statws myfyriwr cymwys, mae'n ofynnol bod personau y rhoddwyd diogelwch dyngarol iddynt ac aelodau o'u teuluoedd, personau sydd â chaniatâd i aros fel personau diwladwriaeth ac aelodau o'u teuluoedd a phersonau sydd â chaniatâd i aros o dan adran 67 a'u plant wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academiaidd gyntaf eu cwrs. Mae Rhan 5 o'r Rheoliadau hyn yn mewnosod categori newydd (paragraff 4ZA) yn Atodlen 1 i Reoliadau 2017 ac yn diwygio paragraffau 4A a 5A o'r Atodlen honno er mwyn dileu'r gofyniad hwnnw. Mae Rhan 5 o'r Rheoliadau hyn hefyd yn gwneud diwygiadau cysylltiedig i Reoliadau 2017.

Mae Rhan 6 o'r Rheoliadau hyn yn diwygio Rheoliadau Graddau Meistr 2017. Mae Rheoliadau Graddau Meistr 2017 yn darparu ar gyfer cymorth ariannol i fyfyrwyr cymwys sy'n dilyn cyrsiau gradd feistr ôl-raddedig dynodedig sy'n dechrau cyn 1 Awst 2019. Er mwyn ennill statws myfyriwr cymwys, mae'n ofynnol bod personau y rhoddwyd diogelwch dyngarol iddynt ac aelodau o'u teuluoedd, personau sydd â chaniatâd i aros fel personau diwladwriaeth ac aelodau o'u teuluoedd a phersonau sydd â chaniatâd i aros o dan adran 67 a'u plant wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academiaidd gyntaf eu cwrs. Mae Rhan 6 o'r Rheoliadau hyn yn mewnosod categori newydd (paragraff 4ZA) yn Atodlen 1 i Reoliadau Graddau Meistr 2017 ac yn diwygio paragraffau 4A a 5A o'r Atodlen honno er mwyn dileu'r gofyniad hwnnw. Mae Rhan 6 o'r Rheoliadau hyn hefyd yn gwneud diwygiadau cysylltiedig i Reoliadau Graddau Meistr 2017.

Mae Rhan 7 o'r Rheoliadau hyn yn diwygio Rheoliadau 2018. Mae Rheoliadau 2018 yn darparu ar gyfer cymorth ariannol i fyfyrwyr cymwys sy'n dilyn cyrsiau addysg uwch dynodedig sy'n dechrau ar neu ar ôl 1 Medi 2018. Er mwyn ennill statws myfyriwr cymwys, mae'n ofynnol bod personau y rhoddwyd diogelwch dyngarol iddynt ac aelodau o'u teuluoedd, personau sydd â chaniatâd i aros fel personau

the three year period preceding the first day of the first academic year of their course. Part 4 of these Regulations amends paragraphs 4A and 5A of the Schedule so as to remove that requirement.

Part 5 of these Regulations amends the 2017 Regulations. The 2017 Regulations provide for financial support for eligible students taking designated higher education courses which begin before 1 September 2018. In order to attain eligible student status, persons granted humanitarian protection and their family members, persons with stateless leave and their family members and persons with section 67 leave and their children are required to have been ordinarily resident in the United Kingdom and Islands throughout the three year period preceding the first day of the first academic year of their course. Part 5 of these Regulations inserts a new category (paragraph 4ZA) into Schedule 1 to the 2017 Regulations and amends paragraphs 4A and 5A of that Schedule so as to remove that requirement. Part 5 of these Regulations also makes related amendments to the 2017 Regulations.

Part 6 of these Regulations amends the 2017 Master's Regulations. The 2017 Master's Regulations provide for financial support for eligible students taking designated postgraduate master's degree courses which begin before 1 August 2019. In order to attain eligible student status, persons granted humanitarian protection and their family members, persons with stateless leave and their family members and persons with section 67 leave and their children are required to have been ordinarily resident in the United Kingdom and Islands throughout the three year period preceding the first day of the first academic year of their course. Part 6 of these Regulations inserts a new category (paragraph 4ZA) into Schedule 1 to the 2017 Master's Regulations and amends paragraphs 4A and 5A of that Schedule so as to remove that requirement. Part 6 of these Regulations also makes related amendments to the 2017 Master's Regulations.

Part 7 of these Regulations amends the 2018 Regulations. The 2018 Regulations provide for financial support for eligible students taking designated higher education courses which begin on or after 1 September 2018. In order to attain eligible student status, persons granted humanitarian protection and their family members, persons with stateless leave

diwladwriaeth ac aelodau o'u teuluoedd a phersonau sydd â chaniatâd i aros o dan adran 67 a'u plant wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academiaidd gyntaf eu cwrs. Mae Rhan 7 o'r Rheoliadau hyn yn mewnosod categori newydd (paragraff 2ZA) yn Atodlen 2 i Reoliadau 2018 ac yn diwygio paragraffau 2A, 3 a 3A o'r Atodlen honno er mwyn dileu'r gofyniad hwnnw. Mae Rhan 7 o'r Rheoliadau hyn hefyd yn gwneud diwygiadau cysylltiedig i Reoliadau 2018.

Mae Rhan 8 o'r Rheoliadau hyn yn diwygio'r Rheoliadau Graddau Doethurol. Mae'r Rheoliadau Graddau Doethurol yn darparu ar gyfer cymorth ariannol i fyfyrwyr cymwys sy'n dilyn cyrsiau gradd ddoethurol ôl-raddedig dynodedig sy'n dechrau ar neu ar ôl 1 Awst 2018. Er mwyn ennill statws myfyriwr cymwys, mae'n ofynnol bod personau y rhodddwyd diogelwch dyngarol iddynt ac aelodau o'u teuluoedd, personau sydd â chaniatâd i aros fel personau diwladwriaeth ac aelodau o'u teuluoedd a phersonau sydd â chaniatâd i aros o dan adran 67 a'u plant wedi bod yn preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academiaidd gyntaf eu cwrs. Mae Rhan 8 o'r Rheoliadau hyn yn mewnosod categori newydd (paragraff 4A) yn Atodlen 1 i'r Rheoliadau Graddau Doethurol ac yn diwygio paragraffau 5 a 6A o'r Atodlen honno er mwyn dileu'r gofyniad hwnnw. Mae Rhan 8 o'r Rheoliadau hyn hefyd yn gwneud diwygiadau cysylltiedig i'r Rheoliadau Graddau Doethurol.

Mae Rhan 9 o'r Rheoliadau hyn yn diwygio Rheoliadau Graddau Meistr 2019. Mae Rheoliadau Graddau Meistr 2019 yn darparu ar gyfer cymorth ariannol i fyfyrwyr cymwys sy'n dilyn cyrsiau gradd feistr ôl-raddedig dynodedig sy'n dechrau ar neu ar ôl 1 Awst 2019. Er mwyn ennill statws myfyriwr cymwys, mae'n ofynnol bod personau y rhodddwyd diogelwch dyngarol iddynt ac aelodau o'u teuluoedd, personau sydd â chaniatâd i aros fel personau diwladwriaeth ac aelodau o'u teuluoedd a phersonau sydd â chaniatâd i aros o dan adran 67 a'u plant wedi bod yn preswyllo fel arfer naill ai yn y Deyrnas Unedig neu yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academiaidd gyntaf eu cwrs. Mae Rhan 9 o'r Rheoliadau hyn yn mewnosod categori newydd (paragraff 2A) yn Atodlen 2 i Reoliadau Graddau Meistr 2019 ac yn diwygio paragraffau 3, 4 a 5 o'r Atodlen honno er mwyn dileu'r gofyniad hwnnw. Mae Rhan 9 o'r Rheoliadau hyn hefyd yn gwneud diwygiadau cysylltiedig i Reoliadau Graddau Meistr 2019.

and their family members and persons with section 67 leave and their children are required to have been ordinarily resident in the United Kingdom and Islands throughout the three year period preceding the first day of the first academic year of their course. Part 7 of these Regulations inserts a new category (paragraph 2ZA) into Schedule 2 to the 2018 Regulations and amends paragraphs 2A, 3 and 3A of that Schedule so as to remove that requirement. Part 7 of these Regulations also makes related amendments to the 2018 Regulations.

Part 8 of these Regulations amends the Doctoral Degree Regulations. The Doctoral Degree Regulations provide for financial support for eligible students taking designated postgraduate doctoral degree courses which begin on or after 1 August 2018. In order to attain eligible student status, persons granted humanitarian protection and their family members, persons with stateless leave and their family members and persons with section 67 leave and their children are required to have been ordinarily resident in the United Kingdom and Islands throughout the three year period preceding the first day of the first academic year of their course. Part 8 of these Regulations inserts a new category (paragraph 4A) into Schedule 1 to the Doctoral Degree Regulations and amends paragraphs 5 and 6A of that Schedule so as to remove that requirement. Part 8 of these Regulations also makes related amendments to the Doctoral Degree Regulations.

Part 9 of these Regulations amends the 2019 Master's Regulations. The 2019 Master's Regulations provide for financial support for eligible students taking designated postgraduate master's degree courses which begin on or after 1 August 2019. In order to attain eligible student status, persons granted humanitarian protection and their family members, persons with stateless leave and their family members and persons with section 67 leave and their children are required to have been ordinarily resident in either the United Kingdom or United Kingdom and Islands throughout the three year period preceding the first day of the first academic year of their course. Part 9 of these Regulations inserts a new category (paragraph 2A) into Schedule 2 to the 2019 Master's Regulations and amends paragraphs 3, 4 and 5 of that Schedule so as to remove that requirement. Part 9 of these Regulations also makes related amendments to the 2019 Master's Regulations.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd aseiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Yr Is-adran Addysg Uwch, Llywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Higher Education Division, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

**2021 Rhif 9 (Cy. 4)**

**ADDYSG, CYMRU**

**Rheoliadau Addysg (Ffioedd  
Myfyrwyr, Dyfardaliadau a  
Chymorth) (Preswylfa Arferol)  
(Cymru) 2021**

<i>Gwnaed</i>		<i>6 Ionawr 2021</i>
<i>Gosodwyd Cymru</i>	<i>gerbron Senedd</i>	<i>7 Ionawr 2021</i>
<i>Yn dod i rym</i>		<i>28 Ionawr 2021</i>

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir i'r Ysgrifennydd Gwladol o dan adrannau 1 a 2 o Ddeddf Addysg (Ffioedd a Dyfardaliadau) 1983(1) ac adrannau 22(2)(a) a 42(6) o Ddeddf Addysgu ac Addysg Uwch 1998(2) sydd bellach yn arferadwy

**2021 No. 9 (W. 4)**

**EDUCATION, WALES**

**The Education (Student Fees,  
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<i>Made</i>		<i>6 January 2021</i>
<i>Laid before Senedd Cymru</i>		<i>7 January 2021</i>
<i>Coming into force</i>		<i>28 January 2021</i>

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State under sections 1 and 2 of the Education (Fees and Awards) Act 1983(1) and sections 22(2)(a) and 42(6) of the Teaching and Higher Education Act 1998(2) now exercisable by

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(1) 1983 p. 40; diwygiwyd adran 1 gan Ddeddf Diwygio Addysg 1988 (p. 40), Atodlen 12, paragraff 91; Deddf Addysg Bellach ac Uwch 1992 (p. 13), Atodlen 8, paragraff 19; Deddf Addysg 1994 (p. 30), Atodlen 2, paragraff 7; Deddf Addysg 1996 (p. 56), Atodlen 37, paragraff 57; Deddf Dysgu a Sgiliau 2000 (p. 21), Atodlen 9, paragraffau 1 ac 11; Deddf Addysg 2002 (p. 32), Atodlen 21, paragraff 5 ac Atodlen 22; Deddf Addysg 2005 (p. 18), Atodlen 14, paragraff 9; O.S. 2005/3238 (Cy. 243), Atodlen 1, paragraff 9; O.S. 2010/1080, Atodlen 1, paragraff 12; O.S. 2010/1158, Atodlen 2, paragraff 1; Deddf Addysg 2011 (p. 21), Atodlen 5, paragraff 5 ac Atodlen 16, paragraff 5; a Deddf Dadreoleiddio 2015 (p. 20), Atodlen 14, paragraff 33. Diwygiwyd adran 2 gan Ddeddf Addysgu ac Addysg Uwch 1998 (p. 30), adran 44 ac Atodlen 4.

(2) 1998 p. 30; diwygiwyd adran 22 gan Ddeddf Dysgu a Sgiliau 2000, adran 146 ac Atodlen 11; Deddf Treth Incwm (Enillion a Phensynau) 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; Deddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 (p. 22), adran 257; Deddf Addysg 2011, adran 76; O.S. 2013/1881 a Deddf Addysg Uwch ac Ymchwil 2017 (p. 29), adran 88. *Gweler* adran 43(1) o Ddeddf Addysgu ac Addysg Uwch 1998 am y diffiniadau o "prescribed" a "regulations".

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(1) 1983 c. 40; section 1 was amended by the Education Reform Act 1988 (c. 40), Schedule 12, paragraph 91; the Further and Higher Education Act 1992 (c. 13), Schedule 8, paragraph 19; the Education Act 1994 (c. 30), Schedule 2, paragraph 7; the Education Act 1996 (c. 56), Schedule 37, paragraph 57; the Learning and Skills Act 2000 (c. 21), Schedule 9, paragraphs 1 and 11; the Education Act 2002 (c. 32), Schedule 21, paragraph 5 and Schedule 22; the Education Act 2005 (c. 18), Schedule 14, paragraph 9; S.I. 2005/3238 (W. 243), Schedule 1, paragraph 9; S.I. 2010/1080, Schedule 1, paragraph 12; S.I. 2010/1158, Schedule 2, paragraph 1; the Education Act 2011 (c. 21), Schedule 5, paragraph 5 and Schedule 16, paragraph 5; and the Deregulation Act 2015 (c. 20), Schedule 14, paragraph 33. Section 2 was amended by the Teaching and Higher Education Act 1998 (c. 30), section 44 and Schedule 4.

(2) 1998 c. 30; section 22 was amended by the Learning and Skills Act 2000, 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; the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), section 257; the Education Act 2011, section 76; S.I. 2013/1881 and the Higher Education and Research Act 2017 (c. 29), section 88. *See* section 43(1) of the Teaching and Higher Education Act 1998 for the definitions of "prescribed" and "regulations".



ganddynt hwy(1), a phwerau a roddir iddynt o dan adrannau 5(5)(b) a 55(2) o Ddeddf Addysg Uwch (Cymru) 2015(2) yn gwneud y Rheoliadau a ganlyn:

## RHAN 1

### ENWI A CHYCHWYN

#### Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Ffioedd Myfyrwyr, Dyfardaliadau a Chymorth) (Preswylfa Arferol) (Cymru) 2021.

(2) Daw'r Rheoliadau hyn i rym ar 28 Ionawr 2021.

## RHAN 2

### DIWYGIADAU I REOLIADAU ADDYSG (FFIOEDD A DYFARNIADAU) (CYMRU) 2007

#### Diwygiadau i Reoliadau Addysg (Ffioedd a Dyfarniadau) (Cymru) 2007

2. Mae Rheoliadau Addysg (Ffioedd a Dyfarniadau) (Cymru) 2007(3) wedi eu diwygio yn unol â rheoliadau 3 a 4.

3. Yn yr Atodlen, ym mharagraff 4A (personau y rhoddwyd caniatâd iddynt aros fel personau diwladwriaeth ac aelodau o'u teuluoedd)—

(a) yn lle is-baragraff (1) rhodder—

them(1) and powers conferred on them under sections 5(5)(b) and 55(2) of the Higher Education (Wales) Act 2015(2) make the following Regulations:

## PART 1

### TITLE AND COMMENCEMENT

#### Title and commencement

1.—(1) The title of these Regulations is the Education (Student Fees, Awards and Support) (Ordinary Residence) (Wales) Regulations 2021.

(2) These Regulations come into force on 28 January 2021.

## PART 2

### AMENDMENTS TO THE EDUCATION (FEES AND AWARDS) (WALES) REGULATIONS 2007

#### Amendments to the Education (Fees and Awards) (Wales) Regulations 2007

2. The Education (Fees and Awards) (Wales) Regulations 2007(3) are amended in accordance with regulations 3 and 4.

3. In the Schedule, in paragraph 4A (persons granted stateless leave and their family members)—

(a) for sub-paragraph (1) substitute—

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- (1) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol yn adran 1 o Ddeddf Addysg (Ffioedd a Dyfardaliadau) 1983 i Gynulliad Cenedlaethol Cymru i'r graddau y maent yn arferadwy o ran Cymru gan O.S. 2006/1458 gydag effaith o 8 Mehefin 2006. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol yn adran 2 o'r Ddeddf honno i Gynulliad Cenedlaethol Cymru i'r graddau y maent yn arferadwy o ran Cymru gan O.S. 1999/672. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol yn adran 22(2)(a) i (i) a (k) o Ddeddf Addysgu ac Addysg Uwch 1998 i Gynulliad Cenedlaethol Cymru i'r graddau y maent yn ymwneud â gwneud darpariaeth o ran Cymru gan adran 44 o Ddeddf Addysg Uwch 2004 (p. 8), ac mae is-adran (2)(a), (c) a (k) yn arferadwy yn gydradol â'r Ysgrifennydd Gwladol. Trosglwyddwyd swyddogaeth yr Ysgrifennydd Gwladol yn adran 42, i'r graddau y mae'n arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan O.S. 1999/672. Trosglwyddwyd holl swyddogaethau Cynulliad Cenedlaethol Cymru uchod i Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).
- (2) 2015 decc 1. Gweler adran 57(1) am y diffiniadau o "rhagnodedig" ac "a ragnodir", a "rheoliadau".
- (3) O.S. 2007/2310 (Cy. 181), a ddiwygiwyd gan O.S. 2008/1259 (Cy. 126); O.S. 2010/1142 (Cy. 101); O.S. 2011/1043; O.S. 2011/1978 (Cy. 218); O.S. 2013/1792 (Cy. 179); O.S. 2018/814 (Cy. 165); O.S. 2019/235 (Cy. 54); O.S. 2019/1192 (Cy. 209); ac O.S. 2020/1302 (Cy. 287) (o ddiwmod cwblhau'r cyfnod gweithredu, fel y diffinnir "IP completion day" gan Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020 (p. 1), adran 39(1) i (5)).

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- (1) The functions of the Secretary of State in section 1 of the Education (Fees and Awards) Act 1983 were transferred to the National Assembly for Wales so far as exercisable in relation to Wales by S.I. 2006/1458 with effect from 8 June 2006. The functions of the Secretary of State in section 2 of that Act were transferred to the National Assembly so far as exercisable in relation to Wales by S.I. 1999/672. The Secretary of State's functions in section 22(2)(a) to (i) and (k) of the Teaching and Higher Education Act 1998 were transferred to the National Assembly for Wales so far as they relate to making provision in relation to Wales by section 44 of the Higher Education Act 2004 (c. 8), with subsection (2)(a), (c) and (k) exercisable concurrently with the Secretary of State. The Secretary of State's function in section 42 was transferred, in so far as exercisable in relation to Wales, to the National Assembly for Wales by S.I. 1999/672. All the above functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).
- (2) 2015 anaw 1. See section 57(1) for the definitions of "prescribed" and "regulations".
- (3) S.I. 2007/2310 (W. 181), amended by S.I. 2008/1259 (W. 126); S.I. 2010/1142 (W. 101); S.I. 2011/1043; S.I. 2011/1978 (W. 218); S.I. 2013/1792 (W. 179); S.I. 2018/814 (W. 165); S.I. 2019/235 (W. 54); S.I. 2019/1192 (W. 209); 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)).

“(1) Person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth sy’n preswyllo fel arfer yn y Deyrnas Unedig ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.”;

- (b) ar ddiwedd is-baragraff (2)(a)(ii) mewnosoder “a”;
- (c) ar ddiwedd is-baragraff (2)(b) yn lle “; ac” rhodder atalnod llawn;
- (d) hepgorer is-baragraff (2)(c);
- (e) ar ddiwedd is-baragraff (3)(b) mewnosoder “ac”;
- (f) ar ddiwedd is-baragraff (3)(c) yn lle “; ac” rhodder atalnod llawn;
- (g) hepgorer is-baragraff (3)(ch).

4. Yn yr Atodlen, ym mharagraff 5A (personau sydd â chaniatâd i aros o dan adran 67)—

- (a) ar ddiwedd is-baragraff (1)(a) mewnosoder “a”;
- (b) ar ddiwedd is-baragraff (1)(b) yn lle “; ac” rhodder atalnod llawn;
- (c) hepgorer is-baragraff (1)(c);
- (d) ar ddiwedd is-baragraff (2)(b) mewnosoder “ac”;
- (e) ar ddiwedd is-baragraff (2)(c) yn lle “; ac” rhodder atalnod llawn;
- (f) hepgorer is-baragraff (2)(ch).

“(1) A person granted stateless leave who is ordinarily resident in the United Kingdom on the first day of the first 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).

4. In the Schedule, in paragraph 5A (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).

### RHAN 3

#### DIWYGIADAU I REOLIADAU ADDYSG (ATHROFA BRIFYSGOL EWROPEAIDD) (CYMRU) 2014

##### Diwygiadau i Reoliadau Addysg (Athrofa Brifysgol Ewropeaidd) (Cymru) 2014

5. Mae Rheoliadau Addysg (Athrofa Brifysgol Ewropeaidd) (Cymru) 2014(1) wedi eu diwygio yn unol â rheoliadau 6 i 11.

6. Yn rheoliad 3, yn y diffiniad o “person sydd â chaniatâd i ddod i mewn neu i aros”, ym mharagraff (a)(i), yn lle “diogelwch dyngarol neu ganiatâd” rhodder “caniatâd”.

### PART 3

#### AMENDMENTS TO THE EDUCATION (EUROPEAN UNIVERSITY INSTITUTE) (WALES) REGULATIONS 2014

##### Amendments to the Education (European University Institute) (Wales) Regulations 2014

5. The Education (European University Institute) (Wales) Regulations 2014(1) are amended in accordance with regulations 6 to 11.

6. In regulation 3, in the definition of “person with leave to enter or remain”, in paragraph (a)(i), omit “humanitarian protection or”.

(1) O.S. 2014/3037 (Cy. 303), a ddiwygiwyd gan O.S. 2016/211 (Cy. 84); O.S. 2018/814 (Cy. 165); O.S. 2019/235 (Cy. 54); O.S. 2019/1192 (Cy. 209); ac O.S. 2020/1302 (Cy. 287) (o ddiwrnod cwblhau'r cyfnod gweithredu, fel y diffinnir “IP completion day” gan Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020 (p. 1), adran 39(1) i (5)).

(1) S.I. 2014/3037 (W. 303), amended by S.I. 2016/211 (W. 84); S.I. 2018/814 (W. 165); S.I. 2019/235 (W. 54); S.I. 2019/1192 (W. 209); 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)).

7. Ar ôl rheoliad 6(9A) mewnosoder—

“(9B) Pan fo—

- (a) Gweinidogion Cymru wedi penderfynu bod person (“A” yn y paragraff hwn), yn rhinwedd y ffaith ei fod yn berson y rhoddwyd diogelwch dyngarol iddo o dan baragraff 339C o’r rheolau mewnfudo, neu’n briod, partner sifil, plentyn neu lysblentyn i berson o’r fath, yn fyfyrwr cymwys mewn cysylltiad â chais am gymorth ar gyfer un o flynyddoedd cynharach y cwrs cyfredol neu mewn cysylltiad â chais am gymorth ar gyfer cwrs dynodedig yn yr Athrofa y trosglwyddwyd statws A fel myfyrwr cymwys ohono i’r cwrs cyfredol; a
- (b) y cyfnod y caniateir i’r person, y rhoddwyd diogelwch dyngarol iddo o dan baragraff 339C o’r rheolau mewnfudo, aros yn y Deyrnas Unedig i fod i ddod i ben cyn diwrnod cyntaf y flwyddyn academiaidd y mae A yn gwneud cais am gymorth mewn cysylltiad â hi ac nad oes, ar y diwrnod cyn bod y flwyddyn academiaidd honno’n dechrau, unrhyw ganiatâd pellach i aros wedi ei roi ac nad oes unrhyw apêl yn yr arfaeth o fewn ystyr adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002(1),

mae statws A fel myfyrwr cymwys yn terfynu ar y diwrnod cyn diwrnod cyntaf y flwyddyn academiaidd y mae A yn gwneud cais am gymorth mewn cysylltiad â hi.”

8. Yn rheoliad 6(11), ar ôl “(9A),” mewnosoder “(9B).”

9. Yn Atodlen 1, ar ôl paragraff 4 (ffoaduriaid) mewnosoder—

**“Personau a ddiogelir ac aelodau o’u teuluoedd**

**4ZA.**—(1) Person—

- (a) y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir;
- (b) sy’n preswyllo fel arfer yn y Deyrnas Unedig a’r Ynysoedd ac nad yw wedi peidio â phreswyllo felly ers i’r caniatâd hwnnw gael ei roi i’r person; ac

7. After regulation 6(9A) insert—

“(9B) Where—

- (a) the Welsh Ministers determined that, by virtue of being a person granted humanitarian protection under paragraph 339C of the immigration rules or the spouse, civil partner, child or step-child of such a person, a person (“A” in this paragraph) was an eligible student in connection with an application for support for an earlier year of the current course or in connection with an application for support for a designated course at the Institute from which A’s status as an eligible student has been transferred to the current course; and
- (b) the period for which the person granted humanitarian protection under paragraph 339C of the immigration rules is allowed to stay in the United Kingdom is due to expire before the first day of the academic year in respect of which A is applying for support and, as at the day before that academic year begins, no further leave to remain has been granted and no appeal is pending within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002(1),

A’s status as an eligible student terminates on the day before the first day of the academic year in respect of which A is applying for support.”

8. In regulation 6(11), after “(9A),” insert “(9B).”

9. In Schedule 1, after paragraph 4 (refugees) insert—

**“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 the person was granted such leave; and

- (c) sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.
- (2) Person—
- (a) sy'n briod neu'n bartner sifil i berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir;
- (b) a oedd, ar ddyddiad y cais i gael caniatâd i ddod i mewn neu i aros, yn briod neu'n bartner sifil i berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir; ac
- (c) sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.
- (3) Person—
- (a)—(i) sy'n blentyn i berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir, neu'n blentyn i briod neu i bartner sifil person y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir; a
- (ii) a oedd, ar ddyddiad y cais i gael caniatâd i ddod i mewn neu i aros, yn blentyn i berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir neu'n blentyn i berson a oedd, ar ddyddiad y cais i gael caniatâd i ddod i mewn neu i aros, yn briod neu'n bartner sifil i berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir;
- (b) a oedd o dan 18 oed ar ddyddiad y cais i gael caniatâd i ddod i mewn neu i aros; ac
- (c) sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.
- (4) Yn y paragraff hwn—
- (a) ystyr “dyddiad y cais i gael caniatâd i ddod i mewn neu i aros” yw'r dyddiad y gwnaeth person gais am ganiatâd i ddod i mewn neu i aros yn y Deyrnas Unedig sy'n arwain at berson yn dod yn berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir;
- (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) ystyr “person y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir” yw person sydd â chaniatâd cyfredol i ddod i mewn neu i aros ar sail diogelwch dyngarol o dan baragraff 339C o’r rheolau mewnfudo.”

**10.** Yn Atodlen 1, ym mharagraff 4A (personau y rhoddwyd caniatâd iddynt aros fel personau diwladwriaeth ac aelodau o’u teuluoedd)—

- (a) yn lle is-baragraff (1) rhodder—  
“(1) Person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth sy’n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.”;
- (b) ar ddiwedd is-baragraff (2)(a)(ii) mewnosoder “a”;
- (c) ar ddiwedd is-baragraff (2)(b) yn lle “; ac” rhodder atalnod llawn;
- (d) hepgorer is-baragraff (2)(c);
- (e) ar ddiwedd is-baragraff (3)(b) mewnosoder “ac”;
- (f) ar ddiwedd is-baragraff (3)(c) yn lle “; a” rhodder atalnod llawn;
- (g) hepgorer is-baragraff (3)(d).

**11.** Yn Atodlen 1, ym mharagraff 5A (personau sydd â chaniatâd i aros o dan adran 67)—

- (a) ar ddiwedd is-baragraff (1)(a) mewnosoder “a”;
- (b) ar ddiwedd is-baragraff (1)(b) yn lle “; ac” rhodder atalnod llawn;
- (c) hepgorer is-baragraff (1)(c);
- (d) ar ddiwedd is-baragraff (2)(b) mewnosoder “ac”;
- (e) ar ddiwedd is-baragraff (2)(c) yn lle “; a” rhodder atalnod llawn;
- (f) hepgorer is-baragraff (2)(d).

- (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.”

**10.** In Schedule 1, in paragraph 4A (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).

**11.** In Schedule 1, in paragraph 5A (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).

## RHAN 4

### DIWYGIADAU I REOLIADAU ADDYSG UWCH (CYRSIAU CYMHWYSOL, PERSONAU CYMHWYSOL A DARPARIAETH ATODOL) (CYMRU) 2015

#### Diwygiadau i Reoliadau Addysg Uwch (Cyrsiau Cymhwysol, Personau Cymhwysol a Darpariaeth Atodol) (Cymru) 2015

12. Mae Rheoliadau Addysg Uwch (Cyrsiau Cymhwysol, Personau Cymhwysol a Darpariaeth Atodol) (Cymru) 2015(1) wedi eu diwygio yn unol â rheoliadau 13 a 14.

13. Yn yr Atodlen, ym mharagraff 4A (personau y rhoddwyd caniatâd iddynt aros fel personau diwladwriaeth ac aelodau o'u teulu)—

- (a) yn lle is-baragraff (1) rhodder—

“(1) Person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth sy'n preswyllo fel arfer yn y Deyrnas Unedig ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.”;
- (b) ar ddiwedd is-baragraff (2)(a)(ii) mewnosoder “a”;
- (c) ar ddiwedd is-baragraff (2)(b) yn lle “; ac” rhodder atalnod llawn;
- (d) hepgorer is-baragraff (2)(c);
- (e) ar ddiwedd is-baragraff (3)(b) mewnosoder “ac”;
- (f) ar ddiwedd is-baragraff (3)(c) yn lle “; a” rhodder atalnod llawn;
- (g) hepgorer is-baragraff (3)(d).

14. Yn yr Atodlen, ym mharagraff 5A (personau sydd â chaniatâd i aros o dan adran 67)—

- (a) ar ddiwedd is-baragraff (1)(a) mewnosoder “a”;
- (b) ar ddiwedd is-baragraff (1)(b) yn lle “; ac” rhodder atalnod llawn;
- (c) hepgorer is-baragraff (1)(c);
- (d) ar ddiwedd is-baragraff (2)(b) mewnosoder “ac”;

## PART 4

### AMENDMENTS TO THE HIGHER EDUCATION (QUALIFYING COURSES, QUALIFYING PERSONS AND SUPPLEMENTARY PROVISION) (WALES) REGULATIONS 2015

#### Amendments to the Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015

12. The Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015(1) are amended in accordance with regulations 13 and 14.

13. In the Schedule, in paragraph 4A (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 the United Kingdom 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).

14. In the Schedule, in paragraph 5A (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”;

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(1) O.S. 2015/1484 (Cy. 163), a ddiwygiwyd gan O.S. 2016/276 (Cy. 100); O.S. 2018/814 (Cy. 165); O.S. 2019/235 (Cy. 54); O.S. 2019/1192 (Cy. 209); ac O.S. 2020/1302 (Cy. 287) (o ddiwrnod cwblhau'r cyfnod gweithredu, fel y diffinnir “IP completion day” gan Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020 (p. 1), adran 39(1) i (5)).

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(1) S.I. 2015/1484 (W. 163), amended by S.I. 2016/276 (W. 100); S.I. 2018/814 (W. 165); S.I. 2019/235 (W. 54); S.I. 2019/1192 (W. 209); 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)).

- (e) ar ddiwedd is-baragraff (2)(c) yn lle “; a” rhodder atalnod llawn;
- (f) hepgorer is-baragraff (2)(d).

- (e) at the end of sub-paragraph (2)(c) for “; and” substitute a full stop;
- (f) omit sub-paragraph (2)(d).

## RHAN 5

### DIWYGIADAU I REOLIADAU ADDYSG (CYMORTH I FYFYRWYR) (CYMRU) 2017

#### Diwygiadau i Reoliadau Addysg (Cymorth i Fyfyrrwyr) (Cymru) 2017

**15.** Mae Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Cymru) 2017<sup>(1)</sup> wedi eu diwygio yn unol â rheoliadau 16 i 34.

**16.** Yn rheoliad 2(1), yn y diffiniad o “person sydd â chaniatâd i ddod i mewn neu i aros”, ym mharagraff (a)(i), yn lle “diogelwch dyngarol neu ganiatâd” rhodder “caniatâd”.

**17.** Ar ôl rheoliad 4(9A) mewnosoder—

“(9B) Os bydd—

- (a) Gweinidogion Cymru wedi penderfynu bod person (“A” yn y paragraff hwn), yn rhinwedd bod yn berson y rhoddwyd diogelwch dyngarol iddo o dan baragraff 339C o’r rheolau mewnfudo, neu yn rhinwedd bod yn briod, yn bartner sifil, yn blentyn neu’n llysblentyn i’r cyfryw berson—

- (i) yn fyfyriwr cymwys mewn cysylltiad â chais am gymorth ar gyfer blwyddyn gynt o’r cwrs presennol, mewn cysylltiad â chais am gymorth ar gyfer cwrs y mae’r cwrs presennol yn gwrs penben mewn perthynas ag ef, neu’n gais am gymorth mewn cysylltiad â chwrs rhan-amser dynodedig, cwrs dysgu o bell dynodedig neu gwrs dynodedig arall y mae statws A fel myfyriwr rhan-amser cymwys, myfyriwr dysgu o bell cymwys neu fyfyriwr cymwys wedi ei drosglwyddo oddi wrtho i’r cwrs presennol; neu

## PART 5

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

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

**15.** The Education (Student Support) (Wales) Regulations 2017<sup>(1)</sup> are amended in accordance with regulations 16 to 34.

**16.** In regulation 2(1), in the definition of “person with leave to enter or remain”, in paragraph (a)(i), omit “humanitarian protection or”.

**17.** After regulation 4(9A) insert—

“(9B) Where—

- (a) the Welsh Ministers have determined that, by virtue of being a person granted humanitarian protection under paragraph 339C of the immigration rules or the spouse, civil partner, child or step-child of such a person, a person (“A” in this paragraph) was—

- (i) an eligible student in connection with an application for support for an earlier year of the present course, an application for support for a course in relation to which the present course is an end-on course or an application for support in connection with a designated part-time course, designated distance learning course, or other designated course from which A’s status as an eligible part-time student, eligible distance learning student or eligible student has been transferred to the present course; or

<sup>(1)</sup> O.S. 2017/47 (Cy. 21), a ddiwygiwyd gan O.S. 2018/191 (Cy. 42); O.S. 2018/814 (Cy. 165); O.S. 2019/235 (Cy. 54); O.S. 2019/1094; O.S. 2019/1192 (Cy. 209); O.S. 2020/142 (Cy. 25); O.S. 2020/153 (Cy. 27); O.S. 2020/708 (Cy. 159); ac O.S. 2020/1302 (Cy. 287) (o ddiwrnod cwblhau’r cyfnod gweithredu, fel y diffinnir “IP completion day” gan Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020 (p. 1), adran 39(1) i (5)).

<sup>(1)</sup> S.I. 2017/47 (W. 21), amended by S.I. 2018/191 (W. 42); 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)).

(ii) yn fyfyrwr cymhwysol mewn cysylltiad â chais am gymorth ar gyfer blwyddyn gynt o'r cwrs cymhwysol neu o gwrs cymhwysol arall y mae statws A fel myfyriwr cymhwysol wedi ei drosglwyddo oddi wrtho i'r cwrs cymhwysol y mae'r myfyriwr yn gwneud cais am gymorth mewn perthynas ag ef; a

(b) ar y diwrnod cyn dechrau'r flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi, y cyfnod y caniateir i'r person, y rhoddwyd diogelwch dyngarol iddo, aros yn y Deyrnas Unedig wedi dod i ben ac nad oes unrhyw hawl bellach i aros wedi ei rhoi ac nad oes unrhyw apêl yn yr arfaeth o fewn ystyr adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002,

bydd statws A fel myfyriwr cymwys neu fyfyrwr cymhwysol yn terfynu yn union cyn diwrnod cyntaf y flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi.”

**18.** Yn rheoliad 4(11), ar ôl “(9A),” mewnosoder “(9B),”.

**19.** Yn lle rheoliad 15(b) rhodder—

“(b) bod y myfyriwr, neu briod neu bartner sifil y myfyriwr, neu riant (fel y'i diffinnir yn Rhan 1 o Atodlen 1) y myfyriwr yn cael ei gydnabod fel ffoadur, yn dod yn berson y rhoddwyd caniatâd iddo aros fel person diwladwriaeth, yn dod yn berson sydd â chaniatâd i ddod i mewn neu i aros, neu'n dod yn berson y rhoddwyd diogelwch dyngarol iddo o dan baragraff 339C o'r rheolau mewnfudo;”.

**20.** Yn lle rheoliad 23(12)(b) rhodder—

“(b) bod y myfyriwr, neu briod neu bartner sifil y myfyriwr, neu riant (fel y'i diffinnir yn Rhan 1 o Atodlen 1) y myfyriwr yn cael ei gydnabod fel ffoadur, yn dod yn berson y rhoddwyd caniatâd iddo aros fel person diwladwriaeth, yn dod yn berson sydd â chaniatâd i ddod i mewn neu i aros, neu'n dod yn berson y rhoddwyd diogelwch dyngarol iddo o dan baragraff 339C o'r rheolau mewnfudo;”.

**21.** Yn lle rheoliad 49(2)(b) rhodder—

“(b) bod y myfyriwr, neu briod neu bartner sifil y myfyriwr, neu riant (fel y'i diffinnir yn Rhan 1 o Atodlen 1) y myfyriwr yn cael ei gydnabod fel ffoadur, yn dod yn berson y

(ii) a qualifying student in connection with an application for support for an earlier year of the qualifying course or other qualifying course from which A's status as a qualifying student has been transferred to the qualifying course in respect of which the student is applying for support; and

(b) as at the day before the academic year in respect of which A is applying for support starts, the period for which the person granted humanitarian protection is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002,

A's status as an eligible or qualifying student terminates immediately before the first day of the academic year in respect of which A is applying for support.”

**18.** In regulation 4(11), after “(9A),” insert “(9B),”.

**19.** For regulation 15(b) substitute—

“(b) the student or the student's spouse, civil partner or parent (as defined in Part 1 of Schedule 1) 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;”.

**20.** For regulation 23(12)(b) substitute—

“(b) the student or the student's spouse, civil partner or parent (as defined in Part 1 of Schedule 1) 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;”.

**21.** For regulation 49(2)(b) substitute—

“(b) the student or the student's spouse, civil partner or parent (as defined in Part 1 of Schedule 1) is recognised as a refugee, becomes a person granted stateless leave, becomes a



rhoddwyd caniatâd iddo aros fel person diwladwriaeth, yn dod yn berson sydd â chaniatâd i ddod i mewn neu i aros, neu'n dod yn berson y rhoddwyd diogelwch dyngarol iddo o dan baragraff 339C o'r rheolau mewnfudo;"

**22.** Ar ôl rheoliad 64(10A) mewnosoder—

“(10B) Pan fo—

- (a) Gweinidogion Cymru wedi penderfynu bod person (“A” yn y paragraff hwn), yn rhinwedd bod yn berson y rhoddwyd diogelwch dyngarol iddo o dan baragraff 339C o'r rheolau mewnfudo neu fod yn briod, yn bartner sifil, yn blentyn neu'n llysblentyn i'r cyfryw berson, yn fyfyrwr dysgu o bell cymwys mewn cysylltiad â chais am gymorth ar gyfer blwyddyn gynharach o'r cwrs dysgu o bell presennol, neu mewn cysylltiad â chais am gymorth mewn perthynas â chwrs dynodedig, cwrs rhan-amser dynodedig, neu gwrs dysgu o bell dynodedig arall y mae statws A fel myfyriwr cymwys, myfyriwr rhan-amser cymwys neu fyfyrwr dysgu o bell cymwys wedi ei drosglwyddo oddi wrtho i'r cwrs dysgu o bell presennol; a
- (b) ar y diwrnod cyn dechrau'r flwyddyn academiaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi, y cyfnod y caniateir i'r person, y rhoddwyd diogelwch dyngarol iddo o dan baragraff 339C o'r rheolau mewnfudo, aros yn y Deyrnas Unedig wedi dod i ben ac nad oes unrhyw hawl bellach i aros wedi ei rhoi ac nad oes unrhyw apêl yn yr arfaeth o fewn yr ystyr yn adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002,

bydd statws A fel myfyriwr dysgu o bell cymwys yn terfynu yn union cyn diwrnod cyntaf y flwyddyn academiaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi.”

**23.** Yn rheoliad 64(12), ar ôl “(10A),” mewnosoder “(10B).”

**24.** Yn lle rheoliad 65(4)(b) rhodder—

“(b) bod y myfyriwr neu ei briod, ei bartner sifil neu ei riant (fel y'i diffinnir yn Rhan 1 o Atodlen 1) yn cael ei gydnabod fel ffoadur, yn dod yn berson y rhoddwyd caniatâd iddo aros fel person diwladwriaeth, yn dod yn berson

person with leave to enter or remain or becomes a person granted humanitarian protection under paragraph 339C of the immigration rules;”.

**22.** After regulation 64(10A) insert—

“(10B) Where—

- (a) the Welsh Ministers determined that, by virtue of being a person granted humanitarian protection under paragraph 339C of the immigration rules or the spouse, civil partner, child or step-child of such a person, a person (“A” in this paragraph) was an eligible distance learning student in connection with an application for support for an earlier year of the present distance learning course or an application for support in connection with a designated course, designated part-time course or other designated distance learning course from which A's status as an eligible student, eligible part-time student or eligible distance learning student has been transferred to the present distance learning course; and
- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted humanitarian protection under paragraph 339C of the immigration rules is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002,

A's status as an eligible distance learning student terminates immediately before the first day of the academic year in respect of which A is applying for support.”

**23.** In regulation 64(12), after “(10A),” insert “(10B).”

**24.** For regulation 65(4)(b) substitute—

“(b) the student or the student's spouse, civil partner or parent (as defined in Part 1 of Schedule 1) is recognised as a refugee, becomes a person granted stateless leave, becomes a person with leave to enter or remain or becomes

sydd â chaniatâd i ddod i mewn neu i aros neu'n dod yn berson y rhoddwyd diogelwch dyngarol iddo o dan baragraff 339C o'r rheolau mewnfudo;”.

**25.** Ar ôl rheoliad 81(9A) mewnosoder—

“(9B) Os bydd—

- (a) Gweinidogion Cymru wedi penderfynu bod person (“A” yn y paragraff hwn), yn rhinwedd bod yn berson y rhoddwyd diogelwch dyngarol iddo o dan baragraff 339C o'r rheolau mewnfudo neu fod yn briod, yn bartner sifil, yn blentyn neu'n llysbentyn i'r cyfryw berson, yn fyfyrwr rhan-amser cymwys mewn cysylltiad â chais am gymorth ar gyfer blwyddyn gynharach o'r cwrs rhan-amser presennol neu mewn cysylltiad â chais am gymorth mewn cysylltiad â chwrs dynodedig, cwrs dysgu o bell dynodedig neu gwrs rhan-amser dynodedig arall y mae statws A fel myfyriwr rhan-amser cymwys, myfyriwr cymwys neu fyfyrwr dysgu o bell cymwys wedi ei drosglwyddo oddi wrtho i'r cwrs rhan-amser presennol; a
- (b) ar y diwrnod cyn dechrau'r flwyddyn academiaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi, y cyfnod y caniateir i'r person, y rhoddwyd diogelwch dyngarol iddo, aros yn y Deyrnas Unedig wedi dod i ben ac nad oes unrhyw hawl bellach i aros wedi ei rhoi ac nad oes unrhyw apêl yn yr arfaeth o fewn yr ystyr yn adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002,

bydd statws A fel myfyriwr rhan-amser cymwys yn terfynu yn union cyn diwrnod cyntaf y flwyddyn academiaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi.”

**26.** Yn rheoliad 81(11), ar ôl “(9A),” mewnosoder “(9B),”.

**27.** Yn lle rheoliad 82(4)(b) rhodder—

“(b) bod y myfyriwr, neu ei briod, ei bartner sifil neu ei riant (fel y'i diffinnir yn Rhan 1 o Atodlen 1) yn cael ei gydnabod fel ffoadur, yn dod yn berson y rhoddwyd caniatâd iddo aros fel person diwladwriaeth, yn dod yn berson sydd â chaniatâd i ddod i mewn neu i aros neu'n dod yn berson y rhoddwyd diogelwch dyngarol iddo o dan baragraff 339C o'r rheolau mewnfudo;”.

a person granted humanitarian protection under paragraph 339C of the immigration rules;”.

**25.** After regulation 81(9A) insert—

“(9B) Where—

- (a) the Welsh Ministers determined that, by virtue of being a person granted humanitarian protection under paragraph 339C of the immigration rules or the spouse, civil partner, child or step-child of such a person, a person (“A” in this paragraph) was an eligible part-time student in connection with an application for support for an earlier year of the present part-time course or an application for support in connection with a designated course, designated distance learning course or other designated part-time course from which A's status as an eligible part-time student, eligible student or eligible distance learning student has been transferred to the present part-time course; and
- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which the person granted humanitarian protection is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002,

A's status as an eligible part-time student terminates immediately before the first day of the academic year in respect of which A is applying for support.”

**26.** In regulation 81(11), after “(9A),” insert “(9B),”.

**27.** For regulation 82(4)(b) substitute—

“(b) the student or the student's spouse, civil partner or parent (as defined in Part 1 of Schedule 1) 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;”.

28. Ar ôl rheoliad 110(11A) mewnosoder—

“(11B) Os bydd—

- (a) Gweinidogion Cymru wedi penderfynu bod person (“A” yn y paragraff hwn), yn rhinwedd bod yn berson y rhoddwyd diogelwch dyngarol iddo o dan baragraff 339C o’r rheolau mewnfudo, neu fod yn briod, partner sifil, plentyn neu’n llysblentyn i’r cyfryw berson, yn fyfyrwr ôl-raddedig cymwys mewn cysylltiad â chais am gymorth ar gyfer blwyddyn gynharach o’r cwrs ôl-radd presennol neu mewn cysylltiad â chais mewn cysylltiad â chwrs ôl-radd dynodedig arall y mae statws A fel myfyrwr ôl-raddedig cymwys wedi ei drosglwyddo oddi wrtho i’r cwrs ôl-radd presennol; a
- (b) ar y diwrnod cyn dechrau’r flwyddyn academiaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi, y cyfnod y caniateir i’r person, y rhoddwyd diogelwch dyngarol iddo o dan baragraff 339C o’r rheolau mewnfudo, aros yn y Deyrnas Unedig wedi dod i ben ac nad oes unrhyw hawl bellach i aros wedi ei rhoi ac nad oes unrhyw apêl yn yr arfaeth o fewn yr ystyr yn adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002,

bydd statws A fel myfyrwr ôl-raddedig cymwys yn dod i ben yn union cyn diwrnod cyntaf y flwyddyn academiaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi.”

29. Yn rheoliad 110(13), ar ôl “(11A),” mewnosoder “(11B).”

30. Yn lle rheoliad 111(2)(b) rhodder—

“(b) y myfyrwr, neu ei briod, ei bartner sifil neu ei riant (fel y’i diffinnir yn Rhan 1 o Atodlen 1) yn cael ei gydnabod yn ffoadur, yn dod yn berson y rhoddwyd caniatâd iddo aros fel person diwladwriaeth, yn dod yn berson sydd â chaniatâd i ddod i mewn neu i aros neu’n dod yn berson y rhoddwyd diogelwch dyngarol iddo o dan baragraff 339C o’r rheolau mewnfudo;”.

31. Yn Atodlen 1, ar ôl paragraff 4 (ffoaduriaid ac aelodau o’u teuluoedd) mewnosoder—

**“Personau a ddiogelir ac aelodau o’u teuluoedd**

4ZA.—(1) Person—

- (a) y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir;

28. After regulation 110(11A) insert—

“(11B) Where—

- (a) the Welsh Ministers determined that, by virtue of being a person granted humanitarian protection under paragraph 339C of the immigration rules or the spouse, civil partner, child or step-child of such a person, a person (“A” in this paragraph) was an eligible postgraduate student in connection with an application for support for an earlier year of the present postgraduate course or an application in connection with another designated postgraduate course from which A’s status as an eligible postgraduate student has been transferred to the present postgraduate course; and
- (b) as at the day before the academic year in respect of which A is applying for support starts, the period for which the person granted humanitarian protection under paragraph 339C of the immigration rules is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no appeal is pending within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002,

A’s status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which A is applying for support.”

29. In regulation 110(13), after “(11A),” insert “(11B).”

30. For regulation 111(2)(b) substitute—

“(b) the student or the student’s spouse, civil partner or parent (as defined in Part 1 of Schedule 1) 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;”.

31. In Schedule 1, after paragraph 4 (refugees and their family members) insert—

**“Protected persons and their family members**

4ZA.—(1) A person—

- (a) granted leave to enter or remain as a protected person;

- (b) sy'n preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd ac nad yw wedi peidio â phreswyllo felly ers i'r caniatâd hwnnw gael ei roi i'r person; ac
- (c) sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.
- (2) Person—
- (a) sy'n briod neu'n bartner sifil i berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir;
- (b) a oedd, ar ddyddiad y cais i gael caniatâd i ddod i mewn neu i aros, yn briod neu'n bartner sifil i berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir; ac
- (c) sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.
- (3) Person—
- (a)—(i) sy'n blentyn i berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir, neu'n blentyn i briod neu i bartner sifil person y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir; a
- (ii) a oedd, ar ddyddiad y cais i gael caniatâd i ddod i mewn neu i aros, yn blentyn i berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir neu'n blentyn i berson a oedd, ar ddyddiad y cais i gael caniatâd i ddod i mewn neu i aros, yn briod neu'n bartner sifil i berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir;
- (b) a oedd o dan 18 oed ar ddyddiad y cais i gael caniatâd i ddod i mewn neu i aros; ac
- (c) sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.
- (4) Yn y paragraff hwn—
- (a) ystyr "dyddiad y cais i gael caniatâd i ddod i mewn neu i aros" yw'r dyddiad y gwnaeth person gais am ganiatâd i ddod i mewn neu i aros yn y Deyrnas Unedig sy'n arwain at berson yn dod yn berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir;
- (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) ystyr “person y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir” yw person a chanddo ganiatâd cyfredol i ddod i mewn neu i aros ar sail diogelwch dyngarol o dan baragraff 339C o’r rheolau mewnfudo.”

**32.** Yn Atodlen 1, ym mharagraff 4A (personau y rhoddwyd caniatâd iddynt aros fel personau diwladwriaeth ac aelodau o’u teuluoedd)—

- (a) yn lle is-baragraff (1) rhodder—  
 “(1) Person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth sy’n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.”;
- (b) ar ddiwedd is-baragraff (2)(a)(ii) mewnosoder “a”;
- (c) ar ddiwedd is-baragraff (2)(b) yn lle “; ac” rhodder atalnod llawn;
- (d) hepgorer is-baragraff (2)(c);
- (e) ar ddiwedd is-baragraff (3)(b) mewnosoder “ac”;
- (f) ar ddiwedd is-baragraff (3)(c) yn lle “; a” rhodder atalnod llawn;
- (g) hepgorer is-baragraff (3)(d).

**33.** Yn Atodlen 1, ym mharagraff 5A (personau sydd â chaniatâd i aros o dan adran 67)—

- (a) ar ddiwedd is-baragraff (1)(a) mewnosoder “a”;
- (b) ar ddiwedd is-baragraff (1)(b) yn lle “; ac” rhodder atalnod llawn;
- (c) hepgorer is-baragraff (1)(c);
- (d) ar ddiwedd is-baragraff (2)(b) mewnosoder “ac”;
- (e) ar ddiwedd is-baragraff (2)(c) yn lle “; a” rhodder atalnod llawn;
- (f) hepgorer is-baragraff (2)(d).

**34.** Yn Atodlen 4, yn lle paragraff 6(a) rhodder—

“(a) bod y myfyriwr, neu briod, partner sifil neu riant (fel y’i diffinnir yn Rhan 1 o Atodlen 1) y myfyriwr yn cael ei gydnabod fel ffoadur, yn dod yn berson y rhoddwyd caniatâd iddo aros fel person diwladwriaeth, yn dod yn berson sydd â chaniatâd i ddod i mewn neu i aros neu’n dod yn berson y rhoddwyd diogelwch dyngarol iddo o dan baragraff 339C o’r rheolau mewnfudo;”.

- (b) “person being 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.”

**32.** In Schedule 1, in paragraph 4A (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).

**33.** In Schedule 1, in paragraph 5A (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).

**34.** In Schedule 4, for paragraph 6(a) substitute—

“(a) the student or the student’s spouse, civil partner or parent (as defined in Part 1 of Schedule 1) 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;”.

## RHAN 6

### DIWYGIADAU I REOLIADAU ADDYSG (BENTHYCIADAU AT RADD FEISTR ÔL- RADDEDIG) (CYMRU) 2017

#### Diwygiadau i Reoliadau Addysg (Benthyciadau at Radd Feistr Ôl-raddedig) (Cymru) 2017

35. Mae Rheoliadau Addysg (Benthyciadau at Radd Feistr Ôl-raddedig) (Cymru) 2017(1) wedi eu diwygio yn unol â rheoliadau 36 i 40.

36. Yn rheoliad 2(1), yn y diffiniad o “person sydd â chaniatâd i ddod i mewn neu i aros”, ym mharagraff (a)(i), yn lle “diogelwch dyngarol neu ganiatâd” rhodder “caniatâd”.

37. Yn lle rheoliad 8(b) rhodder—

“(b) bod y myfyriwr, neu ei briod, ei bartner sifil, ei riant, priod ei riant neu bartner sifil ei riant yn cael ei gydnabod yn ffoadur, yn dod yn berson y rhoddwyd caniatâd iddo aros fel person diwladwriaeth, yn dod yn berson sydd â chaniatâd i ddod i mewn neu i aros neu’n dod yn berson y rhoddwyd diogelwch dyngarol iddo o dan baragraff 339C o’r rheolau mewnfudo;”.

38. Yn Atodlen 1, ar ôl paragraff 4 (ffoaduriaid ac aelodau o’u teuluoedd) mewnosoder—

#### “Personau a ddiogelir ac aelodau o’u teuluoedd

4ZA.—(1) Person—

- (a) y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir;
- (b) sy’n preswyllo fel arfer yn y Deyrnas Unedig a’r Ynysoedd ac nad yw wedi peidio â phreswyllo felly ers i’r caniatâd hwnnw gael ei roi i’r person; ac
- (c) sy’n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academiaidd gyntaf y cwrs.

## PART 6

### AMENDMENTS TO THE EDUCATION (POSTGRADUATE MASTER’S DEGREE LOANS) (WALES) REGULATIONS 2017

#### Amendments to the Education (Postgraduate Master’s Degree Loans) (Wales) Regulations 2017

35. The Education (Postgraduate Master’s Degree Loans) (Wales) Regulations 2017(1) are amended in accordance with regulations 36 to 40.

36. In regulation 2(1), in the definition of “person with leave to enter or remain”, in paragraph (a)(i), omit “humanitarian protection or”.

37. For regulation 8(b) substitute—

“(b) the student or the student’s spouse, civil partner, parent, parent’s spouse or parent’s civil partner 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;”.

38. In Schedule 1, after paragraph 4 (refugees and their family members) insert—

#### “Protected persons and their family members

4ZA.—(1) A person—

- (a) granted leave to enter or remain as a protected person;
- (b) 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) is ordinarily resident in Wales on the first day of the first academic year of the course.

(1) O.S. 2017/523 (Cy. 109), a ddiwygiwyd gan O.S. 2017/712 (Cy. 169); O.S. 2018/277 (Cy. 53); O.S. 2018/814 (Cy. 165); O.S. 2019/895 (Cy. 161); O.S. 2019/1094; ac O.S. 2020/1302 (Cy. 287) (o ddiwrnod cwblhau’r cyfnod gweithredu, fel y diffinnir “IP completion day” gan Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020 (p. 1), adran 39(1) i (5)).

(1) S.I. 2017/523 (W. 109), amended by S.I. 2017/712 (W. 169); S.I. 2018/277 (W. 53); S.I. 2018/814 (W. 165); S.I. 2019/895 (W. 161); S.I. 2019/1094; 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)).

(2) Person—

- (a) sy'n briod neu'n bartner sifil i berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir;
- (b) a oedd, ar ddyddiad y cais i gael caniatâd i ddod i mewn neu i aros, yn briod neu'n bartner sifil i berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir; ac
- (c) sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

(3) Person—

- (a)—(i) sy'n blentyn i berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir, neu'n blentyn i briod neu i bartner sifil person y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir; a
  - (ii) a oedd, ar ddyddiad y cais i gael caniatâd i ddod i mewn neu i aros, yn blentyn i berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir neu'n blentyn i berson a oedd, ar ddyddiad y cais i gael caniatâd i ddod i mewn neu i aros, yn briod neu'n bartner sifil i berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir;
- (b) a oedd o dan 18 oed ar ddyddiad y cais i gael caniatâd i ddod i mewn neu i aros; ac
- (c) sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

(4) Yn y paragraff hwn—

- (a) ystyr “dyddiad y cais i gael caniatâd i ddod i mewn neu i aros” yw'r dyddiad y gwnaeth person gais am ganiatâd i ddod i mewn neu i aros yn y Deyrnas Unedig sy'n arwain at berson yn dod yn berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir;
- (b) ystyr “person y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir” yw person a chanddo ganiatâd cyfredol i ddod i mewn neu i aros ar sail diogelwch dyngarol o dan baragraff 339C o'r rheolau mewnfudo.”

(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.”

**39.** Yn Atodlen 1, ym mharagraff 4A (personau y rhoddwyd caniatâd iddynt aros fel personau diwladwriaeth ac aelodau o'u teulu)—

- (a) yn lle is-baragraff (1) rhodder—

“(1) Person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.”;
- (b) ar ddiwedd is-baragraff (2)(a)(ii) mewnosoder “a”;
- (c) ar ddiwedd is-baragraff (2)(b) yn lle “; ac” rhodder atalnod llawn;
- (d) hepgorer is-baragraff (2)(c);
- (e) ar ddiwedd is-baragraff (3)(b) mewnosoder “ac”;
- (f) ar ddiwedd is-baragraff (3)(c) yn lle “; a” rhodder atalnod llawn;
- (g) hepgorer is-baragraff (3)(d).

**40.** Yn Atodlen 1, ym mharagraff 5A (personau sydd â chaniatâd i aros o dan adran 67)—

- (a) ar ddiwedd is-baragraff (1)(a) mewnosoder “a”;
- (b) ar ddiwedd is-baragraff (1)(b) yn lle “; ac” rhodder atalnod llawn;
- (c) hepgorer is-baragraff (1)(c);
- (d) ar ddiwedd is-baragraff (2)(b) mewnosoder “ac”;
- (e) ar ddiwedd is-baragraff (2)(c) yn lle “; a” rhodder atalnod llawn;
- (f) hepgorer is-baragraff (2)(d).

**39.** In Schedule 1, in paragraph 4A (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).

**40.** In Schedule 1, in paragraph 5A (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).

## RHAN 7

### DIWYGIADAU I REOLIADAU ADDYSG (CYMORTH I FYFYRWYR) (CYMRU) 2018

#### Diwygiadau i Reoliadau Addysg (Cymorth i Fyfyrrwyr) (Cymru) 2018

**41.** Mae Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Cymru) 2018(1) wedi eu diwygio yn unol â rheoliadau 42 i 51.

## 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.

(1) O.S. 2018/191 (Cy. 42), a ddiwygiwyd gan O.S. 2018/813 (Cy. 164); O.S. 2018/814 (Cy. 165); O.S. 2019/235 (Cy. 54); O.S. 2019/1094; O.S. 2019/1192 (Cy. 209); O.S. 2020/142 (Cy. 25); O.S. 2020/153 (Cy. 27); O.S. 2020/708 (Cy. 159); ac O.S. 2020/1302 (Cy. 287) (o ddiwrnod cwblhau'r cyfnod gweithredu, fel y diffinnir “IP completion day” gan Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020 (p. 1), adran 39(1) i (5)).

(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)).



42. Yn rheoliad 23—

- (a) ym mharagraff (1)(a), yn lle “yn fyfyrwr cymwys Categori 3 (gweler Atodlen 2)” rhodder “yn fyfyrwr cymwys Categori 3 neu’n fyfyrwr cymwys ar sail diogelwch dyngarol o dan baragraff 339C o’r rheolau mewnfudo (gweler Atodlen 2)”;
- (b) ym mharagraff (1)(b)(ii), ar ôl “fyfyrwr cymwys Categori 3” mewnosoder “neu’n fyfyrwr cymwys ar sail diogelwch dyngarol o dan baragraff 339C o’r rheolau mewnfudo”.

43. Yn rheoliad 80—

- (a) yn lle paragraff (2)(b)(i) rhodder—

“(i) bod y myfyrwr, neu ei briod, ei bartner sifil neu ei riant yn cael ei gydnabod yn ffoadur, yn dod yn berson y rhoddwyd caniatâd iddo aros fel person diwladwriaeth, yn dod yn berson sydd â chaniatâd i ddod i mewn neu i aros neu’n dod yn berson y rhoddwyd diogelwch dyngarol iddo o dan baragraff 339C o’r rheolau mewnfudo;”;
- (b) ym mharagraff (3), yn y lle priodol mewnosoder ““rheolau mewnfudo” (“immigration rules”);”.

44. Yn lle rheoliad 81(3)(b)(i) rhodder—

“(i) bod y myfyrwr neu ei briod, ei bartner sifil neu ei riant yn cael ei gydnabod yn ffoadur, yn dod yn berson y rhoddwyd caniatâd iddo aros fel person diwladwriaeth, yn dod yn berson sydd â chaniatâd i ddod i mewn neu i aros neu’n dod yn berson y rhoddwyd diogelwch dyngarol iddo o dan baragraff 339C o’r rheolau mewnfudo;”.

45. Yn Atodlen 2, ar ôl paragraff 2 (Categori 2 - ffoaduriaid ac aelodau o’u teuluoedd) mewnosoder—

**“Categori 2ZA - Personau a ddiogelir ac aelodau o’u teuluoedd**

**2ZA.—(1) Person—**

- (a) y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir,
- (b) sy’n preswyllo fel arfer yn y Deyrnas Unedig a’r Ynysoedd ac nad yw wedi peidio â phreswyllo felly ers i’r caniatâd hwnnw gael ei roi i’r person, ac
- (c) sy’n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

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—**

- (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) Person—

- (a) sy'n briod neu'n bartner sifil i berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir,
- (b) a oedd, ar ddyddiad y cais i gael caniatâd i ddod i mewn neu i aros, yn briod neu'n bartner sifil i berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir, ac
- (c) sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

(3) Person—

- (a)—(i) sy'n blentyn i berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir, neu'n blentyn i briod neu i bartner sifil person y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir, a
  - (ii) a oedd, ar ddyddiad y cais i gael caniatâd i ddod i mewn neu i aros, yn blentyn i berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir neu'n blentyn i berson a oedd, ar ddyddiad y cais i gael caniatâd i ddod i mewn neu i aros, yn briod neu'n bartner sifil i berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir,
- (b) a oedd o dan 18 oed ar ddyddiad y cais i gael caniatâd i ddod i mewn neu i aros, ac
- (c) sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

(4) Yn y paragraff hwn—

- (a) ystyr “dyddiad y cais i gael caniatâd i ddod i mewn neu i aros” yw'r dyddiad y gwnaeth person gais am ganiatâd i ddod i mewn neu i aros yn y Deyrnas Unedig sy'n arwain at berson yn dod yn berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir;
- (b) ystyr “person y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir” yw person a chanddo ganiatâd cyfredol i ddod i mewn neu i aros ar sail diogelwch dyngarol o dan baragraff 339C o'r rheolau mewnfudo.”

(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.** Yn Atodlen 2, ym mharagraff 2A (Categori 2A - personau y rhoddwyd caniatâd iddynt aros fel personau diwladwriaeth ac aelodau o'u teuluoedd)—

(a) yn lle is-baragraff (1) rhodder—

“(1) Person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.”;

(b) ar ddiwedd is-baragraff (2)(a)(ii) mewnosoder “a”;

(c) ar ddiwedd is-baragraff (2)(b) yn lle “, ac” rhodder atalnod llawn;

(d) hepgorer is-baragraff (2)(c);

(e) ar ddiwedd is-baragraff (3)(b) mewnosoder “ac”;

(f) ar ddiwedd is-baragraff (3)(c) yn lle “, a” rhodder atalnod llawn;

(g) hepgorer is-baragraff (3)(d).

**47.** Yn Atodlen 2, ym mharagraff 3 (Categori 3 - personau sydd â chaniatâd i ddod i mewn neu i aros ac aelodau o'u teuluoedd), yn is-baragraff (4)(a)(i), yn lle “diogelwch dyngarol neu ganiatâd” rhodder “caniatâd”.

**48.** Yn Atodlen 2, ym mharagraff 3A (Categori 3A - personau sydd â chaniatâd i aros o dan adran 67)—

(a) ar ddiwedd is-baragraff (1)(a) mewnosoder “a”;

(b) ar ddiwedd is-baragraff (1)(b) yn lle “, ac” rhodder atalnod llawn;

(c) hepgorer is-baragraff (1)(c);

(d) ar ddiwedd is-baragraff (2)(b) mewnosoder “ac”;

(e) ar ddiwedd is-baragraff (2)(c) yn lle “, a” rhodder atalnod llawn;

(f) hepgorer is-baragraff (2)(d).

**49.** Yn Atodlen 4 (grant myfyriwr ôl-raddedig anabl), ym mharagraff 13 (personau eraill y mae eu caniatâd i ddod i mewn neu i aros wedi dod i ben)—

(a) yn is-baragraff (1)(a), yn lle “yn fyfyrwr ôl-raddedig cymwys categori 3 (gweler Atodlen 2)” rhodder “yn fyfyrwr ôl-raddedig cymwys categori 3 neu'n fyfyrwr ôl-raddedig cymwys ar sail diogelwch dyngarol o dan baragraff 339C o'r rheolau mewnfudo (gweler Atodlen 2)”;

(b) yn is-baragraff (1)(b)(ii), ar ôl “yn fyfyrwr ôl-raddedig cymwys categori 3” mewnosoder “neu'n fyfyrwr ôl-raddedig cymwys ar sail diogelwch dyngarol o dan baragraff 339C o'r rheolau mewnfudo”.

**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. Yn Atodlen 4, ym mharagraff 14 (dod yn gymwys yn ystod blwyddyn academiaidd)—

(a) yn lle is-baragraff (3)(b)(i) rhodder—

“(i) bod y myfyriwr neu ei briod, ei bartner sifil neu ei riant yn cael ei gydnabod yn ffoadur, yn dod yn berson y rhoddwyd caniatâd iddo aros fel person diwladwriaeth, yn dod yn berson sydd â chaniatâd i ddod i mewn neu i aros neu’n dod yn berson y rhoddwyd diogelwch dyngarol iddo o dan baragraff 339C o’r rheolau mewnfudo;”;

(b) yn is-baragraff (4), yn y lle priodol mewnosoder ““rheolau mewnfudo” (“immigration rules”);”.

51. Yn Atodlen 5, ym mharagraff 4 (myfyrwyr sy’n dod yn gymwys yn ystod blwyddyn academiaidd)—

(a) yn lle is-baragraff (2)(a) rhodder—

“(a) bod y myfyriwr neu ei briod, ei bartner sifil neu ei riant yn cael ei gydnabod yn ffoadur, yn dod yn berson y rhoddwyd caniatâd iddo aros fel person diwladwriaeth, yn dod yn berson sydd â chaniatâd i ddod i mewn neu i aros neu’n dod yn berson y rhoddwyd diogelwch dyngarol iddo o dan baragraff 339C o’r rheolau mewnfudo;”;

(b) yn is-baragraff (3), yn y lle priodol mewnosoder ““rheolau mewnfudo” (“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”);”.

## RHAN 8

### DIWYGIADAU I REOLIADAU ADDYSG (BENTHYCIADAU AT RADD DDOETHUROL ÔL-RADDEDIG) (CYMRU) 2018

#### Diwygiadau i Reoliadau Addysg (Benthyciadau at Radd Ddoethurol Ôl-raddedig) (Cymru) 2018

52. Mae Rheoliadau Addysg (Benthyciadau at Radd Ddoethurol Ôl-raddedig) (Cymru) 2018(1) wedi eu diwygio yn unol â rheoliadau 53 i 57.

53. Yn rheoliad 2(1), yn y diffiniad o “person sydd â chaniatâd i ddod i mewn neu i aros”, ym mharagraff (a)(i), yn lle “diogelwch dyngarol neu ganiatâd” rhodder “caniatâd”.

## PART 8

### AMENDMENTS TO THE EDUCATION (POSTGRADUATE DOCTORAL DEGREE LOANS) (WALES) REGULATIONS 2018

#### Amendments to the Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018

52. The Education (Postgraduate Doctorate Degree Loans) (Wales) Regulations 2018(1) are amended in accordance with regulations 53 to 57.

53. In regulation 2(1), in the definition of “person with leave to enter or remain”, in paragraph (a)(i), omit “humanitarian protection or”.

(1) O.S. 2018/656 (Cy. 124), a ddiwygiwyd gan O.S. 2018/814 (Cy. 165); O.S. 2019/235 (Cy. 54); O.S. 2019/1094; O.S. 2019/1192 (Cy. 209); O.S. 2020/153 (Cy. 27); ac O.S. 2020/1302 (Cy. 287) (o ddiwrnod cwblhau’r cyfnod gweithredu, fel y diffinnir “IP completion day” gan Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020 (p. 1), adran 39(1) i (5)).

(1) S.I. 2018/656 (W. 124), amended by S.I. 2018/814 (W. 165); S.I. 2019/235 (W. 54); S.I. 2019/1094; S.I. 2019/1192 (W. 209); S.I. 2020/153 (W. 27); 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)).

**54.** Yn lle rheoliad 8(b) rhodder—

“(b) bod y myfyriwr, neu ei briod, ei bartner sifil, ei riant, priod ei riant neu bartner sifil ei riant yn cael ei gydnabod yn ffoadur, yn dod yn berson y rhoddwyd caniatâd iddo aros fel person diwladwriaeth, yn dod yn berson sydd â chaniatâd i ddod i mewn neu i aros neu’n dod yn berson y rhoddwyd diogelwch dyngarol iddo o dan baragraff 339C o’r rheolau mewnfudo;”.

**55.** Yn Atodlen 1, ar ôl paragraff 4 (ffoaduriaid ac aelodau o’u teuluoedd) mewnosoder—

**“Personau a ddiogelir ac aelodau o’u teuluoedd**

**4A.—(1) Person—**

- (a) y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir;
- (b) sy’n preswyllo fel arfer yn y Deyrnas Unedig a’r Ynysoedd ac nad yw wedi peidio â phreswyllo felly ers i’r caniatâd hwnnw gael ei roi i’r person; ac
- (c) sy’n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

**(2) Person—**

- (a) sy’n briod neu’n bartner sifil i berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir;
- (b) a oedd, ar ddyddiad y cais i gael caniatâd i ddod i mewn neu i aros, yn briod neu’n bartner sifil i berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir; ac
- (c) sy’n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

**(3) Person—**

- (a)—(i) sy’n blentyn i berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir, neu’n blentyn i briod neu i bartner sifil person y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir; a

**54.** For regulation 8(b) substitute—

“(b) the student or the student’s spouse, civil partner, parent, parent’s spouse or parent’s civil partner 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;”.

**55.** In Schedule 1, after paragraph 4 (refugees and their family members) insert—

**“Protected persons and their family members**

**4A.—(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 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) a oedd, ar ddyddiad y cais i gael caniatâd i ddod i mewn neu i aros, yn blentyn i berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir neu'n blentyn i berson a oedd, ar ddyddiad y cais i gael caniatâd i ddod i mewn neu i aros, yn briod neu'n bartner sifil i berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir;
  - (b) a oedd o dan 18 oed ar ddyddiad y cais i gael caniatâd i ddod i mewn neu i aros; ac
  - (c) sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.
- (4) Yn y paragraff hwn—
- (a) ystyr “dyddiad y cais i gael caniatâd i ddod i mewn neu i aros” yw'r dyddiad y gwnaeth person gais am ganiatâd i ddod i mewn neu i aros yn y Deyrnas Unedig sy'n arwain at berson yn dod yn berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir;
  - (b) ystyr “person y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir” yw person a chanddo ganiatâd cyfredol i ddod i mewn neu i aros ar sail diogelwch dyngarol o dan baragraff 339C o'r rheolau mewnfudo.

(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.”

**56.** Yn Atodlen 1, ym mharagraff 5 (personau y rhoddwyd caniatâd iddynt aros fel personau diwladwriaeth ac aelodau o'u teuluoedd)—

- (a) yn lle is-baragraff (1) rhodder—  
“(1) Person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.”;
- (b) ar ddiwedd is-baragraff (2)(a)(ii) mewnosoder “a”;
- (c) ar ddiwedd is-baragraff (2)(b) yn lle “; ac” rhodder atalnod llawn;
- (d) hepgorer is-baragraff (2)(c);
- (e) ar ddiwedd is-baragraff (3)(b) mewnosoder “ac”;
- (f) ar ddiwedd is-baragraff (3)(c) yn lle “; a” rhodder atalnod llawn;
- (g) hepgorer is-baragraff (3)(d).

**56.** In Schedule 1, in paragraph 5 (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).

57. Yn Atodlen 1, ym mharagraff 6A (personau sydd â chaniatâd i aros o dan adran 67)—

- (a) ar ddiwedd is-baragraff (1)(a) mewnosoder “a”;
- (b) ar ddiwedd is-baragraff (1)(b) yn lle “; ac” rhodder atalnod llawn;
- (c) hepgorer is-baragraff (1)(c);
- (d) ar ddiwedd is-baragraff (2)(b) mewnosoder “ac”;
- (e) ar ddiwedd is-baragraff (2)(c) yn lle “; a” rhodder atalnod llawn;
- (f) hepgorer is-baragraff (2)(d).

## RHAN 9

### DIWYGIADAU I REOLIADAU ADDYSG (CYMORTH I FYFYRWYR) (GRADDAU MEISTR ÔL-RADDEDIG) (CYMRU) 2019

#### Diwygiadau i Reoliadau Addysg (Cymorth i Fyfyrrwyr) (Graddau Meistr Ôl-raddedig) (Cymru) 2019

58. Mae Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Graddau Meistr Ôl-raddedig) (Cymru) 2019(1) wedi eu diwygio yn unol â rheoliadau 59 i 63.

59. Yn rheoliad 16—

- (a) yn lle paragraff (1)(b)(i) rhodder—

“(i) bod y myfyriwr neu ei briod, ei bartner sifil neu ei riant yn cael ei gydnabod yn ffoadur, yn dod yn berson y rhoddwyd caniatâd iddo aros fel person diwladwriaeth, yn dod yn berson sydd â chaniatâd i ddod i mewn neu i aros neu’n dod yn berson y rhoddwyd diogelwch dyngarol iddo o dan baragraff 339C o’r rheolau mewnfudo;”;
- (b) ym mharagraff (2), yn y lle priodol mewnosoder ““rheolau mewnfudo” (“immigration rules”);”.

57. In Schedule 1, in paragraph 6A (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).

## PART 9

### AMENDMENTS TO THE EDUCATION (STUDENT SUPPORT) (POSTGRADUATE MASTER’S DEGREES) (WALES) REGULATIONS 2019

#### Amendments to the Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019

58. The Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019(1) are amended in accordance with regulations 59 to 63.

59. In regulation 16—

- (a) for paragraph (1)(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 (2), in the appropriate place insert ““immigration rules” (“rheolau mewnfudo”);”.

(1) O.S. 2019/895 (Cy. 161), a ddiwygiwyd gan O.S. 2019/1094; O.S. 2019/1192 (Cy. 209); O.S. 2020/142 (Cy. 25); O.S. 2020/153 (Cy. 27); O.S. 2020/918 (Cy. 206); ac O.S. 2020/1302 (Cy. 287) (o ddiwrnod cwblhau’r cyfnod gweithredu, fel y diffinnir “IP completion day” gan Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020 (p. 1), adran 39(1) i (5)).

(1) S.I. 2019/895 (W. 161), amended by S.I. 2019/1094; S.I. 2019/1192 (W. 209); S.I. 2020/142 (W. 25); S.I. 2020/153 (W. 27); S.I. 2020/918 (W. 206); 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)).

60. Yn Atodlen 2, ar ôl paragraff 2 (Categori 2 - ffoaduriaid ac aelodau o'u teuluoedd) mewnosoder—

**“Categori 2A - Personau a ddiogelir ac aelodau o'u teuluoedd**

2A.—(1) Person—

- (a) y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir,
- (b) sy'n preswyllo fel arfer yn y Deyrnas Unedig a'r Ynysoedd ac nad yw wedi peidio â phreswyllo felly ers i'r caniatâd hwnnw gael ei roi i'r person, ac
- (c) sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

(2) Person—

- (a) sy'n briod neu'n bartner sifil i berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir,
- (b) a oedd, ar ddyddiad y cais i gael caniatâd i ddod i mewn neu i aros, yn briod neu'n bartner sifil i berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir, ac
- (c) sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

(3) Person—

- (a)—(i) sy'n blentyn i berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir, neu'n blentyn i briod neu i bartner sifil person y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir, a
- (ii) a oedd, ar ddyddiad y cais i gael caniatâd i ddod i mewn neu i aros, yn blentyn i berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir neu'n blentyn i berson a oedd, ar ddyddiad y cais i gael caniatâd i ddod i mewn neu i aros, yn briod neu'n bartner sifil i berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir,

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

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

2A.—(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 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) a oedd o dan 18 oed ar ddyddiad y cais i gael caniatâd i ddod i mewn neu i aros, ac
- (c) sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

(4) Yn y paragraff hwn—

- (a) ystyr “dyddiad y cais i gael caniatâd i ddod i mewn neu i aros” yw'r dyddiad y gwnaeth person gais am ganiatâd i ddod i mewn neu i aros yn y Deyrnas Unedig sy'n arwain at berson yn dod yn berson y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir;
- (b) ystyr “person y rhoddwyd caniatâd iddo ddod i mewn neu aros fel person a ddiogelir” yw person a chanddo ganiatâd cyfredol i ddod i mewn neu i aros ar sail diogelwch dyngarol o dan baragraff 339C o'r rheolau mewnfudo.”

**61.** Yn Atodlen 2, ym mharagraff 3 (Categori 3 - personau y rhoddwyd caniatâd iddynt aros fel personau diwladwriaeth ac aelodau o'u teuluoedd)—

- (a) yn lle is-baragraff (1) rhodder—  
“(1) Person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth sy'n preswyllo fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.”;
- (b) ar ddiwedd is-baragraff (2)(a)(ii) mewnosoder “a”;
- (c) ar ddiwedd is-baragraff (2)(b) yn lle “, ac” rhodder atalnod llawn;
- (d) hepgorer is-baragraff (2)(c);
- (e) ar ddiwedd is-baragraff (3)(b) mewnosoder “ac”;
- (f) ar ddiwedd is-baragraff (3)(c) yn lle “, a” rhodder atalnod llawn;
- (g) hepgorer is-baragraff (3)(d).

**62.** Yn Atodlen 2, ym mharagraff 4 (Categori 4 - personau sydd â chaniatâd i ddod i mewn neu i aros ac aelodau o'u teuluoedd), yn is-baragraff (4)(a)(i), yn lle “diogelwch dyngarol neu ganiatâd” rhodder “caniatâd”.

**63.** Yn Atodlen 2, ym mharagraff 5 (Categori 5 - personau sydd â chaniatâd i aros o dan adran 67)—

- (a) ar ddiwedd is-baragraff (1)(a) mewnosoder “a”;

- (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.”

**61.** In Schedule 2, in paragraph 3 (Category 3 - 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).

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

**63.** In Schedule 2, in paragraph 5 (Category 5 - persons with section 67 leave to remain)—

- (a) at the end of sub-paragraph (1)(a) insert “and”;

- (b) ar ddiwedd is-baragraff (1)(b) yn lle “, ac” rhodder atalnod llawn;
- (c) hepgorer is-baragraff (1)(c);
- (d) ar ddiwedd is-baragraff (2)(b) mewnosoder “ac”;
- (e) ar ddiwedd is-baragraff (2)(c) yn lle “, a” rhodder atalnod llawn;
- (f) hepgorer is-baragraff (2)(d).

- (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).

*Kirsty Williams*

Y Gweinidog Addysg, un o Weinidogion Cymru  
6 Ionawr 2021

Minister for Education, one of the Welsh Ministers  
6 January 2021

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