

SCHEDULE 1  
ELIGIBLE STUDENTS

PART 2  
Categories

**Persons who are settled in the United Kingdom**

2.—(1) A person who—

- [<sup>F1</sup>(a) is settled in the United Kingdom on the relevant date and does not fall within paragraph 3;]
- (b) is ordinarily resident in Wales on the relevant date;
- (c) had been ordinarily resident throughout the three-year period preceding the relevant date in the United Kingdom and Islands; and
- (d) subject to sub-paragraph (2), had not during any part of the period referred to in paragraph (c) been ordinarily resident in the United Kingdom and Islands wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the United Kingdom and Islands in accordance with paragraph 1(7).

**Textual Amendments**

**F1** Sch. 1 para. 2(1)(a) substituted (31.12.2021) by The Education (European University Institute) (Wales) (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/1294), regs. 1(2), **11(3)**

**Commencement Information**

**I1** Sch. 1 para. 2 in force at 5.12.2014, see **reg. 1**

<sup>F2</sup>**2A.** . . . . .

**Textual Amendments**

**F2** Sch. 1 para. 2A omitted (22.2.2023) by virtue of The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2023 (S.I. 2023/87), regs. 1(2), **13(b)** (with reg. 2)

3.—[<sup>F3</sup>(1)] A person—

- [<sup>F4</sup>(a) meets one of the following conditions on the relevant date—
  - (i) the person is within the personal scope of the citizens’ rights provisions and is settled in the United Kingdom by virtue of the grant of indefinite leave to enter or remain under residence scheme immigration rules;
  - (ii) the person—
    - (aa) is within the personal scope of the citizens’ rights provisions;
    - (bb) is an Irish citizen settled in the United Kingdom who, pursuant to section 3ZA of the Immigration Act 1971, does not require leave to enter or remain in the United Kingdom; and

**Changes to legislation:** There are currently no known outstanding effects for the The Education (European University Institute) (Wales) Regulations 2014, PART 2. (See end of Document for details)

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

<sup>F5</sup>(iii) . . . . .

(iv) the person—

- (aa) is within the personal scope of the citizens’ rights provisions;
- (bb) is an applicant for the purposes of regulation 4 of the 2020 Citizens’ Rights Regulations or otherwise has rights deemed to apply by virtue of any of the citizens’ rights provisions specified in paragraph (3); and
- (cc) has, or is treated as having, a right of permanent residence for the purposes of the Immigration (European Economic Area) Regulations 2016, as those Regulations continue to have effect by virtue of the 2020 Citizens’ Rights Regulations in relation to that person during the relevant period or otherwise has a deemed right of permanent residence by virtue of any of the citizens’ rights provisions specified in paragraph (3); or

(v) the person is a family member of a relevant person of Northern Ireland for the purposes of residence scheme immigration rules, where that family member is settled in the United Kingdom by virtue of the grant of indefinite leave to enter or remain under residence scheme immigration rules;]

- (b) who is ordinarily resident in Wales on the relevant date;
- (c) who had been ordinarily resident in the United Kingdom throughout the three-year period preceding the relevant date; and
- (d) who, in a case where the person’s ordinary residence referred to in sub-paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising [<sup>F6</sup>the United Kingdom, Gibraltar,] the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in sub-paragraph (c).

[<sup>F7</sup>(2) For the purposes of sub-paragraph (1)(a)(ii)(cc), “eligibility requirements for in definite leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules” means the eligibility requirements for such leave in accordance with paragraph EU11 of Appendix EU to the immigration rules (as defined in section 33(1) of the Immigration Act 1971).

(3) For the purposes of sub-paragraph (1)(a)(iv), the citizens’ rights provisions referred to are—

- (a) Article 18(3) (issuance of residence documents) of the EU withdrawal agreement;
- (b) Article 17(3) (issuance of residence documents) of the EEA EFTA separation agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020); or
- (c) Article 16(3) (issuance of residence documents) of the Swiss citizens’ rights agreement.]

Textual Amendments	
<b>F3</b>	Sch. 1 para. 3 renumbered as Sch. 1 para. 3(1) (31.12.2021) by The Education (European University Institute) (Wales) (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/1294), regs. 1(2), <b>11(5)(a)</b>
<b>F4</b>	Sch. 1 para. 3(1)(a) substituted (31.12.2021) by The Education (European University Institute) (Wales) (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/1294), regs. 1(2), <b>11(5)(b)</b>
<b>F5</b>	Sch. 1 para. 3(1)(a)(iii) omitted (22.2.2023) by virtue of The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2023 (S.I. 2023/87), regs. 1(2), <b>13(b)</b> (with reg. 2)
<b>F6</b>	Words in Sch. 1 para. 3(d) inserted (31.12.2020) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1302), regs. 1(3), <b>7(3)(a)(ii)</b>

- F7** Sch. 1 para. 3(2)(3) inserted (31.12.2021) by The Education (European University Institute) (Wales) (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/1294), regs. 1(2), **11(5)(c)**

#### Commencement Information

- I2** Sch. 1 para. 3 in force at 5.12.2014, see **reg. 1**

#### Textual Amendments

- F1** Sch. 1 para. 2(1)(a) substituted (31.12.2021) by The Education (European University Institute) (Wales) (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/1294), regs. 1(2), **11(3)**
- F2** Sch. 1 para. 2A omitted (22.2.2023) by virtue of The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2023 (S.I. 2023/87), regs. 1(2), **13(b)** (with reg. 2)
- F3** Sch. 1 para. 3 renumbered as Sch. 1 para. 3(1) (31.12.2021) by The Education (European University Institute) (Wales) (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/1294), regs. 1(2), **11(5)(a)**
- F4** Sch. 1 para. 3(1)(a) substituted (31.12.2021) by The Education (European University Institute) (Wales) (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/1294), regs. 1(2), **11(5)(b)**
- F5** Sch. 1 para. 3(1)(a)(iii) omitted (22.2.2023) by virtue of The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2023 (S.I. 2023/87), regs. 1(2), **13(b)** (with reg. 2)
- F6** Words in Sch. 1 para. 3(d) inserted (31.12.2020) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1302), regs. 1(3), **7(3)(a)(ii)**
- F7** Sch. 1 para. 3(2)(3) inserted (31.12.2021) by The Education (European University Institute) (Wales) (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/1294), regs. 1(2), **11(5)(c)**

#### Commencement Information

- I1** Sch. 1 para. 2 in force at 5.12.2014, see **reg. 1**
- I2** Sch. 1 para. 3 in force at 5.12.2014, see **reg. 1**

## Refugees

- 4.—(1) A person—
- (a) who is a refugee;
  - (b) who is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being recognised as a refugee; and
  - (c) who is ordinarily resident in Wales on the relevant date.
- (2) A person—
- (a) who is the spouse or civil partner of a refugee;
  - (b) who was the spouse or civil partner of the refugee on the date on which the refugee made the application for asylum;
  - (c) who is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to remain in the United Kingdom; and
  - (d) who is ordinarily resident in Wales on the relevant date.
- (3) A person—
- (a) who is the child of a refugee or the child of the spouse or civil partner of a refugee;
  - (b) who, on the date on which the refugee made the application for asylum, was the child of the refugee or the child of a person who was the spouse or civil partner of the refugee on that date;
  - (c) who was under 18 on the date on which the refugee made the application for asylum;

- (d) who is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being given leave to remain in the United Kingdom; and
- (e) who is ordinarily resident in Wales on the relevant date.

#### Commencement Information

**I3** Sch. 1 para. 4 in force at 5.12.2014, see [reg. 1](#)

#### [<sup>F8</sup>Protected persons and their family members

- 4ZA.**—(1) A person—
- (a) granted leave to enter or remain as a protected person;
  - (b) who is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted such leave; and
  - (c) who is ordinarily resident in Wales on the first day of the first academic year of the course.
- (2) A person who—
- (a) is a protected spouse or civil partner;
  - (b) on the leave application date, was the spouse or civil partner of a person granted leave to enter or remain as a protected person (by virtue of humanitarian protection under paragraph 339C of the immigration rules or as a stateless person under the immigration rules);
  - (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted leave to enter or remain in the United Kingdom;
  - (d) is ordinarily resident in Wales on the first day of the first academic year of the course.
- (3) A person who—
- (a) is a protected child;
  - (b) on the leave application date was—
    - (i) under 18 years old; and
    - (ii) the child of a person granted leave to enter or remain as a protected person or, as the case may be, the child of a person who was the spouse or civil partner of the person granted leave to enter or remain as a protected person on that date (by virtue of humanitarian protection under paragraph 339C of the immigration rules, stateless leave under the immigration rules or section 67 of the Immigration Act 2016 and the immigration rules, as the case may be);
  - (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted leave to enter or remain in the United Kingdom;
  - (d) is ordinarily resident in Wales on the first day of the first academic year of the course.
- (4) In this paragraph—
- (a) “leave application date” means the date on which a person (“P”) made an application for leave to enter or remain in the United Kingdom that results in P becoming a person granted leave to enter or remain as a protected person;
  - (b) “person granted leave to enter or remain as a protected person” means—
    - (i) a person granted leave to enter or remain on the grounds of humanitarian protection under paragraph 339C of the immigration rules;
    - (ii) a person granted stateless leave;
    - (iii) a person with section 67 leave to remain; <sup>F9</sup>...

- (iv) a person with Calais leave; [<sup>F10</sup>or]
- [<sup>F11</sup>(v) a person with leave to enter or remain as a relevant Afghan citizen;]
- (c) “protected child” means—
- (i) a child of—
- (aa) a person who has extant leave to enter or remain on the grounds of humanitarian protection under paragraph 339C of the immigration rules;
- (ab) a person granted stateless leave; <sup>F12</sup>...
- (ac) a person with section 67 leave to remain; [<sup>F13</sup>or]
- (ad) a person with leave to enter or remain as a relevant Afghan citizen;]
- (ii) a child of the spouse or civil partner of—
- (aa) a person who has extant leave to enter or remain on the grounds of humanitarian protection under paragraph 339C of the immigration rules; <sup>F14</sup>...
- (ab) a person granted stateless leave; [<sup>F15</sup>or]
- (ac) a person with leave to enter or remain as a relevant Afghan citizen;]
- (d) “protected spouse or civil partner” means a spouse or civil partner of—
- (i) a person who has extant leave to enter or remain on the grounds of humanitarian protection under paragraph 339C of the immigration rules; <sup>F16</sup>...
- (ii) a person granted stateless leave [<sup>F17</sup>; or]
- [<sup>F18</sup>(iii) a person with leave to enter or remain as a relevant Afghan citizen.]

#### Textual Amendments

- F8** Sch. 1 para. 4ZA substituted (31.12.2021) by The Education (European University Institute) (Wales) (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/1294), regs. 1(2), **11(6)**
- F9** Word in Sch. 1 para. 4ZA(4)(b)(iii) omitted (23.2.2022) by virtue of The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2022 (S.I. 2022/79), regs. 1(2), **9(a)** (with reg. 2)
- F10** Word in Sch. 1 para. 4ZA(4)(b) inserted (23.2.2022) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2022 (S.I. 2022/79), regs. 1(2), **9(a)** (with reg. 2)
- F11** Sch. 1 para. 4ZA(4)(b)(v) inserted (23.2.2022) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2022 (S.I. 2022/79), regs. 1(2), **9(b)** (with reg. 2)
- F12** Word in Sch. 1 para. 4ZA(4)(c)(i) omitted (with application in accordance with reg. 2 of the amending S.I.) by virtue of The Education (Student Finance) (Miscellaneous Amendments) (No. 3) (Wales) Regulations 2023 (S.I. 2023/1349), regs. 1(2), **11(a)(i)** (with reg. 79(2))
- F13** Sch. 1 para. 4ZA(4)(c)(i)(ad) and word inserted (with application in accordance with reg. 2 of the amending S.I.) by The Education (Student Finance) (Miscellaneous Amendments) (No. 3) (Wales) Regulations 2023 (S.I. 2023/1349), regs. 1(2), **11(a)(ii)** (with reg. 79(2))
- F14** Word in Sch. 1 para. 4ZA(4)(c)(ii) omitted (with application in accordance with reg. 2 of the amending S.I.) by virtue of The Education (Student Finance) (Miscellaneous Amendments) (No. 3) (Wales) Regulations 2023 (S.I. 2023/1349), regs. 1(2), **11(b)(i)** (with reg. 79(2))
- F15** Sch. 1 para. 4ZA(4)(c)(ii)(ac) and word inserted (with application in accordance with reg. 2 of the amending S.I.) by The Education (Student Finance) (Miscellaneous Amendments) (No. 3) (Wales) Regulations 2023 (S.I. 2023/1349), regs. 1(2), **11(b)(ii)** (with reg. 79(2))
- F16** Word in Sch. 1 para. 4ZA(4)(d) omitted (with application in accordance with reg. 2 of the amending S.I.) by virtue of The Education (Student Finance) (Miscellaneous Amendments) (No. 3) (Wales) Regulations 2023 (S.I. 2023/1349), regs. 1(2), **11(c)(i)** (with reg. 79(2))

- F17** Word in Sch. 1 para. 4ZA(4)(d)(ii) substituted (with application in accordance with reg. 2 of the amending S.I.) by The Education (Student Finance) (Miscellaneous Amendments) (No. 3) (Wales) Regulations 2023 (S.I. 2023/1349), regs. 1(2), **11(c)(ii)** (with reg. 79(2))
- F18** Sch. 1 para. 4ZA(4)(d)(iii) inserted (with application in accordance with reg. 2 of the amending S.I.) by The Education (Student Finance) (Miscellaneous Amendments) (No. 3) (Wales) Regulations 2023 (S.I. 2023/1349), regs. 1(2), **11(c)(iii)** (with reg. 79(2))

### **[<sup>F19</sup>Persons granted leave to remain as a protected partner and their children**

#### **4ZB.—(1) A person—**

- (a) granted leave to remain as a protected partner;
- (b) who is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted such leave; and
- (c) who is ordinarily resident in Wales on the first day of the first academic year of the course.

#### **(2) A person who—**

- (a) is the child of a person granted leave to remain as a protected partner;
- (b) on the leave application date was under 18 years old and was the child of a person granted leave to remain as a protected partner;
- (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted leave to remain in the United Kingdom;
- (d) is ordinarily resident in Wales on the first day of the first academic year of the course.

(3) In this paragraph, “leave application date” means the date on which a person (“P”) made an application for leave to enter or remain in the United Kingdom that results in P becoming a person granted leave to remain as a protected partner.]

#### **Textual Amendments**

- F19** Sch. 1 para. 4ZB inserted (31.12.2021) by The Education (European University Institute) (Wales) (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/1294), regs. 1(2), **11(7)**

### **[<sup>F20</sup>Protected Ukrainian nationals**

#### **4ZC.—[**

#### **<sup>F21</sup>(1)] A person who—**

- (a) is a protected Ukrainian national;
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since becoming a protected Ukrainian national; and
- (c) is ordinarily resident in Wales on the first day of the first academic year of the course.]

#### **[<sup>F22</sup>(2) A person who—**

- (a) is the spouse or civil partner of a protected Ukrainian national;
- (b) on the leave application date was the spouse or civil partner of that person;
- (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted leave to remain in the United Kingdom; and
- (d) is ordinarily resident in Wales on the first day of the first academic year of the course.

#### **(3) A person who—**

- (a) is—
  - (i) the child of a protected Ukrainian national; or
  - (ii) the child of a spouse or civil partner of a protected Ukrainian national;
- (b) on the leave application date was—
  - (i) under 18 years old; and
  - (ii) the child of a protected Ukrainian national or, as the case may be, the child of a person who was the spouse or civil partner of the person who was a protected Ukrainian national;
- (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so resident since being granted leave to remain in the United Kingdom; and
- (d) is ordinarily resident in Wales on the first day of the first academic year of the course.

(4) In this paragraph, “leave application date” means the date on which the person with leave to enter or remain as a protected Ukrainian national made the application that led to that person being granted leave to enter or remain in the United Kingdom.]

**Textual Amendments**

- F20** Sch. 1 para. 4ZC inserted (with application in accordance with reg. 3 of the amending S.I.) by [The Education \(Student Finance\) \(Ukrainian Nationals and Family Members\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2022 \(S.I. 2022/764\)](#), regs. 2, **14**
- F21** Sch. 1 para. 4ZC renumbered as Sch. 1 para. 4ZC(1) (with application in accordance with reg. 2 of the amending S.I.) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(No. 3\) \(Wales\) Regulations 2023 \(S.I. 2023/1349\)](#), regs. 1(2), **13(a)**
- F22** Sch. 1 para. 4ZC(2)-(4) inserted (with application in accordance with reg. 2 of the amending S.I.) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(No. 3\) \(Wales\) Regulations 2023 \(S.I. 2023/1349\)](#), regs. 1(2), **13(b)**

**Persons granted stateless leave and their family members**

<sup>F23</sup>**4A.** .....

**Textual Amendments**

- F23** Sch. 1 para. 4A omitted (31.12.2021) by virtue of [The Education \(European University Institute\) \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/1294\)](#), regs. 1(2), **11(8)(a)**

- 5.—(1) A person—
  - (a) with leave to enter or remain;
  - (b) who is ordinarily resident in Wales on the relevant date; and
  - (c) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the relevant date.
- (2) A person—
  - (a) who is the spouse or civil partner of a person with leave to enter or remain;
  - [<sup>F24</sup>(b) who was the spouse or civil partner of the person with leave to enter or remain on the leave application date;]
  - (c) who is ordinarily resident in Wales on the relevant date; and

**Changes to legislation:** There are currently no known outstanding effects for the The Education (European University Institute) (Wales) Regulations 2014, PART 2. (See end of Document for details)

- (d) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the relevant date.
- (3) A person—
  - (a) who is the child of a person with leave to enter or remain or the child of the spouse or civil partner of a person with leave to enter or remain;
  - [<sup>F25</sup>(b) who, on the leave application date, was the child of the person with leave to enter or remain or the child of a person who was the spouse or civil partner of the person with leave to enter or remain on that date;]
  - [<sup>F26</sup>(c) who was under 18 on the leave application date;]
  - (d) who is ordinarily resident in Wales on the relevant date; and
  - (e) who has been ordinarily resident in the United Kingdom and Islands throughout the three-year period preceding the relevant date.

[<sup>F27</sup>(4) In this paragraph, “leave application date” means the date on which the person with leave to enter or remain made the application that led to that person being granted leave to enter or remain in the United Kingdom.]

**Textual Amendments**

**F24** Sch. 1 para. 5(2)(b) substituted (30.7.2018) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2018 (S.I. 2018/814), regs. 1(2), **45(b)(i)**

**F25** Sch. 1 para. 5(3)(b) substituted (30.7.2018) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2018 (S.I. 2018/814), regs. 1(2), **45(b)(ii)**

**F26** Sch. 1 para. 5(3)(c) substituted (30.7.2018) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2018 (S.I. 2018/814), regs. 1(2), **45(b)(iii)**

**F27** Sch. 1 para. 5(4) inserted (30.7.2018) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2018 (S.I. 2018/814), regs. 1(2), **45(b)(iv)**

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**Commencement Information**

**I4** Sch. 1 para. 5 in force at 5.12.2014, see **reg. 1**

**Persons with section 67 leave to remain**

<sup>F28</sup>**5A.** .....

**Textual Amendments**

**F28** Sch. 1 para. 5A omitted (31.12.2021) by virtue of The Education (European University Institute) (Wales) (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/1294), regs. 1(2), **11(8)(b)**

**Workers, employed persons, self-employed persons and their family members**

- 6.—**(1) A person who—
- (a) on the relevant date, is—
    - (i) an EEA migrant worker or an EEA self-employed person;
    - (ii) a Swiss employed person or a Swiss self-employed person;
    - (iii) a family member of a person mentioned in sub-paragraph (i) or (ii);
    - (iv) an EEA frontier worker or an EEA frontier self-employed person;



- (v) a Swiss frontier employed person or a Swiss frontier self-employed person; or
- (vi) a family member of a person in sub-paragraph (iv) or (v);
- (b) subject to sub-paragraph (2), is ordinarily resident in Wales on the relevant date;
- (c) has been ordinarily resident in the territory comprising [<sup>F29</sup>the United Kingdom, Gibraltar,] the European Economic Area and Switzerland throughout the three-year period preceding the relevant date.

(2) Paragraph (b) of sub-paragraph (1) does not apply where the person applying for support falls within paragraph (a)(iv), (v) or (vi) of sub-paragraph (1).

#### Textual Amendments

**F29** Words in Sch. 1 para. 6(1)(c) inserted (31.12.2020) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1302), regs. 1(3), **7(3)(b)**

#### Commencement Information

**I5** Sch. 1 para. 6 in force at 5.12.2014, see **reg. 1**

[<sup>F30</sup>**6A.**—(1) A person with protected rights, or a frontier worker within the meaning of regulation 3 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020, who—

- (a) on the relevant date, is
  - (i) an EEA migrant worker or an EEA self-employed person;
  - (ii) a Swiss employed person or a Swiss self-employed person;
  - (iii) a family member of a person mentioned in sub-paragraph (i) or (ii);
  - (iv) an EEA frontier worker or an EEA frontier self-employed person;
  - (v) a Swiss frontier employed person or a Swiss frontier self-employed person; or
  - (vi) a family member of a person mentioned in sub-paragraph (iv) or (v);
- (b) subject to sub-paragraph (2), is ordinarily resident in Wales on the relevant date; and
- (c) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the three-year period preceding the relevant date.

(2) Paragraph (b) of sub-paragraph (1) does not apply where the person applying for support falls within paragraph (a)(iv), (v) or (vi) of sub-paragraph (1).

(3) In this paragraph, a description of a person in sub-paragraph (1)(a)(i) is to be read as if it includes a relevant person of Northern Ireland who would, if that person were an EEA national or solely an EEA national, be an EEA migrant worker or an EEA self-employed person.]

#### Textual Amendments

**F30** Sch. 1 para. 6A inserted (31.12.2021) by The Education (European University Institute) (Wales) (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/1294), regs. 1(2), **11(9)**

7.—[<sup>F31</sup>(1)] A person who—

- (a) is ordinarily resident in Wales on the relevant date;

**Changes to legislation:** There are currently no known outstanding effects for the The Education (European University Institute) (Wales) Regulations 2014, PART 2. (See end of Document for details)

- (b) has been ordinarily resident in the territory comprising [<sup>F32</sup>the United Kingdom, Gibraltar,] the European Economic Area and Switzerland throughout the three-year period preceding the relevant date; and
- (c) is entitled to support by virtue of Article 10 of Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on the freedom of movement for workers within the Union(1), as extended by the EEA Agreement.

[<sup>F33</sup>(2) Any description of person who would have been eligible under this paragraph immediately before implementation period completion day is to be eligible on and after implementation period completion day.]

#### Textual Amendments

- F31** Sch. 1 para. 7 renumbered as Sch. 1 para. 7(1) (31.12.2020) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1302\)](#), regs. 1(3), **7(3)(c)(i)**
- F32** Words in Sch. 1 para. 7(1)(b) inserted (31.12.2020) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1302\)](#), regs. 1(3), **7(3)(c)(ii)**
- F33** Sch. 1 para. 7(2) inserted (31.12.2020) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1302\)](#), regs. 1(3), **7(3)(c)(iii)**

#### Commencement Information

- I6** Sch. 1 para. 7 in force at 5.12.2014, see [reg. 1](#)

#### Textual Amendments

- F29** Words in Sch. 1 para. 6(1)(c) inserted (31.12.2020) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1302\)](#), regs. 1(3), **7(3)(b)**
- F30** Sch. 1 para. 6A inserted (31.12.2021) by [The Education \(European University Institute\) \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/1294\)](#), regs. 1(2), **11(9)**
- F31** Sch. 1 para. 7 renumbered as Sch. 1 para. 7(1) (31.12.2020) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1302\)](#), regs. 1(3), **7(3)(c)(i)**
- F32** Words in Sch. 1 para. 7(1)(b) inserted (31.12.2020) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1302\)](#), regs. 1(3), **7(3)(c)(ii)**
- F33** Sch. 1 para. 7(2) inserted (31.12.2020) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1302\)](#), regs. 1(3), **7(3)(c)(iii)**

#### Commencement Information

- I5** Sch. 1 para. 6 in force at 5.12.2014, see [reg. 1](#)
- I6** Sch. 1 para. 7 in force at 5.12.2014, see [reg. 1](#)

### Persons who are settled in the United Kingdom and have exercised a right of residence elsewhere

- 8.—(1) A person who—
- (a) is settled in the United Kingdom;
  - (b) was ordinarily resident in Wales and settled in the United Kingdom immediately before leaving the United Kingdom and who has exercised a right of residence [<sup>F34</sup>before implementation period completion day];

(1) OJ No L141, 27.05.2011, p. 1.

- (c) is ordinarily resident in the United Kingdom on the relevant date;
- (d) has been ordinarily resident in the territory comprising [<sup>F35</sup>the United Kingdom, Gibraltar,] the European Economic Area and Switzerland throughout the three-year period preceding the relevant date; and
- (e) in a case where the person's ordinary residence referred to in paragraph (b) was wholly or mainly for the purposes of receiving full-time education, was ordinarily resident in the territory comprising [<sup>F36</sup>the United Kingdom, Gibraltar,] the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (d).

(2) For the purposes of this paragraph, a person has exercised a right of residence if that person is a United Kingdom national, a family member of a United Kingdom national for the purposes of Article 7 of Directive 2004/38 (or corresponding purposes under the EEA Agreement or Swiss Agreement) or a person who [<sup>F37</sup>had the right] of permanent residence who in each case has exercised a right under Article 7 of Directive 2004/38 or any equivalent right under the EEA Agreement or Swiss Agreement in a state other than the United Kingdom or, in the case of a person who is settled in the United Kingdom and [<sup>F38</sup>had the right] of permanent residence, if that person [<sup>F39</sup>has gone] to the state within the territory comprising the European Economic Area and Switzerland of which that person is a national or of which the person in relation to whom that person is a family member is a national.

[<sup>F40</sup>(3) For the purposes of this paragraph, a person had the right of permanent residence if they had a right which arose under Directive 2004/38 to reside permanently in the United Kingdom without restriction.]

#### Textual Amendments

- F34** Words in Sch. 1 para. 8(1)(b) inserted (31.12.2020) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1302), regs. 1(3), **7(3)(d)(i)**
- F35** Words in Sch. 1 para. 8(1)(d) inserted (31.12.2020) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1302), regs. 1(3), **7(3)(d)(ii)**
- F36** Words in Sch. 1 para. 8(1)(e) inserted (31.12.2020) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1302), regs. 1(3), **7(3)(d)(ii)**
- F37** Words in Sch. 1 para. 8(2) substituted (31.12.2020) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1302), regs. 1(3), **7(3)(d)(iii)(aa)**
- F38** Words in Sch. 1 para. 8(2) substituted (31.12.2020) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1302), regs. 1(3), **7(3)(d)(iii)(bb)**
- F39** Words in Sch. 1 para. 8(2) substituted (31.12.2020) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1302), regs. 1(3), **7(3)(d)(iii)(cc)**
- F40** Sch. 1 para. 8(3) inserted (31.12.2020) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1302), regs. 1(3), **7(3)(d)(iv)**

#### Commencement Information

- I7** Sch. 1 para. 8 in force at 5.12.2014, see **reg. 1**

[<sup>F41</sup>**8A.**—(1) A person who—

- (a) is settled in the United Kingdom;
- (b) was ordinarily resident in Wales and settled in the United Kingdom immediately before leaving the United Kingdom and who has exercised a right of residence before IP completion day;
- (c) was ordinarily resident immediately before IP completion day—

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- (i) in the territory comprising Gibraltar, the European Economic Area and Switzerland;  
or
- (ii) in the United Kingdom, where that ordinary residence began after 31 December 2017 immediately following a period of ordinary residence in the territory comprising Gibraltar, the European Economic Area and Switzerland and has remained ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the period beginning on IP completion day and ending immediately before the relevant date;
- (d) is ordinarily resident in Wales on the relevant date;
- (e) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the three-year period preceding the relevant date; and
- (f) in a case where the person's ordinary residence referred to in paragraph (e) was wholly or mainly for the purposes of receiving full-time education, was ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (e).

(2) For the purposes of this paragraph, a person has exercised a right of residence if that person is a United Kingdom national, a family member of a United Kingdom national for the purposes of Article 7 of Directive 2004/38 (or corresponding purposes under the EEA Agreement or Swiss Agreement) or a person who had the right of permanent residence who in each case has exercised a right under Article 7 of Directive 2004/38 or any equivalent right under the EEA Agreement or Swiss Agreement in a state other than the United Kingdom or, in the case of a person who is settled in the United Kingdom and had the right of permanent residence, if the person has gone to the state within the territory comprising the European Economic Area and Switzerland of which the person is a national or of which the person in relation to whom the person is a family member is a national.

(3) For the purposes of sub-paragraph (2), a person had the right of permanent residence if they had a right which arose under Directive 2004/38 to reside permanently in the United Kingdom without restriction.]

#### Textual Amendments

**F41** Sch. 1 para. 8A inserted (31.12.2021) by [The Education \(European University Institute\) \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/1294\)](#), regs. 1(2), **11(10)**

#### Textual Amendments

**F34** Words in Sch. 1 para. 8(1)(b) inserted (31.12.2020) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1302\)](#), regs. 1(3), **7(3)(d)(i)**

**F35** Words in Sch. 1 para. 8(1)(d) inserted (31.12.2020) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1302\)](#), regs. 1(3), **7(3)(d)(ii)**

**F36** Words in Sch. 1 para. 8(1)(e) inserted (31.12.2020) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1302\)](#), regs. 1(3), **7(3)(d)(ii)**

**F37** Words in Sch. 1 para. 8(2) substituted (31.12.2020) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1302\)](#), regs. 1(3), **7(3)(d)(iii)(aa)**

**F38** Words in Sch. 1 para. 8(2) substituted (31.12.2020) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1302\)](#), regs. 1(3), **7(3)(d)(iii)(bb)**

**F39** Words in Sch. 1 para. 8(2) substituted (31.12.2020) by [The Education \(Student Finance\) \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1302\)](#), regs. 1(3), **7(3)(d)(iii)(cc)**

**Changes to legislation:** There are currently no known outstanding effects for the The Education (European University Institute) (Wales) Regulations 2014, PART 2. (See end of Document for details)

**F40** Sch. 1 para. 8(3) inserted (31.12.2020) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1302), regs. 1(3), **7(3)(d)(iv)**

**F41** Sch. 1 para. 8A inserted (31.12.2021) by The Education (European University Institute) (Wales) (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/1294), regs. 1(2), **11(10)**

**Commencement Information**

**I7** Sch. 1 para. 8 in force at 5.12.2014, see **reg. 1**

**EU nationals** [<sup>F42</sup>etc.]

<sup>F43</sup>9. ....

**Textual Amendments**

**F42** Word in Sch. 1 para. 9 heading inserted (31.12.2021) by The Education (European University Institute) (Wales) (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/1294), regs. 1(2), **11(11)**

**F43** Sch. 1 para. 9 omitted (22.2.2023) by virtue of The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2023 (S.I. 2023/87), regs. 1(2), **13(b)** (with reg. 2)

<sup>F44</sup>9A. ....

**Textual Amendments**

**F44** Sch. 1 para. 9A omitted (22.2.2023) by virtue of The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2023 (S.I. 2023/87), regs. 1(2), **13(b)** (with reg. 2)

**United Kingdom nationals**

[<sup>F45</sup>9B.—(1) A person—

- (a) who on the relevant date is—
  - (i) a United Kingdom national; or
  - (ii) a family member of a person mentioned in sub-paragraph (i);
- (b) who was ordinarily resident immediately before IP completion day—
  - (i) in the territory comprising the European Economic Area and Switzerland; or
  - (ii) in the United Kingdom, where that ordinary residence began after 31 December 2017 immediately following a period of ordinary residence in the territory comprising the European Economic Area and Switzerland,  
and has remained ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the period beginning on IP completion day and ending immediately before the relevant date;
- (c) who is ordinarily resident in Wales on the relevant date;
- (d) who has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the three-year period preceding the relevant date; and
- (e) subject to sub-paragraph (2), whose ordinary residence in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland has not during

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any part of the period referred to in paragraph (d) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (e) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland in accordance with paragraph 1(7).

(3) Where a person (“P”) falls within sub-paragraph (1)(a)(ii), the person in relation to whom P is a family member must also meet the requirements of sub-paragraph (1)(b) and (d).]

**Textual Amendments**

**F45** Sch. 1 para. 9B substituted (11.2.2022) by The Education (Eligibility for Student Support) (Amendment) (Wales) Regulations 2022 (S.I. 2022/49), regs. 2, 6 (with reg. 3)

<sup>F46</sup>**9BA.** . . . . .

**Textual Amendments**

**F46** Sch. 1 para. 9BA omitted (22.2.2023) by virtue of The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2023 (S.I. 2023/87), regs. 1(2), 13(b) (with reg. 2)

<sup>F47</sup>**9C.** . . . . .

**Textual Amendments**

**F47** Sch. 1 para. 9C omitted (22.2.2023) by virtue of The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2023 (S.I. 2023/87), regs. 1(2), 13(b) (with reg. 2)

**Textual Amendments**

**F45** Sch. 1 para. 9B substituted (11.2.2022) by The Education (Eligibility for Student Support) (Amendment) (Wales) Regulations 2022 (S.I. 2022/49), regs. 2, 6 (with reg. 3)

**F46** Sch. 1 para. 9BA omitted (22.2.2023) by virtue of The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2023 (S.I. 2023/87), regs. 1(2), 13(b) (with reg. 2)

**F47** Sch. 1 para. 9C omitted (22.2.2023) by virtue of The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2023 (S.I. 2023/87), regs. 1(2), 13(b) (with reg. 2)

**Persons resident in Gibraltar**

<sup>F48</sup>**9D.** . . . . .

**Textual Amendments**

**F48** Sch. 1 para. 9D omitted (22.2.2023) by virtue of The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2023 (S.I. 2023/87), regs. 1(2), 13(b) (with reg. 2)

**[<sup>F49</sup>EU nationals ordinarily resident in the United Kingdom and Islands]**

**10.** A person who—

- (a) on the relevant date, is an EU national <sup>F50</sup> ...;
- (b) is ordinarily resident in Wales on the relevant date;
- (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the relevant date; and
- (d) in a case where the person's ordinary residence referred to in sub-paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising [<sup>F51</sup>the United Kingdom, Gibraltar] the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in sub-paragraph (c).

#### Textual Amendments

- F49** Sch. 1 para. 10 heading inserted (31.12.2021) by The Education (European University Institute) (Wales) (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/1294), regs. 1(2), **11(13)**
- F50** Words in Sch. 1 para. 10(a) omitted (31.12.2020) by virtue of The Education (Student Finance) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1302), regs. 1(3), **7(3)(f)(i)**
- F51** Words in Sch. 1 para. 10(d) inserted (31.12.2020) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1302), regs. 1(3), **7(3)(f)(ii)**

#### Commencement Information

- I8** Sch. 1 para. 10 in force at 5.12.2014, see **reg. 1**

[<sup>F52</sup>**10A.** A person with protected rights who—

- (a) on the relevant date is an EU national;
- (b) is ordinarily resident in Wales on the relevant date;
- (c) has been ordinarily resident in the United Kingdom and Islands throughout the three-year period immediately preceding the relevant date; and
- (d) in a case where the person's ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland immediately prior to the period of ordinary residence referred to in paragraph (c).]

#### Textual Amendments

- F52** Sch. 1 para. 10A inserted (31.12.2021) by The Education (European University Institute) (Wales) (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/1294), regs. 1(2), **11(14)**

#### Children of Swiss nationals

[<sup>F53</sup>**11.**—(1) A person who—

- (a) on the relevant date, is the child of a Swiss national who is entitled to support from the Secretary of State by virtue of Article 3(6) of Annex 1 to the Swiss Agreement;
- (b) is ordinarily resident in Wales on the relevant date;
- (c) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the three-year period preceding the first day of the first academic year of the course; and

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- (d) in a case where the person's ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland immediately before the period of ordinary residence referred to in paragraph (c).

(2) Any description of person who would have been eligible under this paragraph immediately before implementation period completion day is to be eligible on and after implementation period completion day.]

#### Textual Amendments

**F53** Sch. 1 para. 11 substituted (31.12.2020) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1302), regs. 1(3), **7(3)(g)**

[<sup>F54</sup>**11A.** A person with protected rights who—

- (a) on the relevant date is the child of a Swiss national who is entitled to support in the United Kingdom by virtue of Article 18(2) of the Swiss citizens' rights agreement;
- (b) is ordinarily resident in Wales on the relevant date;
- (c) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland throughout the three-year period preceding the relevant date; and
- (d) in a case where the person's ordinary residence referred to in paragraph (c) was wholly or mainly for the purpose of receiving full-time education, was ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland immediately prior to the period of ordinary residence referred to in paragraph (c).]

#### Textual Amendments

**F54** Sch. 1 para. 11A inserted (31.12.2021) by The Education (European University Institute) (Wales) (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/1294), regs. 1(2), **11(15)**

### Children of Turkish workers

**12.** A person who—

- (a) on the relevant date, was the child of a Turkish worker;
- (b) is ordinarily resident in Wales on the relevant date; and
- (c) has been ordinarily resident in the territory comprising [<sup>F55</sup>the United Kingdom, Gibraltar,] the European Economic Area, Switzerland and Turkey throughout the three-year period preceding the first day of the first academic year of the course.

#### Textual Amendments

**F55** Words in Sch. 1 para. 12(c) inserted (31.12.2020) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1302), regs. 1(3), **7(3)(h)**

#### Commencement Information

**I9** Sch. 1 para. 12 in force at 5.12.2014, see **reg. 1**



[<sup>F56</sup>12A. A person who—

- (a) is the child of a Turkish worker (“T”), where T was ordinarily resident in the United Kingdom immediately before IP completion day;
- (b) immediately before IP completion day—
  - (i) was the child of T; and
  - (ii) was ordinarily resident in the United Kingdom;
- (c) is ordinarily resident in Wales on the relevant date; and
- (d) has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area, Switzerland and Turkey throughout the three-year period preceding the first day of the first academic year of the course.]

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**Textual Amendments**

**F56** Sch. 1 para. 12A inserted (31.12.2021) by The Education (European University Institute) (Wales) (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/1294), regs. 1(2), **11(16)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Education (European University Institute) (Wales) Regulations 2014, PART 2.