WELSH STATUTORY INSTRUMENTS

2021 No. 9

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

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.

(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

(**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)).

      (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. 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).