

SCHEDULES

SCHEDULE 2

Categories of eligible student

[^{F1}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 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, 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 a protected child,
- (b) on the leave application date was—
 - (i) under 18 years old, and
 - (ii) was the child of a person granted leave to enter or remain as a protected person, or, as the case may be, the child of a person who was the spouse or civil partner of the person granted leave to enter or remain as a protected person on that date (by virtue of humanitarian protection under paragraph 339C of the immigration rules, stateless leave under the immigration rules or section 67 of the Immigration Act 2016 and the immigration rules, as the case may be),
- (c) is ordinarily resident in the United Kingdom and Islands and has not ceased to be so since being granted leave to enter or 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—

- (a) “leave application date” means the date on which a person (“P”) made an application for leave to enter or remain in the United Kingdom that results in P becoming a person granted leave to enter or remain as a protected person,
- (b) “leave to enter or remain as a protected person” means—
 - (i) a person granted humanitarian protection,
 - (ii) a person granted stateless leave,

Status: Point in time view as at 06/07/2023. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018, Paragraph 22A. (See end of Document for details)

- (iii) a person with section 67 leave to remain, ^{F2}...
- (iv) a person with Calais leave, [^{F3}or]
- [^{F4}(v) a person with leave to enter or remain as a relevant Afghan citizen,]
- (c) “person granted humanitarian protection” means a person with extant leave to enter or remain on the grounds of humanitarian protection under paragraph 339C of the immigration rules,
- (d) “person granted stateless leave” means a person with extant leave to remain on the grounds of stateless leave under the immigration rules,
- (e) “person with Calais leave” means a person with extant leave to remain under paragraphs 352J, 352K, 352L or 352T of the immigration rules (Calais leave and “leave in line” granted by virtue of being a dependent child of a person granted Calais leave),
- [^{F5}(ea) “person with leave to enter or remain as a relevant Afghan citizen” means a person granted—
 - [^{F6}(i) indefinite leave to enter the United Kingdom under paragraph 276BA2 of the immigration rules or indefinite leave to remain in the United Kingdom under paragraph 276BS2 of the immigration rules,]
[leave to enter or indefinite leave to enter the United Kingdom under paragraph ^{F7}(ia) 276BJ2 or 276BO2 of the immigration rules or paragraph ARAP 16.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules,
 - (ib) indefinite leave to enter the United Kingdom under paragraph ARAP 6.1 of Appendix Afghan Relocation and Assistance Policy of the immigration rules or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.2 of that Appendix of the immigration rules,]
 - (ii) leave to enter or indefinite leave to enter or remain in the United Kingdom outside the immigration rules on the basis of the Afghan Relocations and Assistance Policy Scheme,
 - (iii) indefinite leave to enter or remain in the United Kingdom outside the immigration rules on the basis of the Afghan Citizens Resettlement Scheme, or
 - (iv) indefinite leave to enter or remain in the United Kingdom outside the immigration rules as the spouse, civil partner or dependent child of a person falling into paragraph (iii) or dependent child of such a spouse or civil partner,]
- (f) “person with section 67 leave to remain” means a person with extant leave to remain under section 67 of the Immigration Act 2016 and in accordance with the immigration rules,
- (g) “protected child” means—
 - (i) a child of—
 - (aa) a person granted humanitarian protection,
 - (ab) a person granted stateless leave, or
 - (ac) a person with section 67 leave to remain, or
 - (ii) a child of the spouse or civil partner of—
 - (aa) a person granted humanitarian protection, or
 - (ab) a person granted stateless leave,
- (h) “protected spouse or civil partner” means a spouse or civil partner of—
 - (i) a person granted humanitarian protection, or
 - (ii) a person granted stateless leave.]

Textual Amendments

- F1** Sch. 2 para. 2ZA substituted (with application in accordance with reg. 2 of the amending S.I.) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2021 (S.I. 2021/481), regs. 1(2), **130**
- F2** Word in Sch. 2 para. 2ZA(4)(b)(iii) omitted (with application in accordance with reg. 2 of the amending S.I.) by virtue of The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2022 (S.I. 2022/79), regs. 1(2), **38(a)(i)**
- F3** Word in Sch. 2 para. 2ZA(4)(b) inserted (with application in accordance with reg. 2 of the amending S.I.) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2022 (S.I. 2022/79), regs. 1(2), **38(a)(i)**
- F4** Sch. 2 para. 2ZA(4)(b)(v) inserted (with application in accordance with reg. 2 of the amending S.I.) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2022 (S.I. 2022/79), regs. 1(2), **38(a)(ii)**
- F5** Sch. 2 para. 2ZA(4)(ea) inserted (with application in accordance with reg. 2 of the amending S.I.) by The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2022 (S.I. 2022/79), regs. 1(2), **38(b)**
- F6** Sch. 2 para. 2ZA(4)(ea)(i) substituted (6.7.2023) by The Education (Student Finance) (Miscellaneous Amendments) (No. 2) (Wales) Regulations 2023 (S.I. 2023/633), regs. 1(2), **14(a)**
- F7** Sch. 2 para. 2ZA(4)(ea)(ia)(ib) inserted (6.7.2023) by The Education (Student Finance) (Miscellaneous Amendments) (No. 2) (Wales) Regulations 2023 (S.I. 2023/633), regs. 1(2), **14(b)**

Status:

Point in time view as at 06/07/2023. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the The Education (Student Support) (Wales) Regulations 2018, Paragraph 2ZA.