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WELSH STATUTORY INSTRUMENTS

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**2018 No. 814**

**The Education (Student Finance) (Miscellaneous  
Amendments) (Wales) Regulations 2018**

**PART 2**

**AMENDMENTS TO THE EDUCATION (STUDENT  
SUPPORT) (WALES) REGULATIONS 2018**

**Amendments to the Education (Student Support) (Wales) Regulations 2018**

**16.** In Schedule 2—

- (a) after paragraph 2 (category 2 - refugees and their family members) insert—

**“Category 2A - Persons granted stateless leave and their family members**

**2A.—(1)** A person granted stateless leave who—

- (a) is ordinarily resident in Wales on the first day of the first academic year of the course, and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the three year period preceding the first day of the first academic year of the course.

**(2)** A person—

- (a) who—
- (i) is the spouse or civil partner of a person granted stateless leave, and
- (ii) on the leave application date, was the spouse or civil partner of a person granted stateless leave,
- (b) who is ordinarily resident in Wales on the first day of the first academic year of the course, and
- (c) who has been ordinarily resident in the United Kingdom and Islands throughout the three year period preceding the first day of the first academic year of the course.

**(3)** A person—

- (a) who—
- (i) is the child of a person granted stateless leave or the child of the spouse or civil partner of a person granted stateless leave, and
- (ii) on the leave application date, was the child of a person granted stateless leave or the child of a person who, on the leave application date, was the spouse or civil partner of a person granted stateless leave,
- (b) who was under 18 on the leave application date,

- (c) who is ordinarily resident in Wales on the first day of the first academic year of the course, and
  - (d) who has been ordinarily resident in the United Kingdom and Islands throughout the three year period preceding the first day of the first academic year of the course.
- (4) In this paragraph—
- (a) “leave application date” (“*dyddiad y cais i gael caniatâd i aros*”) means the date on which a person granted stateless leave made an application to remain in the United Kingdom as a stateless person under the immigration rules,
  - (b) “person granted stateless leave” (“*person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth*”) means a person who—
    - (i) has extant leave to remain as a stateless person under the immigration rules, and
    - (ii) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave.”;
- (b) in paragraph 3 (category 3 – persons with leave to enter or remain and their family members)—
- (i) for sub-paragraph (2)(b) substitute—
    - “(b) who was the spouse or civil partner of the person with leave to enter or remain on the leave application date.”;
  - (ii) for sub-paragraph (3)(b) substitute—
    - “(b) who, on the leave application date, was under 18 years old and 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.”;
  - (iii) for sub-paragraph (4)(a) and (b) substitute—
    - “(a) who has—
      - (i) applied for refugee status but has, as a result of that application, been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although P is considered not to qualify for recognition as a refugee it is thought right to allow P to enter or remain in the United Kingdom on the grounds of humanitarian protection or discretionary leave, and who has been granted leave to enter or remain accordingly,
      - (ii) not applied for refugee status but has been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that it is thought right to allow P to enter or remain in the United Kingdom on the grounds of discretionary leave, and who has been granted leave to enter or remain accordingly,
      - (iii) been granted leave to remain on the grounds of private life under the immigration rules,
      - (iv) been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although P is not considered to qualify for leave to remain on the grounds of private life under the immigration rules, P has been granted leave

to remain outside the rules<sup>(1)</sup> on the grounds of Article 8 of the European Convention on Human Rights,”; and

(iv) after sub-paragraph (4) insert—

“(5) 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.”; and

(c) in paragraph 11, in the appropriate place insert—

““immigration rules” (“*rheolau mewnfudo*”) means the rules laid before Parliament by the Secretary of State under section 3(2) of the Immigration Act 1971<sup>(2)</sup>.”

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(1) Paragraph 276BE(2) of the immigration rules refers.

(2) 1971 c. 77.