
WELSH STATUTORY INSTRUMENTS

2021 No. 1294

**The Education (European University Institute)
(Wales) (Amendment) (EU Exit) Regulations 2021**

Amendment of the Education (European University Institute) (Wales) Regulations 2014

5. In regulation 6 (eligible students)—

(a) in paragraph (2)—

(i) for “paragraph” substitute “paragraphs (2B) and”;

(ii) for sub-paragraph (b) substitute—

“(b) the Welsh Ministers determine in connection with an application for support under these Regulations that the person falls within one of the categories set out—

(i) in paragraphs 2A, 4, 6A, 7, 8A, 9A, 9B, 9BA, 9C, 9D, 10A, 11A and 12A in Part 2 of Schedule 1, or

(ii) in paragraphs 6, 7, 8, 9, 10, 11 and 12 in Part 2 of Schedule 1, where paragraph (2A) applies.

(2A) This paragraph applies where—

(a) in connection with a designated course beginning before 1 September 2022, the Welsh Ministers, in assessing an application for support by a person (“A”), determined that A fell within one of the categories set out in paragraphs 6, 7, 8, 9, 10, 11 and 12 in Part 2 of Schedule 1 in relation to an academic year of the course beginning before 1 September 2022; and

(b) A applies for support in connection with that course, or a designated course to which A’s status as an eligible student is transferred from that course in accordance with this Part.

(2B) In connection with a designated course beginning on or after 1 January 2028, paragraph (2)(b) has effect as if it did not mention paragraphs 8A, 9B, 9BA and 9D.”;

(b) in paragraph (8), for “(9) and (10)” insert “(2B) and (9) to (10D)”;

(c) after paragraph (10A) insert—

“(10B) Where—

(a) the Welsh Ministers determined that, by virtue of being a person with protected rights with limited leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules, a person (“A”) was an eligible student in connection with—

(i) an application for support for an earlier year of the current course; or

(ii) an application for support in connection with a designated course at the Institute from which A’s status as an eligible student has been transferred to the current course; and

- (b) as at the day before the academic year in respect of which A is applying for support begins, A no longer has extant limited leave to enter or remain granted by virtue of residence scheme immigration rules and no further leave to enter or remain has been granted under those rules,

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

(10C) Where—

- (a) the Welsh Ministers determined that, by virtue of being a person with Calais leave, a person (“A”) 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 a person with Calais leave 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,

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.

(10D) Where—

- (a) the Welsh Ministers determined that, by virtue of being a person granted leave to remain as a protected partner or the child of such a person (“A”) 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 a person granted leave to remain as a protected partner 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.

(10E) Where—

- (a) the Welsh Ministers have determined that, by virtue of—
 - (i) falling within paragraph (a)(iii), (iv) or (v) of the definition of “person with protected rights”; or
 - (ii) meeting the conditions in paragraph 3(1)(a)(iii) or (iv) in Part 2 of Schedule 1,

A person (“A”) is an eligible student in connection with an application for support for an academic year of a designated course; and

- (b) as at the day before the academic year begins, A is not a person with protected rights,

(1) 2002 c. 41. Section 104 was amended by the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), Schedules 2 and 4; the Immigration, Asylum and Nationality Act 2006 (c. 13), section 9; S.I. 2010/21 and the Immigration Act 2014 (c. 22), Schedule 9.

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