
WELSH STATUTORY INSTRUMENTS

2021 No. 481

The Education (Student Finance) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2021

PART 6

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

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

120. After regulation 23A insert—

“Persons who cease to have Calais leave

23B.—(1) This regulation applies where—

- (a) a person (“P”) was an eligible student as a result of being a person with Calais leave (see Schedule 2, paragraph 2ZA) in connection with an application for support—
 - (i) for an earlier year of the present course,
 - (ii) for a full-time course in relation to which the present course is a full-time end-on course, or
 - (iii) for a course from which P’s status as an eligible student has been transferred to the present course under regulation 28 or paragraph 7 of Schedule 5, and
- (b) as at the end of the day before the first day of the academic year in respect of which P is applying for support, the period for which P is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted.

(2) Where this regulation applies, P’s status as an eligible student terminates immediately before the first day of the academic year in respect of which P is applying for support.

Persons who cease to have leave to remain as a protected partner

23C.—(1) This regulation applies where—

- (a) a person (“P”) was an eligible student as a result of being a person granted leave to remain as a protected partner—
 - (i) for an earlier year of the present course,
 - (ii) for a full-time course in relation to which the present course is a full-time end-on course, or
 - (iii) for a course from which P’s status as an eligible student has been transferred to the present course under regulation 28 or paragraph 7 of Schedule 5, and

- (b) as at the end of the day before the first day of the academic year in respect of which P is applying for support, the period for which—
 - (i) P, or
 - (ii) the person who, as a result of being a person granted leave to remain as a protected partner, caused P to be an eligible student,

is allowed to stay in the United Kingdom has expired and no further leave to remain as been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002).

(2) Where this regulation applies, P’s status as an eligible student terminates immediately before the first day of the academic year in respect of which P is applying for support.

Persons who cease to have leave to remain under residence scheme immigration rules

23D.—(1) This regulation applies where—

- (a) 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 (“P”) was an eligible student in connection with an application for support for—
 - (i) an earlier year of the current course,
 - (ii) a full-time course in relation to which the present course is a full-time end on course, or
 - (iii) a course from which P’s status has been transferred to the present course under regulation 28 or paragraph 7 of Schedule 5, and
- (b) as at the end of the day before the first day of the academic year in respect of which P is applying for support, P 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.

(2) Where this regulation applies, P’s status as an eligible student terminates immediately before the first day of the academic year in respect of which P is applying for support.

23E. Where—

- (a) the Welsh Ministers have determined that, by virtue of—
 - (i) falling within paragraph (a)(iii) or (iv) of the definition of “person with protected rights”, or
 - (ii) meeting the conditions in paragraph 1(2)(a)(iii) or (iv) of Schedule 2,a person (“P”) 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 first day of the academic year, P is not a person with protected rights,
P’s status as an eligible student terminates immediately before the first day of the academic year in respect of which P is applying for support.”