
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

130. In Schedule 2, for paragraph 2ZA substitute—

“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,
 - (iii) a person with section 67 leave to remain, or
 - (iv) a person with Calais leave,
 - (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),
 - (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.”