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WELSH STATUTORY INSTRUMENTS

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**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**

**149.** In Schedule 4, after paragraph 13A insert—

**“Person who ceases to have Calais leave**

**13B.**—(1) This paragraph applies where—

- (a) a person (“P”) was an eligible postgraduate student by reason of them being a person with Calais leave (see Schedule 2, paragraph 2ZA) in connection with an application for a disabled postgraduate student’s grant—
  - (i) for an earlier year of the present postgraduate course, or
  - (ii) in connection with a course from which P’s status as an eligible postgraduate student has been transferred to the present postgraduate course under paragraph 15, 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 a disabled postgraduate student’s grant, 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 paragraph applies, P’s status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which P is applying for a disabled postgraduate student’s grant.

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

**13C.**—(1) This paragraph applies where—

- (a) a person (“P”) was an eligible postgraduate student by reason of them being a person granted leave to remain as protected partner (see Schedule 2, paragraph 2ZB) in connection with an application for a disabled postgraduate student’s grant—
  - (i) for an earlier year of the present postgraduate course, or
  - (ii) in connection with a course from which P’s status as an eligible postgraduate student has been transferred to the present postgraduate course under paragraph 15, 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 a disabled postgraduate student's grant, 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 has been granted and no appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002).

(2) Where this paragraph applies, P's status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which P is applying for a disabled postgraduate student's grant.

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

**13D.**—(1) This paragraph 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 a disabled postgraduate student's grant—
  - (i) for an earlier year of the present postgraduate course, or
  - (ii) in connection with a course from which P's status has been transferred to the present postgraduate course under paragraph 15, 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 a disabled postgraduate student's grant P no longer has extant limited leave to enter or remain granted by virtue of residence scheme immigration rules, and no further leave to remain has been granted under those rules.

(2) Where this paragraph applies, P's status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which P is applying for a disabled postgraduate student's grant.

**13E.** 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 postgraduate student in connection with an application for a disabled postgraduate student's grant for an academic year of a designated postgraduate 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 postgraduate student terminates immediately before the first day of the academic year in respect of which P is applying for support."