
WELSH STATUTORY INSTRUMENTS

2021 No. 9

**The Education (Student Fees, Awards and Support)
(Ordinary Residence) (Wales) Regulations 2021**

PART 3

**AMENDMENTS TO THE EDUCATION (EUROPEAN
UNIVERSITY INSTITUTE) (WALES) REGULATIONS 2014**

Amendments to the Education (European University Institute) (Wales) Regulations 2014

5. The Education (European University Institute) (Wales) Regulations 2014⁽¹⁾ are amended in accordance with regulations 6 to 11.

6. In regulation 3, in the definition of “person with leave to enter or remain”, in paragraph (a) (i), omit “humanitarian protection or”.

7. After regulation 6(9A) insert—

“(9B) Where—

(a) the Welsh Ministers determined that, by virtue of being a person granted humanitarian protection under paragraph 339C of the immigration rules or the spouse, civil partner, child or step-child of such a person, a person (“A” in this paragraph) 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 the person granted humanitarian protection under paragraph 339C of the immigration rules 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⁽²⁾,

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.”

8. In regulation 6(11), after “(9A),” insert “(9B),”.

9. In Schedule 1, after paragraph 4 (refugees) insert—

(1) S.I. 2014/3037 (W. 303), amended by S.I. 2016/211 (W. 84); S.I. 2018/814 (W. 165); S.I. 2019/235 (W. 54); S.I. 2019/1192 (W. 209); and S.I. 2020/1302 (W. 287) (as from IP completion day, as defined by the European Union (Withdrawal Agreement) Act 2020 (c. 1), section 39(1) to (5)).

(2) 2002 c. 41.

“Protected persons and their family members

- 4ZA.**—(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 the person was 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 the spouse or civil partner of a person granted leave to enter or remain as a protected person;
 - (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; and
 - (c) is ordinarily resident in Wales on the first day of the first academic year of the course.
- (3) A person—
- (a) who—
 - (i) is the child of a person granted leave to enter or remain as a protected person, or the child of the spouse or civil partner of a person granted leave to enter or remain as a protected person; and
 - (ii) on the leave application date, was the child of a person granted leave to enter or remain as a protected person or the child of a person who, on the leave application date, was the spouse or civil partner of a person granted leave to enter or remain as a protected person;
 - (b) who was under 18 on the leave application date; and
 - (c) who 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 made an application for leave to enter or remain in the United Kingdom that results in a person becoming a person granted leave to enter or remain as a protected person;
 - (b) “person granted leave to enter or remain as a protected person” means a person who has extant leave to enter or remain on the grounds of humanitarian protection under paragraph 339C of the immigration rules.”

10. In Schedule 1, in paragraph 4A (persons granted stateless leave and their family members)—

- (a) for sub-paragraph (1) substitute—

“(1) A person granted stateless leave who is ordinarily resident in Wales on the first day of the first academic year of the course.”;
- (b) at the end of sub-paragraph (2)(a)(ii) insert “and”;
- (c) at the end of sub-paragraph (2)(b) for “; and” substitute a full stop;
- (d) omit sub-paragraph (2)(c);
- (e) at the end of sub-paragraph (3)(b) insert “and”;
- (f) at the end of sub-paragraph (3)(c) for “; and” substitute a full stop;
- (g) omit sub-paragraph (3)(d).

- 11.** In Schedule 1, in paragraph 5A (persons with section 67 leave to remain)—
- (a) at the end of sub-paragraph (1)(a) insert “and”;
 - (b) at the end of sub-paragraph (1)(b) for “; and” substitute a full stop;
 - (c) omit sub-paragraph (1)(c);
 - (d) at the end of sub-paragraph (2)(b) insert “and”;
 - (e) at the end of sub-paragraph (2)(c) for “; and” substitute a full stop;
 - (f) omit sub-paragraph (2)(d).