



Llywodraeth Cymru
Welsh Government

Student Finance Wales Information Notice:

Education Maintenance Allowance (EMA) Scheme and Welsh Government Learning Grant (Further Education) (WGLG (FE)) Schemes for Academic Year 2021/22

SFWIN 06/2021

This Information Notice provides details of the means-tested EMA and WGLG (FE) schemes for academic year 2021/22. Please ensure that the SFWIN is circulated to all staff and colleagues who help to administer the schemes.

The awards and income thresholds for the means-tested EMA and WGLG (FE) schemes have been maintained for academic year 2021/22.

The EMA and WGLG (FE) schemes for 2021/22 will be available on the Welsh Government's [funding and finance for students](#) webpage.

Application Forms

Bilingual EMA and WGLG (FE) application packs for academic year 2021/22 have been issued to registered learning centres. The forms are also available to download from the [Student Finance Wales](#) website.

The SFW bilingual customer service can be contacted on 0300 200 4050 and information about eligibility and entitlement is also available via the SFW website.

Residency Categories

EU Exit Changes

As a result of the UK's withdrawal from the European Union (EU), a number of important changes to the eligibility categories have been made.

The new eligibility categories will apply to new students starting courses in the 2021/22 academic year. Some categories will remain unchanged or are unaffected by withdrawal from the EU.

Eligible returning students, who have started their course(s) before the 2021/22 academic year, will continue to be eligible for support (and home fee status) for the duration of their course, if they continue to meet the existing eligibility criteria. Students may transfer courses during this period. However, should they withdraw from or abandon their course and return in a future year they will need to meet the eligibility criteria published at that time.

The EU Exit changes and categories included in the EMA and WGLG (FE) schemes for 2021/22 are similar to the HE undergraduate student support regulations. Similar changes will be found in the Financial Contingency Fund Scheme for 2021/22.

Calais leave and those with leave as a result of domestic violence or as a bereaved partner

The EMA and WGLG (FE) schemes have been amended to widen eligibility for vulnerable groups. These new categories are unrelated to the EU exit changes above. Persons granted Calais leave, leave to remain as a victim of domestic violence or leave to remain as a bereaved partner, will be eligible for support. These categories will not need to satisfy three years ordinary residency in the UK, they must however be resident in the UK and be ordinarily resident in Wales on the first day of their course. They will also need to meet all other eligibility criteria. Similar changes will be found in the Financial Contingency Fund (Further Education) Scheme for 2021/22. These categories have been included the HE student support regulations.

Further information about the category changes in the EMA and WGLG (FE) schemes is set in the [Annex](#) below. We have also previously published [Information Notice 01/2021](#) and [Information Notice 03/2021](#) detailing the EU Exit changes for HE student support.

Matters of residency and immigration are complex and if applicants require advice when completing their EMA or WGLG (FE) application form they should refer to the application notes or contact the SFW service. However, SFW will only be able to determine eligibility and entitlement following receipt of a fully completed application with appropriate supporting evidence.

The EMA and WGLG (FE) application and guidance notes for academic year 2021/22 have been updated to include these new residency changes and categories.

Covid-19 Arrangements – Attendance, Backdated EMA Payments and Signing Learning Agreements

The discretionary arrangements introduced in response to managing the COVID-19 situation will be maintained for the 2021/22 academic year. Details can be found in [Information Notice \(04/2020\)](#) published last year.

Enquiries

If you have any queries about EMA and/or WGLG (FE) or this Information Notice, please contact the Higher Education Division, Welsh Government - email studentfinancedivision@gov.wales. We welcome correspondence in Welsh or English.

Large print, Braille and alternate language versions of this document are available on request. A copy of this Information Notice can be downloaded in Welsh or English.

Annex

Changes to the Eligible Student Categories at Part 2, the Schedules in EMA and WGLG (FE) schemes for 2021/22

Persons who are settled in the United Kingdom

Paragraph 3 has been added and provides for Irish Citizens and family members of a relevant person of Northern Ireland.

Irish citizens will be eligible for support under the schemes if resident in Wales and if they have lived in the UK and Islands for three years before the start of their course(s).

Refugees and family members

No change.

Protected persons and their family members

Paragraph 5 merges a number of existing and new categories. Leave to enter or remain as a protected person means:

- granted leave to enter or remain on the grounds of humanitarian protection under paragraph 339C of the immigration rules; or
- granted stateless leave; or
- with section 67 leave to remain; or
- with Calais leave.

Calais leave is a new category for 2021/22.

Under Paragraph 5 a person is not required to satisfy the standard three years ordinary residency period in the UK. They must, however, be living in Wales. This aligns with refugees.

Persons granted leave to remain as a protected partner and their children

Paragraph 6 is a new eligibility category. This category provides for a person:

- granted leave to remain in the UK as a victim of domestic violence or abuse or a dependent child of someone who has been.

Under Paragraph 6 a person is not required to satisfy the standard three years ordinary residency period in the UK. They must, however, be living in Wales.

Persons with leave to enter or remain and their family members

Paragraph 7 has previously included those under Paragraph 5 (except for the new category for Calais leave).

However, Paragraph 7 continues to provide for a person:

- granted discretionary leave; or
- granted leave to remain on the grounds of private or family life under the immigration rules; or
- is not considered to qualify for leave to remain on the grounds of private or family life under the immigration rules, that person has been granted leave to remain outside the rules on the grounds of Article 8 of the European Convention on Human Rights.

Workers, employed persons, self-employed persons and their family members

Paragraphs 8 and 10 apply to continuing students who started their course(s) prior to academic year 2021/22.

Paragraphs 9 and 11 have been added for those starting a course in the 2021/22 academic year. Workers, employed persons, self-employed persons and their family members with protected rights:

- Workers, employed person, self-employed person and their family members who are covered by the Withdrawal Agreements and have been granted pre-settled status under the EU Settlement Scheme can access student finance under paragraph 9.
- a description of a person in sub-paragraph (1)(a)(i) (of the new paragraph 9 is to be read as if it includes a relevant person of Northern Ireland who would, if that person were an EEA national or solely an EEA national, be an EEA migrant worker or an EEA self-employed person.
- Must be ordinarily resident in Wales on the first day of the first academic year of the course; and has been ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the EEA and Switzerland throughout the three-year period preceding the first day of the first academic year of the course.

Persons who are settled in the United Kingdom and have exercised a right of residence elsewhere

Paragraph 12 applies to continuing students who started their course(s) prior to academic year 2021/22.

Paragraph 13 has been added for new students starting a course in the 2021/22 academic year:

- paragraph 13 will provide support for those starting a course and where the applicant has exercised a right of residence in the

EEA/Switzerland by the end of the transition period and where, on 31 December 2020 (IP date), the applicant was ordinarily resident either:

- in the EEA, Switzerland or Gibraltar, or
- in the UK, having moved back to the UK from the EEA/Switzerland/Gibraltar on or after 1 January 2018.
- Where a settled person moves from the UK to the EEA or Switzerland after the end of the transition period, they are not exercising a right of residence and will not be eligible under this category.

The applicant must have exercised a right of residence in the EEA or Switzerland before the end of the transition period. However, they can spend part of the three-year ordinary residence period in the UK and Gibraltar. They must have remained resident in the UK, Gibraltar, EEA or Switzerland throughout the period beginning on 31 December 2020 and ending immediately before the first day of the first AY of the course.

United Kingdom nationals

Paragraph 14 is a new category added to provide for UK nationals who were:

- resident in the EEA or Switzerland before the end of the transition period, and
- resident in the UK, Gibraltar, the EEA and Switzerland for three years prior to the first day of the first AY of the course.

Note: Support will also be available to non-UK national family members of UK nationals, where:

- both the UK national and the family member were resident in the EEA or Switzerland by 31 December 2020, i.e. on 31 December 2020, or before 31 December 2020, as long as they returned to the UK on or after 1 January 2018, and both the UK national and the family member were ordinarily resident in the UK, Gibraltar, EEA and Switzerland for three years prior to the first day of the first AY of the course.

Note: where a non-UK national family member of a UK national moved from the EEA or Switzerland to the UK within three years of 31 December 2020 (i.e. on or after 1 January 2018) they may be eligible for support under this paragraph.

EU nationals ordinarily resident in the United Kingdom and Islands

Paragraph 15 applies to continuing students who started their course(s) prior to academic year 2021/22.

Paragraph 16 is added and provides for new students who start their course in the 2021/22 academic year. Provides for EU nationals and their family members with protected rights who are granted pre-settled (or settled*) status under the EU Settlement Scheme, Irish nationals and their family members (who have protected rights but are not required to apply to the EU Settlement Scheme) and family members of People of Northern Ireland living in the UK by 31 December 2020, to apply for fee support.

*Those who are granted settled status under the EU Settlement Scheme will normally be a settled person for the purposes of the schemes if they have three years of residence in the UK and Islands.

Children of Swiss nationals

Paragraph 17 applies to continuing students who started a course prior to AY 2021/22.

Paragraph 18 has been added for new students starting a course in AY 2021/22. This applies to Children of Swiss nationals within scope of the Swiss citizens' rights agreement.

Children of Turkish workers

Paragraph 19 applies to continuing students who started their course prior to academic year 2021/22.

Paragraph 20 has been added for new students starting a course in the 2021/22 academic year. To qualify as a child of a Turkish worker the

worker must have been ordinarily resident in the United Kingdom by 31 December 2020.

Temporary Protection (EMA only)

No Change.

Where an applicant to the EU Settlement Scheme (EUSS) applies after the cut-off date of 30 June 2021 and the Home Office applies their discretion and processes the application, any period of unlawful residence in the UK from 1 July 2021 until the date of award of pre-settled or settled status can be disregarded for the purposes of considering the three-year ordinary residence requirement. In practice, this means that SFW can count the period of unlawful residence as part of the three-year lawful residence period. The Home Office can also exercise its discretion to accept an application after the pre-settled status expiry date – in that case, any period of unlawful residence in the UK following the date of expiry of pre-settled status until the date of award of settled status can be disregarded.

Applicants to the EU Settlement Scheme will be awarded:

- **settled status** (i.e. indefinite leave to remain) if they have the requisite minimum of five years of continuous lawful residence in the UK, or
- **pre-settled status** (i.e. limited leave to remain) if they have a shorter period of UK residence (any period of lawful residence of less than five continuous years). After five years of continuous lawful residence in the UK they can apply to change this status to settled status and must do so before the pre-settled status expires (unless Home Office discretion is applied).