



Llywodraeth Cymru
Welsh Government

Student Finance Wales Information Notice

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Amendments to the ordinary residence requirements for persons with protected forms of leave to enter or remain in the UK

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Introduction

The Welsh Government is taking a series of measures to improve eligibility for student support and home fee status among those in protection-based immigration categories.

It is normally the case that to be eligible for student support and home fee status an individual must be ordinarily resident in the UK and Islands for three years prior to the first day of the first academic year of the course. This requirement is longstanding and ensures that scarce public resources are targeted toward those most likely to make a contribution to society and the economy.

The most notable exception to this are refugees, who do not have to meet this criteria. This recognises their unique position in requiring protection and ensures that they are able to begin to build a life in Wales.

The Welsh Government has now determined that those in a number of similar protection-based categories should also be eligible without acquiring three years' ordinary residence. This will apply to:

- persons granted humanitarian protection;
- persons granted leave as a stateless person;
- persons granted leave under section 67 of the Immigration Act 2016; and
- persons granted Calais leave.

In addition, recognising the difficult personal circumstances and the possibility that they may not be able to demonstrate three years' ordinary residence for reasons outside their control, the Welsh Government will remove this criteria for those with leave to remain as a result of bereavement or domestic violence.

The Welsh Government has decided to introduce these changes as quickly as possible.

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

The Education (Student Fees, Awards and Support) (Ordinary Residence) (Wales) Regulations 2021 ('the Regulations') make amendments to the regulations listed below:

- the Education (Fees and Awards) (Wales) Regulations 2007;
- the Education (European University Institute) (Wales) Regulations 2014;

- the Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015;
- the Education (Student Support) (Wales) Regulations 2017;
- the Education (Postgraduate Master's Degrees Loans) (Wales) Regulations 2017;
- the Education (Student Support) (Wales) Regulations 2018;
- the Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018; and
- the Education (Student Support) (Postgraduate Master's Degrees) (Wales) Regulations 2019.

The purpose of the Regulations is to remove the three years' ORR present in the above Welsh regulations for certain categories of student:

- persons granted humanitarian protection;
- persons granted leave as a stateless person; and
- persons granted leave under section 67 of the Immigration Act 2016.

The requirement is also removed for certain relevant family members. The Regulations are due to come into force on 28 January 2021.

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

Further amendments will be made to student support and associated regulations to widen eligibility for vulnerable groups. The Welsh Government will make persons granted Calais leave eligible for student support and home fee status. The three year ORR will not apply.

In addition, persons who have been granted leave to remain as a victim of domestic violence and persons who have been granted leave to remain as a bereaved partner, who are already eligible under the regulations, will no longer need to meet the three years' ORR. This recognises the fact that those in this situation may not be able to evidence three years' ORR due to circumstances outside their control.

This is subject to regulations being made. Amending regulations are due to be made early in the spring of 2021 and will apply to the 2021/22 academic year.