

Statutory Instruments with Clear Reports

25 January 2021

SL(5)717 – The Education (Student Fees, Awards and Support) (Ordinary Residence) (Wales) Regulations 2021

Procedure: Negative

These Regulations make amendments to the regulations listed below. These amendments concern ordinary residence requirements in those regulations and aim to ensure that persons who have been granted humanitarian protection, leave to remain as a stateless person or granted leave under section 67 of the Immigration Act 2016 are treated in the same manner as those who have been granted refugee status:

- 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 amendments will remove the three year ordinary residence requirement ("ORR") for these categories of student. In relation to eligibility for student support, this is the requirement that a person be ordinarily resident in the United Kingdom for three years preceding the first day of the first academic year of their course. The three year ORR is to be removed for those with a protection-based form of leave to enter or remain in the UK. As a result, these categories of student will be treated in the same way that refugees are treated for the purposes of student support. Currently, refugees do not need to satisfy a three year ORR prior to the start of their course.

Parent Act: Education (Fees and Awards) Act 1983, Teaching and Higher Education Act 1998, Higher Education (Wales) Act 2015

Date Made: 06 January 2021

Date Laid: 07 January 2021

Coming into force date: 28 January 2021

