

Vikki Howells AS/MS
Y Gweinidog Addysg Bellach ac Uwch
Minister for Further and Higher Education



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-06-1486
Ein cyf/Our ref VH/10148/24

Carolyn Thomas MS
Chair – Petitions committee

03 January 2025

Dear Carolyn,

Thank you for your letter of 9 December regarding '*Petition P-06-1486 Grant BN(O) Hong Kong students home fee status after three years of residence*' in which you express concerns about the timescale for the review of eligibility of British National (Overseas) visa holders from Hong Kong.

Developing policy and legislation on student support and fee protections is complex and timing is important. The Welsh Government has committed to review the position of these visa holders ahead of the 2026/27 academic year. I expect this review to conclude in the first half of 2025 in advance of legislation being prepared for the following academic year.

When the Welsh Government extends fee protections to any particular group, changes must be made in good time. We cannot reasonably expect higher education institutions in Wales to adopt changed policy on fee charging late in their preparations and admissions cycle for a new academic year.

The same is true when the Welsh Government extends eligibility for student support. The Student Loans Company launches its Student Finance Wales service several months ahead of the academic year to ensure students have ample time to apply for support and to understand their financial position, and to enable the many tens of thousands of applications to be processed. So that this can happen, the Welsh Government must make any amending legislation well in advance. That process is now approaching its conclusion ahead of the 2025/26 academic year.

Reviewing eligibility is complex. Fee protections and student support are discretionary, and the Welsh Government must ensure that decisions are made on the basis of carefully considered evidence and advice. The Welsh Government is ever-conscious of the life-changing importance of access to higher education.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Persons eligible for student support and tuition fee protections are those who are settled in the UK and, for the most part, ordinarily resident in Wales. They must have three years of ordinary residence before becoming eligible. Holders of the British National (Overseas) visa will, therefore, become eligible as soon as they are settled and have three years ordinary residence in the same way as all others ordinarily resident of Wales.

There are limited exceptions to the rule regarding settlement, sometimes made for those granted a form of humanitarian protection by the UK Government. Exceptions to the policy requiring three years of ordinary residence are also made for certain groups, again, often those who have been given a form of humanitarian protection by the UK Government. The Welsh Government understands that the British National (Overseas) visa route is not a form of humanitarian protection.

However, in recognition of the unique position of those with this visa, Wales's status as a Nation of Sanctuary, and the complexity of immigration policy, the Welsh Government is willing, as indicated, to review policy.

The Welsh Government does not hold statistics on the immigration status of those ordinarily resident in Wales. I understand from '*How many people come to the UK via safe and legal (humanitarian) routes?*' (<https://www.gov.uk/government/statistics/immigration-system-statistics-year-ending-september-2024/how-many-people-come-to-the-uk-via-safe-and-legal-humanitarian-routes>) that there have been 174,307 out-of-country visas, and 41,305 in-country visa extensions, granted between the introduction of the visa on 31 January 2021 and the end of September 2024. There are no official statistics on holders of this visa in Wales.

If individuals wish to raise the matter further, they can write to me by email at Correspondence.Vikki.Howells@gov.wales or by post to: Vikki Howells MS, Minister for Further and Higher Education, Welsh Government, 5th Floor, Tŷ Hywel, Cardiff Bay, CF99 1SN.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'V. Howells', with a long, sweeping underline stroke below it.

Vikki Howells AS/MS

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Minister for Further and Higher Education