



2018 Rhif 814 (Cy. 165)

ADDYSG, CYMRU

Rheoliadau Addysg (Cyllid Myfyrwyr) (Diwygiadau Amrywiol) (Cymru) 2018

NODYN ESBONIADOL

(*Nid yw'r nodyn hwn yn rhan o'r Rheoliadau*)

Mae'r Rheoliadau hyn yn diwygio—

- (a) Rheoliadau Addysg (Cymorth i Fyfyrwyr) (Cymru) 2018 (“Rheoliadau 2018”);
- (b) Rheoliadau Addysg (Cymorth i Fyfyrwyr) (Cymru) 2017 (“Rheoliadau 2017”);
- (c) Rheoliadau Addysg (Ffioedd a Dyfarniadau) (Cymru) 2007 (“y Rheoliadau Ffioedd a Dyfarniadau”);
- (d) Rheoliadau Addysg (Athrofa Brifysgol Ewropeaidd) (Cymru) 2014 (“Rheoliadau'r Athrofa Brifysgol Ewropeaidd”);
- (e) Rheoliadau Addysg Uwch (Cyrsiau Cymhwysol, Personau Cymhwysol a Darpariaeth Atodol) (Cymru) 2015 (“y Rheoliadau Cyrsiau a Phersonau Cymhwysol”);
- (f) Rheoliadau Addysg (Benthyciadau at Radd Feistr Ôl-raddedig) (Cymru) 2017 (“y Rheoliadau Graddau Meistr”); ac
- (g) Rheoliadau Addysg (Benthyciadau at Radd Ddoethurol Ôl-raddedig) (Cymru) 2018 (“y Rheoliadau Graddau Doethurol”).

Mae Rheoliadau 2017 a Rheoliadau 2018 yn darparu ar gyfer cymorth ariannol i fyfyrwyr sy'n dilyn cyrsiau addysg uwch dynodedig sy'n dechrau ar neu ar ôl 1 Medi 2017, ac ar neu ar ôl 1 Awst 2018, yn y drefn honno. Mae Rheoliadau 2018 hefyd yn darparu cymorth ar gyfer cyrsiau sy'n dechrau cyn 1 Awst 2018 ac sy'n cael eu troi wedi hynny o gyrsiau llawnamser i gyrsiau rhan-amser neu o gyrsiau rhan-amser i gyrsiau llawnamser ar neu ar ôl 1 Awst 2018.

2018 No. 814 (W. 165)

EDUCATION, WALES

The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2018

EXPLANATORY NOTE

(*This note is not part of the Regulations*)

These Regulations amend—

- (a) the Education (Student Support) (Wales) Regulations 2018 (“the 2018 Regulations”);
- (b) the Education (Student Support) (Wales) Regulations 2017 (“the 2017 Regulations”);
- (c) the Education (Fees and Awards) (Wales) Regulations 2007 (“the Fees and Awards Regulations”);
- (d) the Education (European University Institute) (Wales) Regulations 2014 (“the European University Institute Regulations”);
- (e) the Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015 (“the Qualifying Courses and Persons Regulations”);
- (f) the Education (Postgraduate Master's Degree Loans) (Wales) Regulations 2017 (“the Master's Regulations”); and
- (g) the Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018 (“the Doctoral Regulations”).

The 2017 Regulations and the 2018 Regulations provide for financial support for students taking designated higher education courses which begin, respectively, on or after 1 September 2017, and on or after 1 August 2018. The 2018 Regulations also provide support for courses which begin before 1 August 2018 and are subsequently converted from full-time to part-time or part-time to full-time on or after 1 August 2018.

Mae rheoliad 16 yn diwygio Atodlen 2 i Reoliadau 2018 er mwyn creu categori newydd o fyfyrwr cymwys: personau y rhoddwyd caniatâd iddynt aros fel personau diwladrwaeth ac aelodau o'u teuluoedd. Mae hefyd yn diwygio'r Atodlen honno i sicrhau bod personau sydd wedi cael caniatâd i aros ar sail bywyd preifat ac aelodau o'u teuluoedd wedi eu cynnwys yn y categori presennol o fyfyrwr cymwys "personau sydd â chaniatâd i ddod i mewn neu i aros ac aelodau o'u teuluoedd".

Mae rheoliadau 5, 13, 14, 17(b), (c) a (d), 19 ac 20 yn gwneud diwygiadau sy'n ganlyniadol i'r diwygiadau a wneir gan reoliad 16.

Mae crynodeb o'r diwygiadau pellach a wneir i Reoliadau 2018 wedi ei nodi isod.

Mae rheoliad 3 yn diwygio rheoliad 14 o Reoliadau 2018 fel nad yw'r cyfnod cymhwystera hwyaf a gyfrifir yn unol â pharagraff (2) yn gymwys i grantiau ar gyfer dibynyddion neu fyfyrwyr anabl.

Mae rheoliad 4 yn diwygio rheoliad 16 o Reoliadau 2018. Mae'r diwygiadau yn darparu bod myfyrwr cymwys sydd wedi cwblhau cwrs llawnamser ar gyfer y Dystysgrif Addysg Uwch neu radd arferol, ac sy'n mynd ymlaen i ymgymryd ag astudiaeth bellach benodol, yn ddarostyngedig i'r cyfnod cymhwystera hwyaf a gyfrifir yn unol â pharagraff (2). Mae paragraff (2) wedi ei ddiwygio fel nad yw'r cyfrifiad o'r cyfnod cymhwystera hwyaf yn gymwys i grantiau ar gyfer dibynyddion neu fyfyrwyr anabl.

Mae rheoliad 6 yn gwneud diwygiad i destun Cymraeg paragraff (4) o reoliad 30, i sicrhau cyfwerthedd â'r testun Saesneg.

Mae rheoliad 7 yn cyflwyno rheoliad newydd 34A yn Rheoliadau 2018. Mae rheoliad 34A yn darparu bod gan Weinidogion Cymru ddisgresiwn i drin myfyrwr sydd wedi cael hysbysiad anghywir ganddynt ei fod yn gymwys mewn achosion pan na fo'r wybodaeth neu'r ddogfennaeth a ddarparwyd gan y myfyrwr, mewn perthynas â'i gais am gymorth, yn sylweddol anghywir, yn fyfyrwr cymwys.

Mae rheoliad 8 yn diwygio rheoliad 40 o Reoliadau 2018 mewn perthynas ag uchafswm y benthyciad at ffioedd dysgu i fyfyrwyr cymwys sy'n ymgymryd â blwyddyn Erasmus o gwrs llawn-amser a ddarperir gan sefydliad yng Nghymru, Lloegr neu'r Alban. Mae hefyd yn diwygio uchafswm y benthyciad at ffioedd dysgu i fyfyrwyr Categori 4 yn rheoliad 40, sy'n astudio gyda darparwr cwrs arferol sydd yn yr Alban.

Regulation 16 amends Schedule 2 to the 2018 Regulations to create a new category of eligible student: persons granted stateless leave and their family members. It also amends that Schedule to ensure that persons who have been granted leave to remain on the grounds of private life and their family members are included in the existing category of eligible student "*persons with leave to enter or remain and their family members*".

Regulations 5, 13, 14, 17(b), (c) and (d), 19 and 20 make amendments which are consequential on the amendments made by regulation 16.

A summary of the further amendments made to the 2018 Regulations is set out below.

Regulation 3 amends regulation 14 of the 2018 Regulations so that the maximum period of eligibility calculated in accordance with paragraph (2) does not apply to grants for dependants or disabled students.

Regulation 4 amends regulation 16 of the 2018 Regulations. The amendments provide for eligible students who have completed a full-time course for the Certificate of Higher Education or an ordinary degree, and who go on to undertake certain further study, to be subject to the maximum period of eligibility calculated in accordance with paragraph (2). Paragraph (2) is amended so that the calculation of the maximum period for eligibility does not apply to grants for dependants or disabled students.

Regulation 6 makes an amendment to the Welsh text of regulation 30 paragraph (4), to effect equivalence with the English text.

Regulation 7 introduces a new regulation 34A into the 2018 Regulations. Regulation 34A provides that the Welsh Ministers have discretion to treat as eligible a student who received from them incorrect notification that they are eligible in cases where the information or documentation provided by the student, in relation to their application for support, was not materially inaccurate.

Regulation 8 amends regulation 40 of the 2018 Regulations in relation to the maximum amount of tuition fee loan for eligible students undertaking an Erasmus year of a full-time course provided by an institution in England, Scotland or Wales. It also amends the maximum amount of tuition fee loan for Category 4 students in regulation 40, who are studying at an ordinary course provider located in Scotland.

Mae rheoliad 9 yn diwygio rheoliad 47(4) o Reoliadau 2018. Mae'r diwygiad hwn yn darparu na fydd y myfyriwr yn cael grant cynhaliaeth os yw incwm aelwyd y myfyriwr rhan-amser yn £59,200 neu ragor.

Mae rheoliad 10 yn diwygio rheoliad 54 o Reoliadau 2018. Mae'r diwygiad hwn yn dileu Eithriad 5, fel bod myfyrwyr cymwys sy'n astudio ar gyrsiau sy'n arwain at gymhwyster fel pensaer tirwedd, dylunydd tirwedd, rheolwr tirwedd, cynllunydd tref neu gynllunydd gwlad a thref yn cymhwys i gael benthyciad cynhaliaeth.

Mae rheoliadau 11 a 12 yn diwygio rheoliadau 65 a 66 o Reoliadau 2018 yn y drefn honno. Mae'r diwygiadau yn addasu symiau trothwy incwm aelwyd myfyriwr cymwys at ddibenion cyfrifo grant at deithio ar gyfer myfyrwyr meddygol (rheoliad 65) a grant at deithio ar gyfer astudio neu weithio dramor (rheoliad 66).

Mae rheoliad 15 yn diwygio'r diffiniad o "perthynas agos" ym mharagraff 6(1) o Atodlen 1 i Reoliadau 2018.

Mae rheoliad 17(a) yn diwygio paragraff 2(2) o Atodlen 4 i Reoliadau 2018. Mae'r diwygiadau yn newid y term "sefydliad addysgol cydnabyddedig" i "sefydliad a gyllidir yn gyhoeddus", er mwyn bod yn gyson ag Amod 4 o baragraff 2(1).

Mae rheoliad 18 yn gwneud mân ddiwygiadau i'r testun Cymraeg o baragraffau 2(2)(c) a 9(c) o Atodlen 4 i Reoliadau 2018, i sicrhau cyfwerthedd a'r testun Saesneg.

Mae rheoliad 22 yn diwygio rheoliad 2(1) o Reoliadau 2017. Mae'n mewnosod pedwar diffiniad newydd: "aelod o'r lloedd arfog", "person y rhoddyd caniatâd iddo aros fel person diwladrwaeth", "perthynas agos" a "rheolau mewn fudo". Mae hefyd yn diwygio'r diffiniad o "person sydd â chaniatâd i ddod i mewn neu i aros" i sicrhau bod personau sydd â chaniatâd i aros ar sail bywyd preifat, ac aelodau o'u teuluoedd, yn cael eu cynnwys yn y categori perthnasol o fyfyriwr cymwys. Mae rheoliad 37 yn gwneud diwygiadau i Atodlen 1 i Reoliadau 2017 sy'n ganlyniadol i ddiwygio'r diffiniad o "person sydd â chaniatâd i ddod i mewn neu i aros" ac i greu categori newydd o fyfyriwr cymwys: personau y rhoddyd caniatâd iddynt aros fel personau diwladrwaeth ac aelodau o'u teuluoedd.

Mae rheoliadau 23, 26, 27, 30, 31, 32, 33(a) a (b), 34, 35, 36 a 38 yn diwygio Rheoliadau 2017 sy'n ganlyniadol i'r diwygiadau a wneir gan reoliadau 22 a 37.

Regulation 9 amends regulation 47(4) of the 2018 Regulations. This amendment provides that if a part-time student's household income is £59,200 or more, the student will not receive a maintenance grant.

Regulation 10 amends regulation 54 of the 2018 Regulations. This amendment removes Exception 5, so that eligible students studying on courses leading to qualification as a landscape architect, landscape designer, landscape manager, town planner or a town and country planner qualify for a maintenance loan.

Regulations 11 and 12 amend respectively regulation 65 and 66 of the 2018 Regulations. The amendments adjust the threshold amounts of an eligible student's household income for the purposes of calculating a grant for travel for medical students (regulation 65) and grant for travel for study or work overseas (regulation 66).

Regulation 15 amends the definition of "close relative" in paragraph 6(1) of Schedule 1 to the 2018 Regulations.

Regulation 17(a) amends paragraph 2(2) of Schedule 4 to the 2018 Regulations. The amendments change the term "recognised educational institution" to "publicly funded institution", for consistency with Condition 4 of paragraph 2(1).

Regulation 18 makes minor amendments to the Welsh text of paragraphs 2(2)(c) and 9(c) of Schedule 4 of the 2018 Regulations, to effect equivalence with the English text.

Regulation 22 amends regulation 2(1) of the 2017 Regulations. It inserts four new definitions: "close relative", "immigration rules", "member of the armed forces" and "person granted stateless leave". It also amends the definition of "person with leave to enter or remain" to ensure that persons who have leave to remain on the grounds of private life, and their family members, are included in the relevant category of eligible student. Regulation 37 makes amendments to Schedule 1 to the 2017 Regulations which are consequential on the amendment to the definition of "person with leave to enter or remain" and to create a new category of eligible student: persons granted stateless leave and their family members.

Regulations 23, 26, 27, 30, 31, 32, 33(a) and (b), 34, 35, 36 and 38 make amendments to the 2017 Regulations which are consequential on the amendments made by regulations 22 and 37.

Mae crynodeb o'r diwygiadau pellach a wneir i Reoliadau 2017 wedi ei nodi isod.

Mae rheoliad 24 yn diwygio rheoliad 6 o Reoliadau 2017 fel nad yw'r cyfrifiadau o'r cyfnod cymhwystera hwyaf ym mharagraffau (8) ac (11) yn gymwys i grantiau ar gyfer dibynyddion neu fyfyrwyr anabl. Mae'r diwygiadau hefyd yn darparu bod myfyrwyr cymwys sydd wedi cwblhau cwrs llawnamser ar gyfer y Dystysgrif Addysg Uwch neu radd arferol, ac sy'n mynd ymlaen i ymgymryd ag astudiaeth bellach benodol, yn ddarostyngedig i'r cyfnod cymhwystera hwyaf a gyfrifir yn unol â pharagraff (11).

Mae rheoliad 25 yn diwygio rheoliad 13 o Reoliadau 2017 i ddarparu esemttiadau i'r gofynion bod rhaid i fyfyrwr cymwys ymgymryd â'i gwrs dysgu o bell yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs, ac ymgymryd â'r cwrs hwnnw yn y Deyrnas Unedig, er mwyn bod yn gymwys i gael cymorth at ffioedd.

Mae rheoliad 28 yn diwygio rheoliad 24 o Reoliadau 2017 i ddarparu esemttiadau i'r gofynion bod rhaid i fyfyrwr cymwys ymgymryd â'i gwrs dysgu o bell yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs, ac ymgymryd â'r cwrs hwnnw yn y Deyrnas Unedig, er mwyn bod yn gymwys i gael grant at gostau byw myfyrwr anabl.

Mae rheoliad 29 yn diwygio rheoliad 41 o Reoliadau 2017. Mae'r diwygiad hwn yn dileu paragraff (4), fel bod myfyrwyr cymwys sy'n astudio ar gyrsiau sy'n arwain at gymhwyster fel pensaer tirwedd, dylunydd tirwedd, rheolwr tirwedd, cynllunydd tref neu gyllunydd gwlad a thref yn cymhwys i gael benthyriad at gostau byw.

Mae rheoliad 33(c) a (d) yn diwygio rheoliad 81 o Reoliadau 2017 i ddarparu esemttiadau i'r gofynion bod rhaid i fyfyrwr rhan-amser cymwys ymgymryd â'i gwrs dysgu o bell yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs, ac ymgymryd â'r cwrs hwnnw yn y Deyrnas Unedig, er mwyn bod yn gymwys i gael cymorth o dan reoliadau 85 i 88.

Mae'r Rheoliadau Ffioedd a Dyfarniadau yn darparu, o dan yr amgylchiadau a ddisgrifir yn y Rheoliadau, ei bod yn gyfreithlon i sefydliadau wahaniaethu rhwng rhai neu bob un o'r personau hynny a grybwylir yn yr Atodlen ac unrhyw berson arall, drwy godi ffioedd uwch ar bersonau na chrybwylir yn yr Atodlen, na'r ffioedd a godir ar bersonau a grybwylir felly. Mae rheoliadau 40 ac 41 o'r Rheoliadau hyn yn diwygio rheoliad 5 a'r Atodlen i'r Rheoliadau Ffioedd a Dyfarniadau i gynnwys personau sydd wedi cael caniatâd i aros ar sail bywyd preifat yn y diffiniad o "person sydd â chaniatâd i ddod i mewn neu i aros" ac i fewnosod categori

A summary of the further amendments made to the 2017 Regulations is set out below.

Regulation 24 amends regulation 6 of the 2017 Regulations so that the calculations of the maximum period for eligibility in paragraphs (8) and (11) do not apply to grants for dependants or disabled students. The amendments also provide for eligible students who have completed a full-time course for the Certificate of Higher Education or an ordinary degree, and who go on to undertake certain further study, to be subject to the maximum period of eligibility calculated in accordance with paragraph (11).

Regulation 25 amends regulation 13 of the 2017 Regulations to provide exemptions to the requirements that an eligible student must undertake their distance learning course in Wales on the first day of the first academic year of the course, and to undertake that course in the United Kingdom, in order to be eligible for fee support.

Regulation 28 amends regulation 24 of the 2017 Regulations to provide exemptions to the requirements that an eligible student must undertake their distance learning course in Wales on the first day of the first academic year of the course, and to undertake that course in the United Kingdom, in order to be eligible for a grant for disabled students' living costs.

Regulation 29 amends regulation 41 of the 2017 Regulations. This amendment removes paragraph (4), so that eligible students studying on courses leading to qualification as a landscape architect, landscape designer, landscape manager, town planner or a town and country planner qualify for a loan for living costs.

Regulation 33(c) and (d) amends regulation 81 of the 2017 Regulations to provide exemptions to the requirements that an eligible part-time student must undertake their distance learning course in Wales on the first day of the first academic year of the course, and undertake that course in the United Kingdom, in order to be eligible for support under regulations 85 to 88.

The Fees and Awards Regulations provide that, in the circumstances described in the Regulations, it is lawful for institutions to discriminate between some or all of those persons mentioned in the Schedule and any other person, by charging higher fees to persons not mentioned in the Schedule, than the fees which are charged to persons so mentioned. Regulations 40 and 41 of these Regulations amend regulation 5 and the Schedule to the Fees and Awards Regulations to include persons granted leave to remain the grounds of private life in the definition of "*person with leave to enter or remain*" and to insert a new category of

newydd o “*personau y rhoddyd caniatâd iddynt aros fel personau diwladwriaeth ac aelodau o'u teuluoedd*”.

Mae Rheoliadau'r Athrofa Brifysgol Ewropeaidd yn darparu ar gyfer cymorth i un myfyriwr cymwys sy'n dilyn cwrs addysg uwch dynodedig yn yr Athrofa Brifysgol Ewropeaidd. Mae rheoliadau 43 i 45 o'r Rheoliadau hyn yn gwneud diwygiadau i Reoliadau'r Athrofa Brifysgol Ewropeaidd i sicrhau bod personau sydd wedi cael caniatâd i aros ar sail bywyd preifat ac aelodau o'u teuluoedd wedi eu cynnwys yn y categori presennol o fyfyrniwr cymwys “*personau sydd â chaniatâd i ddod mewn neu i aros ac aelodau o'u teuluoedd*” ac i greu categori newydd o fyfyrniwr cymwys: “*personau y rhoddyd caniatâd iddynt aros fel personau diwladwriaeth ac aelodau o'u teuluoedd*”.

Mae'r Rheoliadau Cyrsiau a Phersonau Cymhwysol yn rhagnodi'r cyrsiau cymhwysol a'r personau cymhwysol at ddibenion adran 5 o Ddeddf Addysg Uwch (Cymru) 2015, sy'n nodi bod rhaid i gynlluniau ffioedd a mynediad bennu terfynau ffioedd (neu ddarparu ar gyfer penderfynu ar derfynau ffioedd) mewn perthynas â chrysiau cymhwysol bob blwyddyn academaidd. Mae rheoliadau 47 ac 48 o'r Rheoliadau hyn yn diwygio'r Rheoliadau Cyrsiau a Phersonau Cymhwysol i gynnwys cyfeiriadau at Reoliadau 2017 a Rheoliadau 2018. Mae rheoliad 49 yn diwygio'r Atodlen i'r Rheoliadau Cyrsiau a Phersonau Cymhwysol er mwyn sicrhau bod personau sydd â chaniatâd i aros ar sail bywyd preifat yn cael eu cynnwys yn y diffiniad o “*person sydd â chaniatâd i ddod i mewn neu i aros*” ac i ychwanegu categori newydd: “*personau y rhoddyd caniatâd iddynt aros fel personau diwladwriaeth ac aelodau o'u teuluoedd*”. Mae'r Atodlen honno yn rhestru'r personau hynny a gân fod yn bersonau cymhwysol.

Mae rheoliadau 51 i 53 a rheoliadau 55 a 56 yn gwneud diwygiadau cyfatebol i'r Rheoliadau Graddau Meistr a'r Rheoliadau Graddau Doethurol yn y drefn honno.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Yr Is-adran Addysg Uwch, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

“*persons granted stateless leave and their family members*”.

The European University Institute Regulations provide for support for one eligible student taking a designated higher education course at the European University Institute. Regulations 43 to 45 of these Regulations make amendments to the European University Institute Regulations to ensure that persons who have been granted leave to remain on the grounds of private life and their family members are included in the existing category of eligible student “*persons with leave to enter or remain and their family members*” and to create a new category of eligible student: “*persons granted stateless leave and their family members*”.

The Qualifying Courses and Persons Regulations prescribe the qualifying courses and persons for the purposes of section 5 of the Higher Education (Wales) Act 2015, which sets out that fee and access plans must specify (or provide for the determination of) fee limits in relation to qualifying courses each academic year. Regulations 47 and 48 of these Regulations make amendments to the Qualifying Courses and Persons Regulations to include references to the 2017 Regulations and the 2018 Regulations. Regulation 49 makes amendments to the Schedule of the Qualifying Courses and Persons Regulations to ensure that persons with leave to remain on the grounds of private life are included in the definition of “*person with leave to enter or remain*” and to add a new category: “*persons granted stateless leave and their family members*”. That Schedule lists those persons who may be qualifying persons.

Regulations 51 to 53 and regulations 55 and 56 make corresponding amendments to the Master's Regulations and the Doctoral Regulations respectively.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Higher Education Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

2018 Rhif 814 (Cy. 165)

ADDYSG, CYMRU

Rheoliadau Addysg (Cyllid Myfyrwyr) (Diwygiadau Amrywiol) (Cymru) 2018

Gwnaed	3 Gorffennaf 2018
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	6 Gorffennaf 2018
Yn dod i rym	30 Gorffennaf 2018

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir i'r Ysgrifennydd Gwladol o dan adrannau 1 a 2 o Ddeddf Addysg (Ffioedd a Dyfarniadau) 1983(1) ac adrannau 22 a 42(6) o Ddeddf Addysgu ac Addysg Uwch 1998(2) sydd bellach yn arferadwy ganddynt

2018 No. 814 (W. 165)

EDUCATION, WALES

The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2018

Made	3 July 2018
Laid before the National Assembly for Wales	6 July 2018
Coming into force	30 July 2018

The Welsh Ministers, in exercise of powers conferred on the Secretary of State under sections 1 and 2 of the Education (Fees and Awards) Act 1983(1) and sections 22 and 42(6) of the Teaching and Higher Education Act 1998(2) now exercisable

(1) 1983 p. 40; diwygiwyd adran 1 gan Ddeddf Diwygio Addysg 1988 (p. 40), Atodlen 12, paragraff 91; Deddf Addysg Bellach ac Uwch 1992 (p. 13), Atodlen 8, paragraff 19; Deddf Addysg 1994 (p. 30), Atodlen 2, paragraff 7; Deddf Addysg 1996 (p. 56), Atodlen 37, paragraff 57; Deddf Dysgu a Sgiliau 2000 (p. 21), Atodlen 9, paragraffau 1 ac 11; Deddf Addysg 2002 (p. 32), Atodlen 21, paragraff 5 ac Atodlen 22; Deddf Addysg 2005 (p. 18), Atodlen 14, paragraff 9; O.S. 2005/3238, Atodlen 1, paragraff 9; O.S. 2010/1158, Atodlen 2, paragraff 1; Deddf Addysg 2011 (p. 21), Atodlen 5, paragraff 5 ac Atodlen 16, paragraff 5 a Deddf Dadreleiddio 2015 (p. 20), Atodlen 14, paragraff 33. Diwygiwyd adran 2 gan Ddeddf Addysgu ac Addysg Uwch 1998, adran 44 ac Atodlen 4.

(2) 1998 p. 30; diwygiwyd adran 22 gan Ddeddf Dysgu a Sgiliau 2000 (p. 21), adran 146 ac Atodlen 11; Deddf Treth Incwm (Enillion a Phensiynau) 2003 (p. 1), Atodlen 6; Deddf Cyllid 2003 (p. 14), adran 147; Deddf Addysg Uwch 2004 (p. 8), adrannau 42 a 43 ac Atodlen 7; Deddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 (p. 22), adran 257; Deddf Addysg 2011 (p. 21), adran 76; O.S. 2013/1181 a Deddf Addysg Uwch ac Ymchwil 2017 (p. 29), adran 88. *Gweler* adran 43(1) o Ddeddf Addysgu ac Addysg Uwch 1998 i gael y diffiniad o "prescribed" a "regulations".

(1) 1983 c. 40; section 1 was amended by the Education Reform Act 1988 (c. 40), Schedule 12, paragraph 91; the Further and Higher Education Act 1992 (c. 13), Schedule 8, paragraph 19; the Education Act 1994 (c. 30), Schedule 7, paragraph 7; the Education Act 1996 (c. 56), Schedule 37, paragraph 57; the Learning and Skills Act 2000 (c. 21), Schedule 9, paragraphs 1 and 11; the Education Act 2002 (c. 32), Schedule 21, paragraph 5 and Schedule 22; the Education Act 2005 (c. 18), Schedule 14, paragraph 9; S.I. 2005/3238, Schedule 1, paragraph 9; S.I. 2010/1158, Schedule 2, paragraph 1; the Education Act 2011 (c. 21), Schedule 5, paragraph 5 and Schedule 16, paragraph 5 and the Deregulation Act 2015 (c. 20), Schedule 14, paragraph 33. Section 2 was amended by the Teaching and Higher Education Act 1998, section 44 and Schedule 4.

(2) 1998 c. 30; section 22 was amended by the Learning and Skills Act 2000 (c. 21), section 146 and Schedule 11; the Income Tax (Earnings and Pensions) Act 2003 (c. 1), Schedule 6; the Finance Act 2003 (c. 14), section 147; the Higher Education Act 2004 (c. 8), sections 42 and 43 and Schedule 7; the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), section 257; the Education Act 2011 (c. 21), section 76; S.I. 2013/1181 and the Higher Education and Research Act 2017 (c. 29), section 88. See section 43(1) of the Teaching and Higher Education Act 1998 for the definition of "prescribed" and "regulations".

hwy(1) a phwerau a roddir iddynt o dan adrannau 5(2)(b), 5(5)(b), 55(2) ac 58(3) o Ddeddf Addysg Uwch (Cymru) 2015(2) yn gwneud y Rheoliadau a ganlyn:

RHAN 1

ENWI A CHYCHWYN

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Cyllid Myfyrwyr) (Diwygiadau Amrywiol) (Cymru) 2018.

(2) Daw'r Rheoliadau hyn i rym ar 30 Gorffennaf 2018.

RHAN 2

DIWYGIO RHEOLIADAU ADDYSG (CYMORTH I FYFWRWYR) (CYMRU) 2018

Diwygio Rheoliadau Addysg (Cymorth i Fyfwrwyr) (Cymru) 2018

2. Mae Rheoliadau Addysg (Cymorth i Fyfwrwyr) (Cymru) 2018(3) wedi eu diwygio yn unol â rheoliadau 3 i 20.

3. Yn rheoliad 14 (y cyfnod cymhwystra hwyaf – benthyciadau at ffioedd dysgu a grantiau ar gyfer myfwrwyr newydd), ym mharagraff (2)—

- (a) yn lle “, grant myfyriwr anabl,” rhodder “neu”; a
- (b) hepgorer “neu grant ar gyfer dibynyddion”.

by them(1) and powers conferred on them under sections 5(2)(b), 5(5)(b), 55(2) and 58(3) of the Higher Education (Wales) Act 2015(2) make the following Regulations:

PART 1

TITLE AND COMMENCEMENT

Title and commencement

1.—(1) The title of these Regulations is the Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2018.

(2) These Regulations come into force on 30 July 2018.

PART 2

AMENDMENTS TO THE EDUCATION (STUDENT SUPPORT) (WALES) REGULATIONS 2018

Amendments to the Education (Student Support) (Wales) Regulations 2018

2. The Education (Student Support) (Wales) Regulations 2018(3) are amended in accordance with regulations 3 to 20.

3. In regulation 14 (maximum period of eligibility – tuition fee loans and grants for new students), in paragraph (2)—

- (a) for “, a disabled student's grant,” substitute “or”; and
- (b) omit “or a grant for dependants”.

(1) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol yn adran 1 i Gynulliad Cenedlaethol Cymru i'r graddau y maent yn arferadwy o ran Cymru gan O.S. 2006/1458 gydag effaith o 8 Mehefin 2006. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol yn adran 2 i Gynulliad Cenedlaethol Cymru i'r graddau y maent yn arferadwy o ran Cymru gan O.S. 1999/672. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32). Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol yn adran 22(2)(a) i (i) a (k) i Gynulliad Cenedlaethol Cymru i'r graddau y maent yn ymwneud â gwneud darpariaeth o ran Cymru gan adran 44 o Ddeddf Addysg Uwch 2004 (p. 8), ac mae is-adrannau (a), (c) a (k) yn arferadwy ar y cyd â'r Ysgrifennydd Gwladol. Trosglwyddwyd swyddogaeth yr Ysgrifennydd Gwladol yn adran 42, i'r graddau y mae'n arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan O.S. 1999/672. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006.

(2) 2015 dccc 1.

(3) O.S. 2018/191 (Cy. 42).

(1) The functions of the Secretary of State in section 1 were transferred to the National Assembly for Wales so far as exercisable in relation to Wales by S.I. 2006/1458 with effect from 8 June 2006. The functions of the Secretary of State in section 2 were transferred to the National Assembly for Wales so far as exercisable in relation to Wales by S.I. 1999/672. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32). The Secretary of State's functions in section 22(2)(a) to (i) and (k) were transferred to the National Assembly for Wales so far as they relate to making provision in relation to Wales by section 44 of the Higher Education Act 2004 (c. 8), with subsections (a), (c) and (k) exercisable concurrently with the Secretary of State. The Secretary of State's function in section 42 was transferred, in so far as exercisable in relation to Wales, to the National Assembly for Wales by S.I. 1999/672. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

(2) 2015 anaw 1.

(3) S.I. 2018/191 (W. 42).

4. Yn rheoliad 16 (y cyfnod cymhwystera hwyaf – benthyciadau at ffioedd dysgu a grantiau i fyfyrwyr penodol sy'n parhau â'u hastudiaethau)—

- (a) yn lle paragraff (1)(b)(i) rhodder—
 - “(i) sydd wedi cwblhau cwrs perthnasol (y “cwrs rhagarweiniol”);”;
- (b) ym mharagraff (1)(c)(i), ar ôl “cwrs gradd sylfaen llawnamser” mewnosoder “neu gwrs gradd arferol”;
- (c) ym mharagraff (2)—
 - (i) yn lle “, grant myfyriwr anabl,” rhodder “neu”;
 - (ii) hepgorer “neu grant ar gyfer dibynnydion”; a
- (d) ar ôl paragraff (3) mewnosoder—
 - “(4) Ym mharagraff (1)(b)(i), ystyr “cwrs perthnasol” yw cwrs llawnamser ar gyfer—
 - (a) y Diploma Addysg Uwch,
 - (b) y Dystysgrif Addysg Uwch, neu
 - (c) Diploma Cenedlaethol Uwch neu Dystysgrif Genedlaethol Uwch naill ai'r Cyngor Addysg Busnes a Thechnoleg neu Awdurdod Cymwysterau'r Alban.”

5. Ar ôl rheoliad 22 (ffoaduriaid y mae eu caniatâd i aros wedi dod i ben) mewnosoder—

“Personau y mae eu caniatâd i aros fel personau diwladrwaeth wedi dod i ben

- 22A.—(1)** Mae'r rheoliad hwn yn gymwys—
- (a) pan oedd person (“P”) yn fyfyrwr cymwys Categori 2A (gweler Atodlen 2) mewn cysylltiad â chais am gymorth—
 - (i) ar gyfer blwyddyn gynharach o'r cwrs presennol,
 - (ii) ar gyfer cwrs llawnamser y mae'r cwrs presennol yn gwrs penben llawnamser mewn perthynas ag ef, neu
 - (iii) ar gyfer cwrs y mae statws P fel myfyriwr cymwys wedi cael ei drosglwyddo ohono i'r cwrs presennol o dan reoliad 28 neu baragraff 7 o Atodlen 5, a

4. In regulation 16 (maximum period of eligibility – tuition fee loans and grants for certain continuing students)—

- (a) for paragraph (1)(b)(i) substitute—
 - “(i) who has completed a relevant course (the “preliminary course”),”;
- (b) in paragraph (1)(c)(i), after “full-time foundation degree course” insert “or ordinary degree course”;
- (c) in paragraph (2)—
 - (i) for “, a disabled student's grant” substitute “or”;
 - (ii) omit “or a grant for dependants”; and
- (d) after paragraph (3) insert—
 - “(4) In paragraph (1)(b)(i), “relevant course” means a full-time course for the—
 - (a) Diploma of Higher Education,
 - (b) Certificate of Higher Education, or
 - (c) Higher National Diploma or Higher National Certificate of either the Business and Technology Education Council or the Scottish Qualification Authority.”

5. After regulation 22 (refugees who cease to have leave to remain) insert—

“Persons who cease to have stateless leave

- 22A.—(1)** This regulation applies where—
- (a) a person (“P”) was a Category 2A eligible student (see Schedule 2) in connection with an application for support—
 - (i) for an earlier year of the present course,
 - (ii) for a full time-course in relation to which the present course is a full-time end-on course, or
 - (iii) for a course from which P's status as an eligible student has been transferred to the present course under regulation 28 or paragraph 7 of Schedule 5, and

- (b) pan, ar ddiwedd y diwrnod cyn diwrnod cyntaf y flwyddyn academaidd y mae P yn gwneud cais am gymorth mewn cysylltiad â hi, fo'r cyfnod y caiff—
- (i) P, neu
 - (ii) y person, oherwydd ei fod yn berson y rhoddwyd caniatâd iddo aros fel person diwladrwaeth, a oedd yn peri i P fod yn fyfyrwr cymwys Categori 2A,
aros yn y Deyrnas Unedig wedi dod i ben ac nad yw caniatâd pellach i aros wedi cael ei roi ac nad oes cais am adolygiad gweinyddol yn unol â'r rheolau mewnfudo(1) yn yr arfaeth.

(2) Pan fo'r rheoliad hwn yn gymwys, mae statws P fel myfyrwr cymwys yn terfynu yn union cyn diwrnod cyntaf y flwyddyn academaidd y mae P yn gwneud cais am gymorth mewn cysylltiad â hi.”

6. Yn nhestun Cymraeg rheoliad 30, ym mharagraff (4), ar ôl “unrhyw fenthyciad cynhaliaeth” yn lle “a” rhodder “neu”.

7. Ar ôl rheoliad 34 (penderfyniad Gweinidogion Cymru ar gais) mewnosoder—

- “**34A.—(1)** Mae'r rheoliad hwn yn gymwys—
- (a) pan fo person (“P”) yn gwneud cais am gymorth yn unol â rheoliad 32,
 - (b) pan na fo unrhyw wybodaeth neu ddogfennaeth a ddarparwyd gan P yn y cais, neu mewn cysylltiad ag ef, yn sylweddol anghywir, ac
 - (c) pan fo P yn cael hysbysiad gan Weinidogion Cymru o dan reoliad 34(5) sy'n datgan yn anghywir fod P yn fyfyrwr cymwys.

(2) Er bod yr hysbysiad yn datgan yn anghywir fod P yn fyfyrwr cymwys, caiff Gweinidogion Cymru, at ddibenion y Rheoliadau hyn, drin P fel pe bai'n fyfyrwr cymwys.”

8. Yn rheoliad 40 (swm benthyciad at ffioedd dysgu)—

- (a) ym mharagraff (3)—

- (b) as at the end of the day before the first day of the academic year in respect of which P is applying for support, the period for which—

- (i) P, or
- (ii) the person, who, as a result of being a person granted stateless leave, caused P to be a Category 2A eligible student,

is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no application for administrative review in accordance with the immigration rules(1) is pending.

(2) Where this regulation applies, P's status as an eligible student terminates immediately before the first day of the academic year in respect of which P is applying for support.”

6. In the Welsh text of regulation 30, in paragraph (4), after “unrhyw fenthyciad cynhaliaeth” for “a” substitute “neu”.

7. After regulation 34 (Welsh Ministers' decision on an application) insert—

“**34A.—(1)** This regulation applies where—

- (a) a person (“P”) makes an application for support in accordance with regulation 32,
- (b) any information or documentation provided by P in, or in connection with, the application is not materially inaccurate, and
- (c) P receives notification from the Welsh Ministers under regulation 34(5) incorrectly stating that P is an eligible student.

(2) Despite the notification incorrectly stating that P is an eligible student, the Welsh Ministers may, for the purposes of these Regulations, treat P as being an eligible student.”

8. In regulation 40 (amount of tuition fee loan)—

- (a) in paragraph (3)—

(1) *Gweler* “Appendix AR: administrative review”.

(1) *See Appendix AR: administrative review.*

- (i) ar ddiwedd Categori 1 yn lle “neu 5” rhodder “, 5 neu 6”;
- (ii) yng Nghategori 4, hepgorer “, gan gynnwys myfyriwr cymwys sy’n ymgymryd â blwyddyn Erasmus ar gwrs llawnamser a ddarperir gan sefydliad yng Nghymru, Lloegr neu’r Alban”; a

(iii) ar ôl Categori 5 mewnosoder—

“Categori 6

Myfyriwr cymwys sy’n ymgymryd â blwyddyn Erasmus ar gwrs llawnamser a ddarperir gan sefydliad yng Nghymru, Lloegr neu’r Alban.”;

(b) yn Nhabl 2 o baragraff (3)—

- (i) hepgorer y geiriau “a’r Alban” o’r 14^{eg} res yng ngholofn 4 (lleoliad y darparwr cwrs);
- (ii) mewnosoder y geiriau “Yr Alban a” cyn fed y geiriau “Gogledd Iwerddon” yn y 15^{fed} res yng ngholofn 4; a
- (iii) ar y diwedd mewnosoder—

Sy’n dechrau ar neu ar ôl 1 Medi 2018	6	Darparwr arferol	Cymru	£1,350
			Lloegr a’r Alban	£1,385

9. Yn rheoliad 47 (swm y grant cynhaliaeth: myfyrwyr rhan-amser), ym mharagraff (4), yn lle “fwy na £59,200” rhodder “£59,200 neu ragor”.

10. Yn rheoliad 54 (amodau cymhwysio i gael benthyciad cynhaliaeth), hepgorer Eithriad 5.

11. Yn rheoliad 65 (grant at deithio ar gyfer myfyrwyr meddygol), ym mharagraff (3)—

- (a) yn lle “£59,200 neu lai” rhodder “llai na £59,200”; a
- (b) yn lle “fwy na £59,200” rhodder “£59,200 neu ragor”.

12. Yn rheoliad 66 (grant at deithio ar gyfer astudio neu weithio dramor), ym mharagraff (2)—

- (a) yn lle “£59,200 neu lai” rhodder “llai na £59,200”; a
- (b) yn lle “fwy na £59,200” rhodder “£59,200 neu ragor”.

13. Yn rheoliad 80 (cymhwysio i gael benthyciad at ffioedd dysgu yn ystod y flwyddyn academaidd)—

- (i) at the end of Category 1 for “or 5” substitute “, 5 or 6”;
- (ii) in Category 4, omit “, including an eligible student undertaking an Erasmus year of a full-time course provided by an institution in England, Scotland or Wales”; and

(iii) after Category 5 insert—

“Category 6

An eligible student undertaking an Erasmus year of a full-time course provided by an institution in England, Scotland or Wales.”;

(b) in Table 2 of paragraph (3)—

- (i) omit the words “and Scotland” from the 14th row of column 4 (location of course provider);
- (ii) insert the words “Scotland and” before the words “Northern Ireland” in the 15th row of column 4; and
- (iii) at the end insert—

Beginning on or after 1 September 2018	6	Ordinary provider	Wales	£1,350
			England and Scotland	£1,385

9. In regulation 47 (amount of maintenance grant: part-time students), in paragraph (4), for “exceeds £59,200” substitute “is £59,200 or more”.

10. In regulation 54 (qualifying conditions for a maintenance loan), omit Exception 5.

11. In regulation 65 (grant for travel for medical students), in paragraph (3)—

- (a) for “£59,200 or less” substitute “less than £59,200”; and
- (b) for “more than £59,200” substitute “£59,200 or more”.

12. In regulation 66 (grant for travel for study or work overseas), in paragraph (2)—

- (a) for “£59,200 or less” substitute “less than £59,200”; and
- (b) for “more than £59,200” substitute “£59,200 or more”.

13. In regulation 80 (qualifying for a tuition fee loan during the academic year)—

- (a) ym mharagraff (2), is-baragraff (b)(i), ar ôl “yn cael ei gydnabod yn ffoadur neu’n” mewnosoder “dod yn berson y rhoddwyd caniatâd iddo aros fel person diwladrwaeth neu’n”;
- (b) ym mharagraff (3), yn y lle priodol mewnosoder—
““person y rhoddwyd caniatâd iddo aros fel person diwladrwaeth” (“person granted stateless leave””).

14. Yn rheoliad 81 (cymhwys i gael benthyriad cynhaliaeth neu grantiau yn ystod y flwyddyn academaidd), paragraff (3), is-baragraff (b)(i), ar ôl “yn cael ei gydnabod yn ffoadur neu’n” mewnosoder “dod yn berson y rhoddwyd caniatâd iddo aros fel person diwladrwaeth neu’n”.

15. Yn Atodlen 1, paragraff 6(1), yn y diffiniad o “perthynas agos” ar ôl paragraff (c) mewnosoder—

- “(d) plentyn P, pan fo P yn ddibynnol ar y plentyn hwnnw;”.

16. Yn Atodlen 2—

- (a) ar ôl paragraff 2 (categori 2 – ffoaduriaid ac aelodau o’u teuluoedd) mewnosoder—

“Categori 2A - Personau y rhoddwyd caniatâd iddynt aros fel personau diwladrwaeth ac aelodau o’u teuluoedd

2A.—(1) Person y rhoddwyd caniatâd iddo aros fel person diwladrwaeth—

- (a) sy’n preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs, a
- (b) sydd wedi bod yn preswylio fel arfer yn y Deyrnas Unedig a’r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

(2) Person—

- (a)—(i) sy’n briod neu’n bartner sifil i berson y rhoddwyd caniatâd iddo aros fel person diwladrwaeth; a
- (ii) a oedd, ar ddyddiad y cais i gael caniatâd i aros, yn briod neu’n bartner sifil i berson y rhoddwyd caniatâd iddo aros fel person diwladrwaeth,
- (b) sy’n preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs, ac

- (a) in paragraph (2), sub-paragraph (b)(i), after “is recognised as a refugee or” insert “becomes a person granted stateless leave or”;

- (b) in paragraph (3), in the appropriate place insert—
““person granted stateless leave” (“person y rhoddwyd caniatâd iddo aros fel person diwladrwaeth””).

14. In regulation 81 (qualifying for grants or maintenance loan during the academic year), paragraph (3), sub-paragraph (b)(i), after “is recognised as a refugee or” insert “becomes a person granted stateless leave or”.

15. In Schedule 1, paragraph 6(1), in the definition of “close relative” after paragraph (c) insert—

- “(d) P’s child, where P is dependent on that child;”.

16. In Schedule 2—

- (a) after paragraph 2 (category 2 - refugees and their family members) insert—

“Category 2A - Persons granted stateless leave and their family members

2A.—(1) A person granted stateless leave who—

- (a) is ordinarily resident in Wales on the first day of the first academic year of the course, and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the three year period preceding the first day of the first academic year of the course.

(2) A person—

- (a) who—
 - (i) is the spouse or civil partner of a person granted stateless leave, and
 - (ii) on the leave application date, was the spouse or civil partner of a person granted stateless leave,
- (b) who is ordinarily resident in Wales on the first day of the first academic year of the course, and

(c) sydd wedi bod yn preswylio fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwers.

(3) Person—

- (a)—(i) sy'n blentyn i berson y rhoddwyd caniatâd iddo aros fel person diwladwriaeth neu'n blentyn i briod neu i bartner sifil person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth, a
- (ii) a oedd, ar ddyddiad y cais i gael caniatâd i aros, yn blentyn i berson y rhoddwyd caniatâd iddo aros fel person diwladwriaeth neu'n blentyn i berson a oedd, ar ddyddiad y cais i gael caniatâd i aros, yn briod neu'n bartner sifil i berson y rhoddwyd caniatâd iddo aros fel person diwladwriaeth,
- (b) a oedd o dan 18 oed ar ddyddiad y cais i gael caniatâd i aros,
- (c) sy'n preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwers, a
- (d) sydd wedi bod yn preswylio fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwers.

(4) Yn y paragraff hwn—

- (a) ystyr “dyddiad y cais i gael caniatâd i aros” (“*leave application date*”) yw'r dyddiad y gwnaeth person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth gais i aros yn y Deyrnas Unedig fel person diwladwriaeth o dan y rheolau mewnffudo,
- (b) ystyr “person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth” (“*person granted stateless leave*”) yw person—
- (i) y mae ganddo ganiatâd cyfredol i aros fel person diwladwriaeth o dan y rheolau mewnffudo, a
- (ii) sydd wedi bod yn preswylio fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod ers i'r caniatâd hwnnw gael ei roi i'r person.”;

(c) who has been ordinarily resident in the United Kingdom and Islands throughout the three year period preceding the first day of the first academic year of the course.

(3) A person—

- (a) who—
- (i) is the child of a person granted stateless leave or the child of the spouse or civil partner of a person granted stateless leave, and
- (ii) on the leave application date, was the child of a person granted stateless leave or the child of a person who, on the leave application date, was the spouse or civil partner of a person granted stateless leave,
- (b) who was under 18 on the leave application date,
- (c) who is ordinarily resident in Wales on the first day of the first academic year of the course, and
- (d) who has been ordinarily resident in the United Kingdom and Islands throughout the three year period preceding the first day of the first academic year of the course.

(4) In this paragraph—

- (a) “leave application date” (“*dyddiad y cais i gael caniatâd i aros*”) means the date on which a person granted stateless leave made an application to remain in the United Kingdom as a stateless person under the immigration rules,
- (b) “person granted stateless leave” (“*person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth*”) means a person who—
- (i) has extant leave to remain as a stateless person under the immigration rules, and
- (ii) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave.”;

- (b) ym mharagraff 3 (categori 3 – personau sydd â chaniatâd i ddod i mewn neu i aros ac aelodau o'u teuluoedd)—
- (i) yn lle is-baragraff (2)(b) rhodder—
“(b) a oedd yn briod neu'n bartner sifil i'r person sydd â chaniatâd i ddod i mewn neu i aros ar ddyddiad y cais i gael caniatâd i aros,”;
 - (ii) yn lle is-baragraff (3)(b) rhodder—
“(b) a oedd, ar ddyddiad y cais i gael caniatâd i aros, o dan 18 oed ac yn blentyn i'r person sydd â chaniatâd i ddod i mewn neu i aros neu'n blentyn i berson a oedd yn briod neu'n bartner sifil i'r person sydd â chaniatâd i ddod i mewn neu i aros ar y dyddiad hwnnw,”;
 - (iii) yn lle is-baragraff (4)(a) a (b) rhodder—
“(a) sydd—
 - (i) wedi gwneud cais am statws ffoadur ond sydd, o ganlyniad i'r cais hwnnw, wedi ei hysbysu'n ysgrifenedig gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref, er yr ystyrir nad yw P yn cymhwysio i gael ei gydnabod yn ffoadur, y credir ei bod yn iawn caniatâu iddo ddod i mewn i'r Deyrnas Unedig neu aros ynddi ar sail diogelwch dyngarol neu ganiatâd yn ôl disgrifiwn, ac y mae caniatâd wedi ei roi iddo i ddod i mewn neu i aros yn unol â hynny,
 - (ii) heb wneud cais am statws ffoadur ond sydd wedi ei hysbysu'n ysgrifenedig gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref y credir ei bod yn iawn caniatâu i P ddod i mewn i'r Deyrnas Unedig neu aros ynddi ar sail caniatâd yn ôl disgrifiwn, ac y mae caniatâd wedi ei roi iddo i ddod i mewn neu i aros yn unol â hynny,
 - (iii) wedi cael caniatâd i aros ar sail bywyd preifat o dan y rheolau mewnfudo,
- (b) in paragraph 3 (category 3 – persons with leave to enter or remain and their family members)—
- (i) for sub-paragraph (2)(b) substitute—
“(b) who was the spouse or civil partner of the person with leave to enter or remain on the leave application date,”;
 - (ii) for sub-paragraph (3)(b) substitute—
“(b) who, on the leave application date, was under 18 years old and was the child of the person with leave to enter or remain or the child of a person who was the spouse or civil partner of the person with leave to enter or remain on that date,”;
 - (iii) for sub-paragraph (4)(a) and (b) substitute—
“(a) who has—
 - (i) applied for refugee status but has, as a result of that application, been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although P is considered not to qualify for recognition as a refugee it is thought right to allow P to enter or remain in the United Kingdom on the grounds of humanitarian protection or discretionary leave, and who has been granted leave to enter or remain accordingly,
 - (ii) not applied for refugee status but has been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that it is thought right to allow P to enter or remain in the United Kingdom on the grounds of discretionary leave, and who has been granted leave to enter or remain accordingly,
 - (iii) been granted leave to remain on the grounds of private life under the immigration rules,

(iv) wedi ei hysbysu'n ysgrifenedig gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref, er yr ystyrir nad yw P yn cymhwys i gael caniatâd i aros ar sail bywyd preifat o dan y rheolau mewnfudo, fod P wedi cael caniatâd i aros y tu allan i'r rheolau(1) ar sail Erthygl 8 o'r Confensiwn Ewropeaidd ar Hawliau Dynol,"; a

(iv) ar ôl is-baragraff (4) mewnosoder—

"(5) Yn y paragraff hwn, ystyr "dyddiad y cais i gael caniatâd i aros" yw'r dyddiad y gwnaeth y person sydd â chaniatâd i ddod i mewn neu i aros y cais a arweiniodd at y person hwnnw yn cael caniatâd i ddod i mewn i'r Deyrnas Unedig neu aros ynddi."; ac

(c) ym mharagraff 11, yn y lle priodol mewnosoder—

"ystyr "rheolau mewnfudo" ("immigration rules") yw'r rheolau a osodir gerbron Senedd y Deyrnas Unedig gan yr Ysgrifennydd Gwladol o dan adran 3(2) o Ddeddf Mewnfudo 1971(2);".

17. Yn Atodlen 4—

(a) ym mharagraff 2(2), yn lle "sefydliad addysgol cydnabyddedig", ym mhob lle y mae'n digwydd, rhodder "sefydliad a gyllidir yn gyhoeddus";

(b) ar ôl paragraff 12 mewnosoder—

"Personau y mae eu caniatâd i aros fel personau diwladrwaeth wedi dod i ben"

12A.—(1) Mae'r paragraff hwn yn gymwys—

(a) pan oedd person ("P") yn fyfriwr ôl-raddedig cymwys categori 2A (gweler Atodlen 2) mewn cysylltiad â chais am grant myfyriwr ôl-raddedig anabl—

(i) ar gyfer blwyddyn gynharach o'r cwrs ôl-radd presennol, neu

(ii) mewn cysylltiad â chwrs y mae statws P fel myfyriwr ôl-raddedig cymwys wedi cael ei drosglwyddo ohono i'r cwrs ôl-radd presennol o dan baragraff 15, a

(iv) been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although P is not considered to qualify for leave to remain on the grounds of private life under the immigration rules, P has been granted leave to remain outside the rules(1) on the grounds of Article 8 of the European Convention on Human Rights,"; and

(iv) after sub-paragraph (4) insert—

"(5) In this paragraph, "leave application date" means the date on which the person with leave to enter or remain made the application that led to that person being granted leave to enter or remain in the United Kingdom."; and

(c) in paragraph 11, in the appropriate place insert—

"immigration rules" ("rheolau mewnfudo") means the rules laid before Parliament by the Secretary of State under section 3(2) of the Immigration Act 1971(2);".

17. In Schedule 4—

(a) in paragraph 2(2), for "recognised educational institution", in each place where it occurs, substitute "publicly funded institution";

(b) after paragraph 12 insert—

"Persons who cease to have stateless leave"

12A.—(1) This paragraph applies where—

(a) a person ("P") was a category 2A eligible postgraduate student (see Schedule 2) in connection with an application for a disabled postgraduate student's grant—

(i) for an earlier year of the present postgraduate course, or

(ii) in connection with a course from which P's status as an eligible postgraduate student has been transferred to the present postgraduate course under paragraph 15, and

(1) Mae paragraff 276BE(2) o'r rheolau mewnfudo yn cyfeirio at hyn.
(2) 1971 p. 77.

(1) Paragraph 276BE(2) of the immigration rules refers.
(2) 1971 c. 77.

- (b) pan, ar ddiwedd y diwrnod cyn diwrnod cyntaf y flwyddyn academaidd y mae P yn gwneud cais am grant myfyriwr ôl-raddedig anabl mewn cysylltiad â hi, fo'r cyfnod y caiff—
- (i) P, neu
 - (ii) y person, oherwydd ei fod yn berson y rhoddyd caniatâd iddo aros fel person diwladrwaeth, a oedd yn peri i P fod yn fyfyriwr ôl-raddedig cymwys Categori 2A, aros yn y Deyrnas Unedig wedi dod i ben ac nad yw caniatâd pellach i aros wedi cael ei roi ac nad oes cais am adolygiad gweinyddol yn unol â'r rheolau mewnfudo(1) yn yr arfaeth.
- (2) Pan fo'r paragraff hwn yn gymwys, mae statws P fel myfyriwr ôl-raddedig cymwys yn terfynu yn union cyn diwrnod cyntaf y flwyddyn academaidd y mae P yn gwneud cais am grant myfyriwr ôl-raddedig anabl mewn cysylltiad â hi.;
- (c) ym mharagraff 14, is-baragraff (3)(b)(i), ar ôl “yn cael ei gydnabod yn ffoadur neu’n” mewnosoder “dod yn berson y rhoddyd caniatâd iddo aros fel person diwladrwaeth neu’n”; a
- (d) ym mharagraff 14, is-baragraff (4), yn y lle priodol mewnosoder—
““person y rhoddyd caniatâd iddo aros fel person diwladrwaeth” (“person granted stateless leave”);”.
- 18. Yn Atodlen 4 yn y testun Cymraeg—**
- (a) ym mharagraff 2(2)(c), hepgor “gan Gyngor Cyllido Addysg Uwch Cymru”; a
- (b) ym mharagraff 9(c), yn lle “yn dod yn fyfyriwr cymwys” rhodder “hefyd yn cymhwys i gael cymorth”.
- 19. Yn Atodlen 5, paragraff 4—**
- (a) yn is-baragraff (2)(a), ar ôl “yn cael ei gydnabod yn ffoadur neu’n” mewnosoder “dod yn berson y rhoddyd caniatâd iddo aros fel person diwladrwaeth neu’n”;;
- (b) yn is-baragraff (3), yn y lle priodol mewnosoder—
““person y rhoddyd caniatâd iddo aros fel person diwladrwaeth” (“person granted stateless leave”);”.
- (b) as at the end of the day before the first day of the academic year in respect of which P is applying for a disabled postgraduate student's grant, the period for which—
- (i) P, or
 - (ii) the person who, as a result of being a person granted stateless leave, caused P to be a Category 2A eligible postgraduate student,
- is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no application for administrative review in accordance with the immigration rules(1) is pending.
- (2) Where this paragraph applies, P's status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which P is applying for a disabled postgraduate student's grant.”;
- (c) in paragraph 14, sub-paragraph (3)(b)(i), after “is recognised as a refugee or” insert “becomes a person granted stateless leave or”; and
- (d) in paragraph 14, sub-paragraph (4), in the appropriate place insert—
““person granted stateless leave” (“person y rhoddyd caniatâd iddo aros fel person diwladrwaeth”);”.
- 18. In the Welsh text of Schedule 4—**
- (a) in paragraph 2(2)(c), omit “gan Gyngor Cyllido Addysg Uwch Cymru”; and
- (b) in paragraph 9(c), for “yn dod yn fyfyriwr cymwys” substitute “hefyd yn cymhwys i gael cymorth”.
- 19. In Schedule 5, paragraph 4—**
- (a) in sub-paragraph (2)(a), after “is recognised as a refugee or” insert “becomes a person granted stateless leave or”;;
- (b) in sub-paragraph (3), in the appropriate place insert—
““person granted stateless leave” (“person y rhoddyd caniatâd iddo aros fel person diwladrwaeth”);”.

(1) Gweler “Appendix AR: administrative review”.

(1) See Appendix AR :administrative review.

20. Yn Atodlen 7 (mynegai o dermau wedi eu diffinio), Tabl 16, yn y lleoedd priodol mewnosoder—

“person y rhoddwyd Atodlen 2, paragraff caniatâd iddo aros fel 2A(4) person diwladwriaeth”

“rheolau mewnfudo” Atodlen 2, paragraff 11

20. In Schedule 7 (index of defined terms), Table 16, in the appropriate places insert—

“immigration rules” Schedule 2, paragraph 11

“person granted stateless leave” Schedule 2, paragraph 2A(4)

RHAN 3

DIWYGIO RHEOLIADAU ADDYSG (CYMORTH I FYFYRWYR) (CYMRU) 2017

Diwygio Rheoliadau Addysg (Cymorth i Fyfyrwyr) (Cymru) 2017

21. Mae Rheoliadau Addysg (Cymorth i Fyfyrwyr) (Cymru) 2017(1) wedi eu diwygio yn unol â rheoliadau 22 i 38.

22. Yn rheoliad 2 (dehongli), ym mharagraff (1)—

(a) yn y lleoedd priodol mewnosoder—

“ystyr “aelod o’r lluoedd arfog” (“member of the armed forces”) yw aelod o lynges, byddin neu lu awyr rheolaidd y Goron;”;

“ystyr “person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth” (“person granted stateless leave”) yw person—

(a) y mae ganddo ganiatâd cyfredol i aros fel person diwladwriaeth o dan y rheolau mewnfudo; a

(b) sydd wedi bod yn preswylio fel arfer yn y Deyrnas Unedig a’r Ynysoedd drwy gydol y cyfnod ers i’r caniatâd hwnnw gael ei roi i’r person;”;

“ystyr “perthynas agos” (“close relative”) (mewn perthynas â pherson (“P”)) yw—

(a) priod neu bartner sifil P;

(b) person sy’n byw fel arfer gyda P fel pe bai’r person yn briod neu’n bartner sifil i P;

(c) rhiant P, pan fo P o dan 25 oed;

(d) plentyn P, pan fo P yn ddibynnol ar y plentyn hwnnw;”; ac

PART 3

AMENDMENTS TO THE EDUCATION (STUDENT SUPPORT) (WALES) REGULATIONS 2017

Amendments to the Education (Student Support) (Wales) Regulations 2017

21. The Education (Student Support) (Wales) Regulations 2017(1) are amended in accordance with regulations 22 to 38.

22. In regulation 2 (interpretation), in paragraph (1)—

(a) in the appropriate places insert—

““close relative” (“*perthynas agos*”) (in relation to a person (“P”)) means—

(a) P’s spouse or civil partner;

(b) a person ordinarily living with P as if the person were P’s spouse or civil partner;

(c) P’s parent, where P is under the age of 25;

(d) P’s child, where P is dependent on that child;”;

““immigration rules” (“*rheolau mewnfudo*”) means the rules laid before Parliament by the Secretary of State under section 3(2) of the Immigration Act 1971;”;

““member of the armed forces” (“*aelod o’r lluoedd arfog*”) means a member of the regular naval, military or air forces of the Crown;” and

““person granted stateless leave” (“*person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth*”) means a person who—

(a) has extant leave to remain as a stateless person under the immigration rules; and

(1) O.S. 2017/47 (Cy. 21) fel y’i diwygiwyd gan O.S. 2018/191 (Cy. 42).

(1) S.I. 2017/47 (W. 21) as amended by S.I. 2018/191 (W. 42).

- “ystyr “rheolau mewnfudo” (“*immigration rules*”) yw’r rheolau a osodir gerbron Senedd y Deyrnas Unedig gan yr Ysgrifennydd Gwladol o dan adran 3(2) o Ddeddf Mewnfudo 1971;”; a
- (b) yn lle paragraffau (a) a (b) yn y diffiniad o “person sydd â caniatâd i ddod i mewn neu i aros” rhodder—
- “(a) sydd—
- (i) wedi gwneud cais am statws ffoadur ond sydd, o ganlyniad i’r cais hwnnw, wedi ei hysbysu’n ysgrifenedig gan berson sy’n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref, er yr ystyrir nad yw A yn gymwys i gael ei gydnabod fel ffoadur, y credir ei bod yn iawn caniatâu i A ddod i mewn i’r Deyrnas Unedig neu aros ynddi ar sail diogelwch dyngarol neu ganiatâd yn ôl disgrifiwn, ac y mae caniatâd wedi ei roi iddo i ddod i mewn neu i aros yn unol â hynny;
 - (ii) heb wneud cais am statws ffoadur ond sydd wedi ei hysbysu’n ysgrifenedig gan berson sy’n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref y credir ei bod yn iawn caniatâu i A ddod i mewn i’r Deyrnas Unedig neu aros ynddi ar sail caniatâd yn ôl disgrifiwn, ac y mae caniatâd wedi ei roi iddo i ddod i mewn neu i aros yn unol â hynny;
 - (iii) wedi cael caniatâd i aros ar sail bywyd preifat o dan y rheolau mewnfudo; neu
 - (iv) wedi ei hysbysu’n ysgrifenedig gan berson sy’n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref, er yr ystyrir nad yw A yn gymwys i gael caniatâd i aros ar sail bywyd preifat o dan y rheolau mewnfudo, fod A wedi cael caniatâd i aros y tu allan i’r rheolau⁽¹⁾ ar sail Erthygl 8 o’r Confensiwn Ewropeaidd ar Hawliau Dynol;”.
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”; and
- (b) for paragraphs (a) and (b) of the definition of “person with leave to enter or remain”, substitute—
- “(a) who has—
- (i) applied for refugee status but has, as a result of that application, been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although A is considered not to qualify for recognition as a refugee, it is thought right to allow A to enter or remain in the United Kingdom on the grounds of humanitarian protection or discretionary leave, and who has been granted leave to enter or remain accordingly;
 - (ii) not applied for refugee status but has been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that it is thought right to allow A to enter or remain in the United Kingdom on the grounds of discretionary leave, and who has been granted leave to enter or remain accordingly;
 - (iii) been granted leave to remain on the grounds of private life under the immigration rules; or
 - (iv) been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although A is not considered to qualify for leave to remain on the grounds of private life under the immigration rules, A has been granted leave to remain outside the rules⁽¹⁾ on the grounds of Article 8 of the European Convention on Human Rights.”.

(1) Mae paragraff 276BE(2) o’r rheolau mewnfudo yn cyfeirio at hyn.

(1) Paragraph 276BE(2) of the immigration rules refers.

23. Yn rheoliad 4 (myfyrwyr cymwys)—

(a) ar ôl paragraff (9) mewnosoder—

“(9A) Os bydd—

(a) Gweinidogion Cymru wedi penderfynu bod person (“A” yn y paragraff hwn), yn rhinwedd bod yn berson y rhoddwyd caniatâd iddo aros fel person diwladríaeth neu yn rhinwedd bod yn briod, yn bartner sifil, yn blentyn neu’n llysbentyn i’r cyfryw berson—

(i) yn fyfyrwr cymwys mewn cysylltiad â chais am gymorth ar gyfer blwyddyn gynt o’r cwrs presennol, mewn cysylltiad â chais am gymorth ar gyfer cwrs y mae’r cwrs presennol yn gwrs penben mewn perthynas ag ef, neu’n gais am gymorth mewn cysylltiad â chwrs rhan-amser dynodedig, cwrs dysgu o bell dynodedig neu gwrs dynodedig arall y mae statws A fel myfyrwr rhan-amser cymwys, myfyrwr dysgu o bell cymwys neu fyfyrwr cymwys wedi ei drosglwyddo oddi wrtho i’r cwrs presennol; neu

(ii) yn fyfyrwr cymhwysol mewn cysylltiad â chais am gymorth ar gyfer blwyddyn gynt o’r cwrs cymhwysol neu o gwrs cymhwysol arall y mae statws A fel myfyrwr cymhwysol wedi ei drosglwyddo oddi wrtho i’r cwrs cymhwysol y mae’r myfyrwr yn gwneud cais am gymorth mewn perthynas ag ef; a

(b) ar y diwrnod cyn dechrau’r flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi, y cyfnod a ganiateir i’r person y rhoddwyd caniatâd iddo aros yn y Deyrnas Unedig fel person diwladríaeth wedi dod i ben ac nad oes unrhyw hawl bellach i aros wedi ei rhoi ac nad oes cais am adolygiad gweinyddol yn unol â’r rheolau mewnfudo(1) yn yr arfaeth,

bydd statws A fel myfyrwr cymwys neu fyfyrwr cymhwysol yn terfynu yn union cyn diwrnod cyntaf y flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi.”;

23. In regulation 4 (eligible students)—

(a) after paragraph (9) insert—

“(9A) Where—

(a) the Welsh Ministers have determined that, by virtue of being a person granted stateless leave or the spouse, civil partner, child or step-child of such a person, a person (“A” in this paragraph) was—

(i) an eligible student in connection with an application for support for an earlier year of the present course, an application for support for a course in relation to which the present course is an end-on course or an application for support in connection with a designated part-time course, designated distance learning course, or other designated course from which A’s status as an eligible part-time student, eligible distance learning student or eligible student has been transferred to the present course; or

(ii) a qualifying student in connection with an application for support for an earlier year of the qualifying course or other qualifying course from which A’s status as a qualifying student has been transferred to the qualifying course in respect of which the student is applying for support; and

(b) as at the day before the academic year in respect of which A is applying for support starts, the period for which a person granted stateless leave is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no application for administrative review in accordance with the immigration rules(1) is pending,

A’s status as an eligible or qualifying student terminates immediately before the first day of the academic year in respect of which A is applying for support.”;

(1) *Gweler “Appendix AR: administrative review”.*

(1) *See Appendix AR: administrative review.*

- (b) ym mharagraff (11) yn lle “paragraffau (9) a (10)” rhodder “paragraffau (9), (9A) a (10)”.

24. Yn rheoliad 6 (cyfnod cymhwystera)—

- (a) ym mharagraffau (8) ac (11), yn lle “neu grant at gostau byw” rhodder “, grant at deithio, grant cynhaliaeth neu grant cymorth arbennig”;
- (b) ym mharagraff (10)—
- (i) yn is-baragraff (b)(i), yn lle “neu 3” rhodder “, 3 neu 4”; a
- (ii) yn lle is-baragraff (c)(i) rhodder—
- “(i) sydd wedi cwblhau cwrs gradd sylfaen llawnamser neu gwrs gradd arferol;”.

25. Yn rheoliad 13 (cymorth at ffioedd yn gyffredinol)—

- (a) ym mharagraff (5), ar y dechrau, mewnosoder “Yn ddarostyngedig i baragraff (5A)”;
- (b) ar ôl paragraff (5) mewnosoder—
- “(5A) Nid yw paragraff (5) yn gymwys pan—
- (a) bo’r myfyriwr (“M”) neu berthynas agos i M yn aelod o’r lluoedd arfog,
- (b) na fo M yn ymgymryd â’r cwrs yng Nghymru ar ddiwrnod cyntaf y flwyddyn academaidd gyntaf, ac
- (c) na fo M yn ymgymryd â’r cwrs yng Nghymru ar y diwrnod hwnnw oherwydd bod M neu’r berthynas agos yn gwasanaethu fel aelod o’r lluoedd arfog y tu allan i Gymru.”; ac
- (c) ar ôl paragraff (6) mewnosoder—
- “(7) Ond nid yw paragraff (6) yn gymwys pan fo’r myfyriwr yn ymgymryd â’r cwrs y tu allan i’r Deyrnas Unedig oherwydd bod y myfyriwr neu berthynas agos i’r myfyriwr yn gwasanaethu fel aelod o’r lluoedd arfog.”

26. Yn rheoliad 15 (digwyddiadau), paragraff (b), ar ôl “yn cael ei gydnabod fel ffoadur neu’n” mewnosoder “dod yn berson y rhoddwyd caniatâd iddo aros fel person diwladrwaeth neu’n”.

27. Yn rheoliad 23 (amodau cyffredinol yr hawl i gael grantiau at gostau byw), paragraff (12)(b), ar ôl “yn cael ei gydnabod fel ffoadur neu’n” mewnosoder “dod yn berson y rhoddwyd caniatâd iddo aros fel person diwladrwaeth neu’n”.

28. Yn rheoliad 24 (grantiau at gostau byw myfyrywyr anabl)—

- (a) ym mharagraff (4), ar y dechrau, mewnosoder “Yn ddarostyngedig i baragraff (4A)”;

- (b) in paragraph (11), for “Paragraphs (9) and (10)” substitute “Paragraphs (9), (9A) and (10)”.

24. In regulation 6 (period of eligibility)—

- (a) in paragraphs (8) and (11), for “or a grant for living costs” substitute “, grant for travel, maintenance grant or a special support grant”;
- (b) in paragraph (10)—
- (i) in sub-paragraph (b)(i), for “or 3” substitute “, 3 or 4”; and
- (ii) for sub-paragraph (c)(i) substitute—
- “(i) has completed a full-time foundation degree course or ordinary degree course;”.

25. In regulation 13 (fee support generally)—

- (a) in paragraph (5), at the beginning, insert “Subject to paragraph (5A)”;
- (b) after paragraph (5) insert—
- “(5A) Paragraph (5) does not apply where—
- (a) the student (“S”) or a close relative of S is a member of the armed forces,
- (b) S is not undertaking the course in Wales on the first day of the first academic year, and
- (c) S is not undertaking the course in Wales on that day because S or the close relative is serving as a member of the armed forces outside Wales.”; and
- (c) after paragraph (6) insert—
- “(7) But paragraph (6) does not apply where the student is undertaking the course outside the United Kingdom because the student or a close relative of the student is serving as a member of the armed forces.”

26. In regulation 15 (events), paragraph (b), after “is recognised as a refugee or” insert “becomes a person granted stateless leave or”.

27. In regulation 23 (general qualifying conditions for grants for living costs), paragraph (12)(b), after “is recognised as a refugee or” insert “becomes a person granted stateless leave or”.

28. In regulation 24 (grants for disabled students’ living costs)—

- (a) in paragraph (4), at the beginning, insert “Subject to paragraph (4A)”;

- (b) ar ôl paragraff (4) mewnosoder—
 “(4A) Nid yw paragraff (4) yn gymwys pan—
 (a) bo'r myfyriwr ("M") neu berthynas agos i M yn aelod o'r lluoedd arfog,
 (b) na fo M yn ymgymryd â'r cwrs yng Nghymru ar ddiwrnod cyntaf y flwyddyn academaidd gyntaf, ac
 (c) na fo M yn ymgymryd â'r cwrs yng Nghymru ar y diwrnod hwnnw oherwydd bod M neu'r berthynas agos yn gwasanaethu fel aelod o'r lluoedd arfog y tu allan i Gymru.”; ac
- (c) ar ôl paragraff (5) mewnosoder—
 “(5A) Ond nid yw paragraff (5) yn gymwys pan fo'r myfyriwr yn ymgymryd â'r cwrs y tu allan i'r Deyrnas Unedig oherwydd bod y myfyriwr neu berthynas agos i'r myfyriwr yn gwasanaethu fel aelod o'r lluoedd arfog.”
- 29.** Yn rheoliad 41 (amodau'r hawl i gael benthyciadau at gostau byw), hepgorer paragraff (4).
- 30.** Yn rheoliad 49 (myfyrwyr sy'n dod yn gymwys yn ystod blwyddyn academaidd), paragraff (2)(b), ar ôl “yn cael ei gydnabod fel ffoadur neu'n” mewnosoder “dod yn berson y rhoddwyd caniatâd iddo aros fel person diwladwriaeth neu'n”.
- 31.** Yn rheoliad 64 (myfyrwyr dysgu o bell cymwys)—
 (a) ar ôl paragraff (10) mewnosoder—
 “(10A) Pan fo—
 (a) Gweinidogion Cymru wedi penderfynu bod person ("A" yn y paragraff hwn), yn rhinwedd bod yn berson y rhoddwyd caniatâd iddo aros fel person diwladwriaeth neu fod yn briod, yn bartner sifil, yn blentyn neu'n llysbentyn i'r cyfryw berson, yn fyfyrwr dysgu o bell cymwys mewn cysylltiad â chais am gymorth ar gyfer blwyddyn gynharach o'r cwrs dysgu o bell presennol, neu mewn cysylltiad â chais am gymorth mewn perthynas â chwrs dynodedig, cwrs rhan-amser dynodedig, neu gwrs dysgu o bell dynodedig arall y mae statws A fel myfyriwr cymwys, myfyriwr rhan-amser cymwys neu fyfyrwr dysgu o bell cymwys wedi ei drosglwyddo oddi wrtho i'r cwrs dysgu o bell presennol; a
- (b) after paragraph (4) insert—
 “(4A) Paragraph (4) does not apply where—
 (a) the student ("S") or a close relative of S is a member of the armed forces,
 (b) S is not undertaking the course in Wales on the first day of the first academic year, and
 (c) S is not undertaking the course in Wales on that day because S or the close relative is serving as a member of the armed forces outside Wales.”; and
- (c) after paragraph (5) insert—
 “(5A) But paragraph (5) does not apply where the student is undertaking the course outside the United Kingdom because the student or a close relative of the student is serving as a member of the armed forces.”
- 29.** In regulation 41 (qualifying conditions for loans for living costs), omit paragraph (4).
- 30.** In regulation 49 (students becoming eligible during the course of an academic year), paragraph (2)(b), after “is recognised as a refugee or” insert “becomes a person granted stateless leave or”.
- 31.** In regulation 64 (eligible distance learning students)—
 (a) after paragraph (10) insert—
 “(10A) Where—
 (a) the Welsh Ministers determined that, by virtue of being a person granted stateless leave or the spouse, civil partner, child or step-child of such a person, a person ("A" in this paragraph) was an eligible distance learning student in connection with an application for support for an earlier year of the present distance learning course or an application for support in connection with a designated course, designated part-time course or other designated distance learning course from which A's status as an eligible student, eligible part-time student or eligible distance learning student has been transferred to the present distance learning course; and

- (b) ar y diwrnod cyn dechrau'r flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi, y cyfnod a ganiateir i'r person y rhoddwyd caniatâd iddo aros yn y Deyrnas Unedig fel person diwladwriaeth wedi dod i ben ac nad oes unrhyw hawl bellach i aros wedi ei rhoi ac nad oes cais am adolygiad gweinyddol yn unol â'r rheolau mewnfudo(1) yn yr arfaeth,

bydd statws A fel myfyriwr dysgu o bell cymwys yn terfynu yn union cyn diwrnod cyntaf y flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi.”;

- (b) ym mharagraff (12), yn lle “paragraffau (10) ac (11)” rhodder “paragraffau (10), (10A) ac (11)”.

32. Yn rheoliad 65 (myfyrwyr sy'n dod yn gymwys yn ystod y flwyddyn academaidd), ym mharagraff (4)(b) ar ôl “yn cael ei gydnabod fel ffoadur neu'n” mewnosoder “dod yn berson y rhoddwyd caniatâd iddo aros fel person diwladwriaeth neu'n”.

33. Yn rheoliad 81 (myfyrwyr rhan-amser cymwys)—

- (a) ar ôl paragraff (9) mewnosoder—

“(9A) Os bydd—

- (a) Gweinidogion Cymru wedi penderfynu bod person (“A” yn y paragraff hwn), yn rhinwedd bod yn berson y rhoddwyd caniatâd iddo aros fel person diwladwriaeth, neu fod yn briod, yn bartner sifil, yn blentyn neu'n llysbentyn i'r cyfryw berson, yn fyfyrwr rhan-amser cymwys mewn cysylltiad â chais am gymorth ar gyfer blwyddyn gynharach o'r cwrs rhan-amser presennol neu mewn cysylltiad â chais am gymorth mewn cysylltiad â chwrs dynodedig, cwrs dysgu o bell dynodedig neu gwrs rhan-amser dynodedig arall y mae statws A fel myfyriwr rhan-amser cymwys, myfyriwr cymwys neu fyfyrwr dysgu o bell cymwys wedi ei drosglwyddo oddi wrtho i'r cwrs rhan-amser presennol; a

- (b) as at the day before the academic year in respect of which A is applying for support begins, the period for which a person granted stateless leave is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no application for administrative review in accordance with the immigration rules(1) is pending,

A's status as an eligible distance learning student terminates immediately before the first day of the academic year in respect of which A is applying for support.”;

- (b) in paragraph (12), for “paragraphs (10) and (11)” substitute “paragraphs (10), (10A) and (11)”.

32. In regulation 65 (students becoming eligible during the course of the academic year), in paragraph (4)(b) after “is recognised as a refugee or” insert “becomes a person granted stateless leave or”.

33. In regulation 81 (eligible part-time students)—

- (a) after paragraph (9) insert—

“(9A) Where—

- (a) the Welsh Ministers determined that, by virtue of being a person granted stateless leave or the spouse, civil partner, child or step-child of such a person, a person (“A” in this paragraph) was an eligible part-time student in connection with an application for support for an earlier year of the present part-time course or an application for support in connection with a designated course, designated distance learning course or other designated part-time course from which A's status as an eligible part-time student, eligible student or eligible distance learning student has been transferred to the present part-time course; and

(1) *Gweler* “Appendix AR: administrative review”.

(1) See Appendix AR: administrative review.

(b) ar y diwrnod cyn dechrau'r flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi, y cyfnod a ganiateir i'r person y rhoddyd caniatâd iddo aros fel person diwladwriaeth yn y Deyrnas Unedig wedi dod i ben ac nad oes unrhyw hawl bellach i aros wedi ei rhoi ac nad oes cais am adolygiad gweinyddol yn unol â'r rheolau mewnfudo⁽¹⁾ yn yr arfaeth,

bydd statws A fel myfyriwr rhan-amser cymwys yn terfynu yn union cyn diwrnod cyntaf y flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi.”;

(b) ym mharagraff (11), yn lle “paragraffau (9) a (10)” rhodder “paragraffau (9), (9A) a (10)”;

(c) ar ôl paragraff (14) mewnosoder—

“(14A) Ond nid yw paragraff (14) yn gymwys i gymorth o dan reoliadau 85 i 88 pan—

(a) bo'r myfyriwr (“M”) neu berthynas agos i M yn aelod o'r lluoedd arfog,

(b) na fo M yn ymgymryd â'r cwrs yng Nghymru ar ddiwrnod cyntaf y flwyddyn academaidd gyntaf, ac

(c) na fo M yn ymgymryd â'r cwrs yng Nghymru ar y diwrnod hwnnw oherwydd bod M neu'r berthynas agos yn gwasanaethu fel aelod o'r lluoedd arfog y tu allan i Gymru.”; a

(d) ar ôl paragraff (15) mewnosoder—

“(15A) Ond nid yw paragraff (15) yn gymwys i gymorth o dan reoliadau 85 i 88 pan fo'r myfyriwr yn ymgymryd â'r cwrs y tu allan i'r Deyrnas Unedig oherwydd bod y myfyriwr neu berthynas agos i'r myfyriwr yn gwasanaethu fel aelod o'r lluoedd arfog.”

34. Yn rheoliad 82 (myfyrwyr sy'n dod yn gymwys yn ystod y flwyddyn academaidd), ym mharagraff (4)(b), ar ôl “yn cael ei gydnabod fel ffoadur neu'n” mewnosoder “dod yn berson y rhoddyd caniatâd iddo aros fel person diwladwriaeth neu'n”.

35. Yn rheoliad 110 (myfyrwyr ôl-raddedig cymwys)—

(a) ar ôl paragraff (11) mewnosoder—

“(11A) Os bydd—

(b) as at the day before the academic year in respect of which A is applying for support begins, the period for which a person granted stateless leave is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no application for administrative review in accordance with the immigration rules⁽¹⁾ is pending,

A's status as an eligible part-time student terminates immediately before the first day of the academic year in respect of which A is applying for support.”;

(b) in paragraph (11), for “Paragraphs (9) and (10)” substitute “Paragraphs (9), (9A) and (10)”;

(c) after paragraph (14) insert—

“(14A) But paragraph (14) does not apply to support under regulations 85 to 88 where—

(a) the student (“S”) or a close relative of S is a member of the armed forces,

(b) S is not undertaking the course in Wales on the first day of the first academic year, and

(c) S is not undertaking the course in Wales on that day because S or the close relative is serving as a member of the armed forces outside Wales.”; and

(d) after paragraph (15) insert—

“(15A) But paragraph (15) does not apply to support under regulations 85 to 88 where the student is undertaking the course outside the United Kingdom because the student or a close relative of the student is serving as a member of the armed forces.”

34. In regulation 82 (students becoming eligible during the course of the academic year), in paragraph (4)(b), after “is recognised as a refugee or” insert “becomes a person granted stateless leave or”.

35. In regulation 110 (eligible postgraduate students)—

(a) after paragraph (11) insert—

“(11A) Where—

(1) *Gweler* “Appendix AR: administrative review”.

(1) See Appendix AR: administrative review.

- (a) Gweinidogion Cymru wedi penderfynu bod person (“A” yn y paragraff hwn), yn rhinwedd bod yn berson y rhoddwyd caniatâd iddo aros fel person diwladrwaeth, neu fod yn briod, yn bartner sifil, yn blentyn neu’n llysblentyn i’r cyfryw berson, yn fyfyrwr ôl-raddedig cymwys mewn cysylltiad â chais am gymorth ar gyfer blwyddyn gynharach o’r cwrs ôl-radd presennol neu mewn cysylltiad â chais mewn cysylltiad â chwrs ôl-radd dynodedig arall y mae statws A fel myfyriwr ôl-raddedig cymwys wedi ei drosglwyddo oddi wrtho i’r cwrs ôl-radd presennol; a
- (b) ar y diwrnod cyn dechrau’r flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn cysylltiad â hi, y cyfnod a ganiateir i’r person sydd â’r hawl i ddod i mewn neu i aros yn y Deyrnas Unedig wedi dod i ben ac nad oes unrhyw hawl bellach i aros wedi ei rhoi ac nad oes cais am adolygiad gweinyddol yn unol â’r rheolau mewnfudo(1) yn yr arfaeth,
bydd statws A fel myfyriwr ôl-raddedig cymwys yn terfynu yn union cyn diwrnod cyntaf y flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn perthynas â hi.”;
- (b) ym mharagraff (12)(a), yn lle “ffoadur” rhodder “berson sydd â chaniatâd i ddod i mewn neu i aros” yn y ddau le y mae’n digwydd.
- 36.** Yn rheoliad 111 (myfyrwyr sy’n dod yn gymwys yn ystod y flwyddyn academaidd), ym mharagraff (2)(b), ar ôl “yn cael ei gydnabod yn ffoadur neu’n” mewnosoder “dod yn berson y rhoddwyd caniatâd iddo aros fel person diwladrwaeth neu’n”.
- 37.** Yn Atodlen 1—
- (a) ar ôl paragraff 4 (ffoaduriaid ac aelodau o’u teuluoedd) mewnosoder—
- (a) the Welsh Ministers determined that, by virtue of being a person granted stateless leave or the spouse, civil partner, child or step-child of such a person, a person (“A” in this paragraph) was an eligible postgraduate student in connection with an application for support for an earlier year of the present postgraduate course or an application in connection with another designated postgraduate course from which A’s status as an eligible postgraduate student has been transferred to the present postgraduate course; and
- (b) as at the day before the academic year in respect of which A is applying for support starts, the period for which the person with leave to enter or remain is allowed to stay in the United Kingdom has expired and no further leave to remain has been granted and no application for administrative review in accordance with the immigration rules(1) is pending,

A’s status as an eligible postgraduate student terminates immediately before the first day of the academic year in respect of which A is applying for support.”;

- (b) in paragraph (12)(a), for “refugee” substitute “person with leave to enter or remain” in both places where it occurs.

- 36.** In regulation 111 (students becoming eligible during the course of the academic year), in paragraph (2)(b), after “is recognised as a refugee or” insert “becomes a person granted stateless leave or”.

37. In Schedule 1—

- (a) after paragraph 4 (refugees and their family members) insert—

(1) *Gweler* “Appendix AR: administrative review”.

(1) *See Appendix AR: administrative review.*

“Personau y rhoddywyd caniatâd iddynt aros fel personau diwladwriaeth ac aelodau o’u teuluoedd

4A.—(1) Person y rhoddywyd caniatâd iddo aros fel person diwladwriaeth—

- (a) sy’n preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrws, a
- (b) sydd wedi bod yn preswylio fel arfer yn y Deyrnas Unedig a’r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrws.

(2) Person—

- (a)—(i) sy’n briod neu’n bartner sifil i berson y rhoddywyd caniatâd iddo aros fel person diwladwriaeth; a
- (ii) a oedd, ar ddyddiad y cais i gael caniatâd i aros, yn briod neu’n bartner sifil i berson y rhoddywyd caniatâd iddo aros fel person diwladwriaeth;
- (b) sy’n preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrws; ac
- (c) sydd wedi bod yn preswylio fel arfer yn y Deyrnas Unedig a’r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrws.

(3) Person—

- (a)—(i) sy’n blentyn i berson y rhoddywyd caniatâd iddo aros fel person diwladwriaeth neu’n blentyn i briod neu i bartner sifil person y rhoddywyd caniatâd iddo aros fel person diwladwriaeth; a
- (ii) a oedd, ar ddyddiad y cais i gael caniatâd i aros, yn blentyn i berson y rhoddywyd caniatâd iddo aros fel person diwladwriaeth neu’n blentyn i berson a oedd, ar ddyddiad y cais i gael caniatâd i aros, yn briod neu’n bartner sifil i berson y rhoddywyd caniatâd iddo aros fel person diwladwriaeth;
- (b) a oedd o dan 18 oed ar ddyddiad y cais i gael caniatâd i aros;

“Persons granted stateless leave and their family members

4A.—(1) A person granted stateless leave who—

- (a) is ordinarily resident in Wales on the first day of the first academic year of the course, and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the three year period preceding the first day of the first academic year of the course.

(2) A person—

- (a) who—
 - (i) is the spouse or civil partner of a person granted stateless leave; and
 - (ii) on the leave application date, was the spouse or civil partner of a person granted stateless leave;
- (b) who is ordinarily resident in Wales on the first day of the first academic year of the course; and
- (c) who has been ordinarily resident in the United Kingdom and Islands throughout the three year period preceding the first day of the first academic year of the course.

(3) A person—

- (a) who—
 - (i) is the child of a person granted stateless leave or the child of the spouse or civil partner of a person granted stateless leave; and
 - (ii) on the leave application date, was the child of a person granted stateless leave or the child of a person who, on the leave application date, was the spouse or civil partner of a person granted stateless leave;
- (b) who was under 18 on the leave application date;

- (c) sy'n preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; a
- (d) sydd wedi bod yn preswylio fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.
- (4) Yn y paragraff hwn, ystyr "dyddiad y cais i gael caniatâd i aros" yw'r dyddiad y gwnaeth person y rhoddwyd caniatâd iddo aros fel person diwladrwaeth gais i aros yn y Deyrnas Unedig fel person diwladrwaeth o dan y rheolau mewnfudo.";
- (b) ym mharagraff 5 (personau sydd â chaniatâd i ddod i mewn neu i aros ac aelodau o'u teuluoedd)—
 - (i) yn lle is-baragraff (2)(b) rhodder—
 - "(b) a oedd yn briod neu'n bartner sifil i'r person â chaniatâd i ddod i mewn neu i aros ar ddyddiad y cais i gael caniatâd i aros;"
 - (ii) yn lle is-baragraff (3)(b) rhodder—
 - "(b) a oedd, ar ddyddiad y cais i gael caniatâd i aros, yn blentyn i'r person â chaniatâd i ddod i mewn neu i aros neu'n blentyn i berson a oedd yn briod neu'n bartner sifil i'r person â chaniatâd i ddod i mewn neu i aros ar y dyddiad hwnnw;"
 - (iii) yn lle is-baragraff (3)(c) rhodder—
 - "(c) a oedd o dan 18 oed ar ddyddiad y cais i gael caniatâd i aros;" a
 - (iv) ar ôl is-baragraff (3) mewnosoder—
 - "(4) Yn y paragraff hwn, ystyr "dyddiad y cais i gael caniatâd i aros" yw'r dyddiad y gwnaeth y person sydd â chaniatâd i ddod i mewn neu i aros y cais a arweiniodd at y person hwnnw yn cael caniatâd i ddod i mewn i'r Deyrnas Unedig neu i aros ynddi."

38. Yn Atodlen 4, ym mharagraff 6(a), ar ôl "yn cael ei gydnabod fel ffoadur neu'n" mewnosoder "dod yn berson y rhoddwyd caniatâd iddo aros fel person diwladrwaeth neu'n".

- (c) who is ordinarily resident in Wales on the first day of the first academic year of the course; and
- (d) who has been ordinarily resident in the United Kingdom and Islands throughout the three year period preceding the first day of the first academic year of the course.
- (4) In this paragraph, "leave application date" means the date on which a person granted stateless leave made an application to remain in the United Kingdom as a stateless person under the immigration rules.";
- (b) in paragraph 5 (persons with leave to enter or remain and their family members)—
 - (i) for sub-paragraph (2)(b) substitute—
 - "(b) who was the spouse or civil partner of the person with leave to enter or remain on the leave application date;"
 - (ii) for sub-paragraph (3)(b) substitute—
 - "(b) who, on the leave application date, was the child of the person with leave to enter or remain or the child of a person who was the spouse or civil partner of the person with leave to enter or remain on that date;"
 - (iii) for sub-paragraph (3)(c) substitute—
 - "(c) who was under 18 on the leave application date;" and
 - (iv) after sub-paragraph (3) insert—
 - "(4) In this paragraph, "leave application date" means the date on which the person with leave to enter or remain made the application that led to that person being granted leave to enter or remain in the United Kingdom."
- (b) In Schedule 4, in paragraph 6(a), after "is recognised as a refugee or" insert "becomes a person granted stateless leave or".

Rhan 4

Diwygiadau sy'n ymwneud â statws mewnfudo myfyrwyr

Diwygio Rheoliadau Addysg (Ffioedd a Dyfarniadau) (Cymru) 2007

39. Mae Rheoliadau Addysg (Ffioedd a Dyfarniadau) (Cymru) 2007(1) wedi eu diwygio yn unol â rheoliadau 40 ac 41.

40. Yn rheoliad 5 (dyfarniadau gan awdurdodau lleol), ym mharagraff (1)—

- (a) yn is-baragraff (b), yn lle “o fewn paragraff 5” rhodder “o fewn paragraffau 4A a 5”;
- (b) yn is-baragraff (c), yn lle “o fewn paragraffau 5 a 9” rhodder “o fewn paragraffau 4A, 5 a 9.”

41. Yn yr Atodlen—

- (a) ym mharagraff 1—

- (i) yn y lleoedd priodol mewnosoder—“ystyr “person y rhoddyd caniatâd iddo aros fel person diwladrwaeth” (“*person granted stateless leave*”) yw person—
 - (a) y mae ganddo caniatâd cyfredol i aros fel person diwladrwaeth o dan y rheolau mewnfudo; a
 - (b) sydd wedi bod yn preswylio fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod ers i'r caniatâd hwnnw gael ei roi i'r person,”; ac “ystyr “rheolau mewnfudo” (“*immigration rules*”) yw'r rheolau a osodir gerbron Senedd y Deyrnas Unedig gan yr Ysgrifennydd Gwladol o dan adran 3(2) o Ddeddf Mewnfudo 1971;”;
 - (ii) yn lle'r diffiniad o “person sydd â chaniatâd i ddod i mewn neu aros” rhodder—“ystyr “person sydd â chaniatâd i ddod i mewn neu i aros” (“*person with leave to enter or remain*”) yw person (“P”—

Part 4

Amendments relating to the immigration status of students

Amendments to the Education (Fees and Awards) (Wales) Regulations 2007

39. The Education (Fees and Awards) (Wales) Regulations 2007(1) are amended in accordance with regulations 40 and 41.

40. In regulation 5 (awards by local authorities), in paragraph (1)—

- (a) in sub-paragraph (b), for “within paragraph 5” substitute “within paragraphs 4A and 5”;
- (b) in sub-paragraph (c), for “within paragraphs 5 and 9” substitute “within paragraphs 4A, 5 and 9.”

41. In the Schedule—

- (a) in paragraph 1—

- (i) in the appropriate places insert—““immigration rules” (“*rheolau mewnfudo*”) means the rules laid before Parliament by the Secretary of State under section 3(2) of the Immigration Act 1971;”; and““person granted stateless leave” (“*person y rhoddyd caniatâd iddo aros fel person diwladrwaeth*”) means a person who—
 - (a) has extant leave to remain as a stateless person under the immigration rules; and
 - (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”;
 - (ii) for the definition of “person with leave to enter or remain” substitute—““person with leave to enter or remain” (“*person sydd â chaniatâd i ddod i mewn neu i aros*”) means a person (“P”—

(1) O.S. 2007/2310 (Cy. 181) fel y'i diwygiwyd gan O.S. 2010/1142 (Cy. 101) ac O.S. 2011/1978 (Cy. 218); mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol.

(1) S.I. 2007/2310 (W. 181) as amended by S.I. 2010/1142 (W. 101) and S.I. 2011/1978 (W. 218); there are other amending instruments but none is relevant.

(a) sydd—

- (i) wedi gwneud cais am statws ffoadur ond sydd, o ganlyniad i'r cais hwnnw, wedi ei hysbysu'n ysgrifenedig gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref, er yr ystyrir nad yw P yn gymwys i gael ei gydnabod yn ffoadur, y credir ei bod yn iawn caniatáu i P ddod i mewn i'r Deyrnas Unedig neu aros ynddi ar sail diogelwch dyngarol neu ganiatâd yn ôl disgrifiwn, ac y mae caniatâd wedi ei roi iddo i ddod i mewn neu i aros yn unol â hynny;
- (ii) heb wneud cais am statws ffoadur ond sydd wedi ei hysbysu'n ysgrifenedig gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref y credir ei bod yn iawn caniatáu i P ddod i mewn i'r Deyrnas Unedig neu aros ynddi ar sail caniatâd yn ôl disgrifiwn, ac y mae caniatâd wedi ei roi iddo i ddod i mewn neu i aros yn unol â hynny;
- (iii) wedi cael caniatâd i aros ar sail bywyd preifat o dan y rheolau mewnfudo; neu
- (iv) wedi ei hysbysu'n ysgrifenedig gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref, er yr ystyrir nad yw P yn gymwys i gael caniatâd i aros ar sail bywyd preifat o dan y rheolau mewnfudo, fod P wedi cael caniatâd i aros y tu allan i'r rheolau(1) ar sail Erthygl 8 o'r Confensiwn Ewropeaidd ar Hawliau Dynol;

(a) who has—

- (i) applied for refugee status but has, as a result of that application, been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although P is not considered to qualify for recognition as a refugee, it is thought right to allow P to enter or remain in the United Kingdom on the grounds of humanitarian protection or discretionary leave, and who has been granted leave to enter or remain accordingly;
- (ii) not applied for refugee status but has been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that it is thought right to allow P to enter or remain in the United Kingdom on the grounds of discretionary leave, and who has been granted leave to enter or remain accordingly;
- (iii) been granted leave to remain on the grounds of private life under the immigration rules; or
- (iv) been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although P is not considered to qualify for leave to remain on the grounds of private life under the immigration rules, P has been granted leave to remain outside the rules(1) on the grounds of Article 8 of the European Convention on Human Rights;

(1) Mae paragraff 276BE(2) o'r rheolau mewnfudo yn cyfeirio at hyn.

(1) Paragraph 276BE(2) of the immigration rules refers.

- (b) nad yw cyfnod ei ganiatâd i ddod i mewn neu i aros wedi dod i ben, neu y mae'r cyfnod hwnnw wedi ei adnewyddu ac nad yw'r cyfnod y cafodd ei adnewyddu ar ei gyfer wedi dod i ben, neu y mae apêl yn yr arfaeth (o fewn ystyr adran 104 o Ddeddf Cenedligrwydd, Mewnfudo a Lloches 2002(1)) mewn cysylltiad â'i ganiatâd i ddod i mewn neu i aros; ac
- (c) sydd wedi bod yn preswylio fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod ers i P gael caniatâd i ddod i mewn neu i aros;";
- (b) ar ôl paragraff 4 (ffoaduriaid ac aelodau o'u teuluoedd) mewnosoder—

"Personau y rhoddwyd caniatâd iddynt aros fel personau diwladrwaeth ac aelodau o'u teuluoedd

4A.—(1) Person y rhoddwyd caniatâd iddo aros fel person diwladrwaeth—

- (a) sy'n preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; a
- (b) sydd wedi bod yn preswylio fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

(2) Person—

- (a)—(i) sy'n briod neu'n bartner sifil i berson y rhoddwyd caniatâd iddo aros fel person diwladrwaeth; a
- (ii) a oedd, ar ddyddiad y cais i gael caniatâd i aros, yn briod neu'n bartner sifil i berson y rhoddwyd caniatâd iddo aros fel person diwladrwaeth;
- (b) sy'n preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; ac
- (c) sydd wedi bod yn preswylio fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

- (b) whose period of leave to enter or remain has not expired or has been renewed and the period for which it was renewed has not expired or in respect of whose leave to enter or remain an appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002(1)); and
- (c) who has been ordinarily resident in the United Kingdom and Islands throughout the period since P was granted leave to enter or remain;";
- (b) after paragraph 4 (refugees and their family members) insert—

"Persons granted stateless leave and their family members

4A.—(1) A person granted stateless leave who—

- (a) is ordinarily resident in Wales on the first day of the first academic year of the course; and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the three year period preceding the first day of the first academic year of the course.

(2) A person—

- (a) who—
 - (i) is the spouse or civil partner of a person granted stateless leave; and
 - (ii) on the leave application date, was the spouse or civil partner of a person granted stateless leave;
- (b) who is ordinarily resident in Wales on the first day of the first academic year of the course; and
- (c) who has been ordinarily resident in the United Kingdom and Islands throughout the three year period preceding the first day of the first academic year of the course.

(1) 2002 p. 41. Diwygiwyd adran 104 gan Ddeddf Lloches a Mewnfudo (Trin Ceiswyr, etc.) 2004, Atodleni 2 a 4, Deddf Mewnfudo, Lloches a Chenedligrwydd 2006 (p. 13), adran 19, O.S. 2010/21 a Deddf Mewnfudo 2014 (p. 22), Atodlen 9.

(1) 2002 c. 41. Section 104 was amended by the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, Schedules 2 and 4, the Immigration, Asylum and Nationality Act 2006 (c. 13), section 19, S.I. 2010/21 and the Immigration Act 2014 (c. 22), Schedule 9.

(3) Person—

- (a)—(i) sy'n blentyn i berson y rhoddwyd caniatâd iddo aros fel person diwladrwaeth neu'n blentyn i briod neu i bartner sifil person y rhoddwyd caniatâd iddo aros fel person diwladrwaeth; a
- (ii) a oedd, ar ddyddiad y cais i gael caniatâd i aros, yn blentyn i berson y rhoddwyd caniatâd iddo aros fel person diwladrwaeth neu'n blentyn i berson a oedd, ar ddyddiad y cais i gael caniatâd i aros, yn briod neu'n bartner sifil i berson y rhoddwyd caniatâd iddo aros fel person diwladrwaeth;
- (b) a oedd o dan 18 oed ar ddyddiad y cais i gael caniatâd i aros;
- (c) sy'n preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; ac
- (ch) sydd wedi bod yn preswylio fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

(4) Yn y paragraff hwn, ystyr “dyddiad y cais i gael caniatâd i aros” yw'r dyddiad y gwnaeth person y rhoddwyd caniatâd iddo aros fel person diwladrwaeth gais i aros yn y Deyrnas Unedig fel person diwladrwaeth o dan y rheolau mewnfudo.”;

- (c) ym mharagraff 5 (personau â chaniatâd i ddod i mewn neu i aros ac aelodau o'u teulu)—
 - (i) yn lle is-baragraff (2)(b) rhodder—“(b) a oedd yn briod neu'n bartner sifil i'r person sydd â chaniatâd i ddod i mewn neu i aros ar ddyddiad y cais i gael caniatâd i aros; ac”;
 - (ii) yn lle is-baragraff (3)(b) rhodder—“(b) a oedd, ar ddyddiad y cais i gael caniatâd i aros, yn blentyn i'r person sydd â chaniatâd i ddod i mewn neu i aros neu'n blentyn i berson a oedd yn briod neu'n bartner sifil i'r person sydd â chaniatâd i ddod i mewn neu i aros ar y dyddiad hwnnw;”;
 - (iii) yn lle is-baragraff (3)(c) rhodder—“(c) a oedd o dan 18 oed ar ddyddiad y cais i gael caniatâd i aros; ac”; a
 - (iv) ar ôl is-baragraff (3) mewnosoder—

(3) A person—

- (a) who—
 - (i) is the child of a person granted stateless leave or the child of the spouse or civil partner of a person granted stateless leave; and
 - (ii) on the leave application date, was the child of a person granted stateless leave or the child of a person who, on the leave application date, was the spouse or civil partner of a person granted stateless leave;
- (b) who was under 18 on the leave application date;
- (c) who is ordinarily resident in Wales on the first day of the first academic year of the course; and
- (d) who has been ordinarily resident in the United Kingdom and Islands throughout the three year period preceding the first day of the first academic year of the course.

(4) In this paragraph, “leave application date” means the date on which a person granted stateless leave made an application to remain in the United Kingdom as a stateless person under the immigration rules.”;

- (c) in paragraph 5 (persons with leave to enter or remain and their family members)—
 - (i) for sub-paragraph (2)(b) substitute—“(b) who was the spouse or civil partner of the person with leave to enter or remain on the leave application date; and”;
 - (ii) for sub-paragraph (3)(b) substitute—“(b) who, on the leave application date, was the child of the person with leave to enter or remain or the child of a person who was the spouse or civil partner of the person with leave to enter or remain on that date;”;
 - (iii) for sub-paragraph (3)(c) substitute—“(c) who was under 18 on the leave application date; and”;
 - (iv) after sub-paragraph (3) insert—

“(4) Yn y paragraff hwn, ystyr “dyddiad y cais i gael caniatâd i aros” yw'r dyddiad y gwnaeth y person sydd â chaniatâd i ddod i mewn neu i aros y cais a arweiniodd at y person hwnnw yn cael caniatâd i ddod i mewn i'r Deyrnas Unedig neu aros ynddi.”

Diwygio Rheoliadau Addysg (Athrofa Brifysgol Ewropeaidd) (Cymru) 2014

42. Mae Rheoliadau Addysg (Athrofa Brifysgol Ewropeaidd) (Cymru) 2014(1) wedi eu diwygio yn unol â rheoliadau 43 i 45.

43. Yn rheoliad 3—

(a) yn y lleoedd priodol mewnosoder—

“ystyr “person y rhoddyd caniatâd iddo aros fel person diwladrwaeth” (“*person granted stateless leave*”) yw person—

- (a) y mae ganddo ganiatâd cyfredol i aros fel person diwladrwaeth o dan y rheolau mewnfudo; a
- (b) sydd wedi bod yn preswylio fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod ers i'r caniatâd hwnnw gael ei roi i'r person;”; ac

“ystyr “rheolau mewnfudo” (“*immigration rules*”) yw'r rheolau a osodir gerbron Senedd y Deyrnas Unedig gan yr Ysgrifennydd Gwladol o dan adran 3(2) o Ddeddf Mewnfudo 1971;”;

(b) yn lle paragraffau (a) a (b) yn y diffiniad o “person sydd â chaniatâd i ddod i mewn neu i aros”, rhodder—

“(a) sydd—

- (i) wedi gwneud cais am statws ffoadur ond sydd, o ganlyniad i'r cais hwnnw, wedi ei hysbysu'n ysgrifenedig gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref, er yr ystyrir nad yw A yn cymhwysyo i gael ei gydnabod yn ffoadur, y credir ei bod yn iawn caniatâu i A ddod i mewn i'r Deyrnas Unedig neu aros ynddi ar sail diogelwch dyngarol neu ganiatâd yn ôl disgrifiwn, ac y mae caniatâd wedi ei roi iddo i ddod i mewn neu i aros yn unol â hynny;

“(4) In this paragraph, “leave application date” means the date on which the person with leave to enter or remain made the application that led to that person being granted leave to enter or remain in the United Kingdom.”

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

42. The Education (European University Institute) (Wales) Regulations 2014(1) are amended in accordance with regulations 43 to 45.

43. In regulation 3—

(a) in the appropriate places insert—

““immigration rules” (“*rheolau mewnfudo*”) means the rules laid before Parliament by the Secretary of State under section 3(2) of the Immigration Act 1971;”; and

““person granted stateless leave” (“*person y rhoddyd caniatâd iddo aros fel person diwladrwaeth*”) means a person who—

- (a) has extant leave to remain as a stateless person under the immigration rules; and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”;

(b) for paragraphs (a) and (b) of the definition of “person with leave to enter or remain”, substitute—

“(a) who has—

- (i) applied for refugee status but has, as a result of that application, been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although A is considered not to qualify for recognition as a refugee, it is thought right to allow A to enter or remain in the United Kingdom on the grounds of humanitarian protection or discretionary leave, and who has been granted leave to enter or remain accordingly;

(1) O.S. 2014/3037 (Cy. 303).

(1) S.I. 2014/3037 (W. 303).

- (ii) heb wneud cais am statws ffoadur ond sydd wedi ei hysbysu'n ysgrifenedig gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref y credir ei bod yn iawn caniatáu i A ddod i mewn i'r Deyrnas Unedig neu aros ynddi ar sail caniatâd yn ôl disgrifiwn, ac y mae caniatâd wedi ei roi iddo i ddod i mewn neu i aros yn unol â hynny;
 - (iii) wedi cael caniatâd i aros ar sail bywyd preifat o dan y rheolau mewnfudo; neu
 - (iv) wedi ei hysbysu'n ysgrifenedig gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref, er yr ystyrir nad yw A yn cymhwys i gael caniatâd i aros ar sail bywyd preifat o dan y rheolau mewnfudo, fod A wedi cael caniatâd i aros y tu allan i'r rheolau⁽¹⁾ ar sail Erthygl 8 o'r Confensiwn Ewropeaidd ar Hawliau Dynol;".
- (ii) not applied for refugee status but has been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that it is thought right to allow A to enter or remain in the United Kingdom on the grounds of discretionary leave, and who has been granted leave to enter or remain accordingly;
 - (iii) been granted leave to remain on the grounds of private life under the immigration rules; or
 - (iv) been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although A is not considered to qualify for leave to remain on the grounds of private life under the immigration rules, A has been granted leave to remain outside the rules⁽¹⁾ on the grounds of Article 8 of the European Convention on Human Rights;".

44. Yn rheoliad 6 (myfyrwyr cymwys), ar ôl paragraff (9) mewnosoder—

“(9A) Pan fo—

- (a) Gweinidogion Cymru wedi penderfynu bod person (“A” yn y paragraff hwn), yn rhinwedd yffaith ei fod yn berson y rhoddwyd caniatâd iddo aros fel person diwladwriaeth, neu’n briod, partner sifil, plentyn neu lysblentyn i berson o’r fath, yn fyfyrwr cymwys mewn cysylltiad â chais am gymorth ar gyfer un o flynyddoedd cynharach y cwrs cyfredol neu mewn cysylltiad â chais am gymorth ar gyfer cwrs dynodedig yn yr Athrofa y trosglwyddwyd statws A fel myfyrwr cymwys ohono i’r cwrs cyfredol; a

44. In regulation 6 (eligible students), after paragraph (9) insert—

“(9A) Where—

- (a) the Welsh Ministers determined that, by virtue of being a person granted stateless leave, 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

(1) Mae paragraff 276BE(2) o'r rheolau mewnfudo yn cyfeirio at hyn.

(1) Paragraph 276BE(2) of the immigration rules refers.

- (b) y cyfnod a ganiateir i berson y rhoddwyd caniatâd iddo aros fel person diwladrwaeth yn y Deyrnas Unedig i fod i ddod i ben cyn diwrnod cyntaf y flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn cysylltiad â hi ac nad oes, ar y diwrnod cyn bod y flwyddyn academaidd honno'n dechrau, unrhyw ganiatâd pellach i aros wedi ei roi ac nad oes unrhyw gais am adolygiad gweinyddol yn unol â'r rheolau mewnfudo(1) yn yr arfaeth,

mae statws A fel myfyriwr cymwys yn terfynu ar y diwrnod cyn diwrnod cyntaf y flwyddyn academaidd y mae A yn gwneud cais am gymorth mewn cysylltiad â hi.”

45. Yn Atodlen 1—

- (a) ar ôl paragraff 4 (ffoaduriaid) mewnosoder—

“Personau y rhoddwyd caniatâd iddynt aros fel personau diwladrwaeth ac aelodau o'u teuluoedd

4A.—(1) Person y rhoddwyd caniatâd iddo aros fel person diwladrwaeth—

- (a) sy'n preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; a
- (b) sydd wedi bod yn preswylio fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

(2) Person—

- (a)—(i) sy'n briod neu'n bartner sifil i berson y rhoddwyd caniatâd iddo aros fel person diwladrwaeth; a
- (ii) a oedd, ar ddyddiad y cais i gael caniatâd i aros, yn briod neu'n bartner sifil i berson y rhoddwyd caniatâd iddo aros fel person diwladrwaeth;
- (b) sy'n preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; ac

- (b) the period for which a person granted stateless leave 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 application for administrative review in accordance with the immigration rules(1) is pending,

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.”

45. In Schedule 1—

- (a) after paragraph 4 (refugees) insert—

“Persons granted stateless leave and their family members

4A.—(1) A person granted stateless leave who—

- (a) is ordinarily resident in Wales on the first day of the first academic year of the course; and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the three year period preceding the first day of the first academic year of the course.

(2) A person—

- (a) who—
 - (i) is the spouse or civil partner of a person granted stateless leave; and
 - (ii) on the leave application date, was the spouse or civil partner of a person granted stateless leave;
- (b) who is ordinarily resident in Wales on the first day of the first academic year of the course; and

(1) Gweler “Appendix AR: administrative review”.

(1) See Appendix AR: administrative review.

(c) sydd wedi bod yn preswylio fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

(3) Person—

- (a)—(i) sy'n blentyn i berson y rhoddwyd caniatâd iddo aros fel person diwladrwaeth neu'n blentyn i briod neu i bartner sifil person y rhoddwyd caniatâd iddo aros fel person diwladrwaeth; a
- (ii) a oedd, ar ddyddiad y cais i gael caniatâd i aros, yn blentyn i berson y rhoddwyd caniatâd iddo aros fel person diwladrwaeth neu'n blentyn i berson a oedd, ar ddyddiad y cais i gael caniatâd i aros, yn briod neu'n bartner sifil i berson y rhoddwyd caniatâd iddo aros fel person diwladrwaeth;
- (b) a oedd o dan 18 oed ar ddyddiad y cais i gael caniatâd i aros;
- (c) sy'n preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; a
- (d) sydd wedi bod yn preswylio fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

(4) Yn y paragraff hwn, ystyr “dyddiad y cais i gael caniatâd i aros” yw'r dyddiad y gwnaeth person y rhoddwyd caniatâd iddo aros fel person diwladrwaeth gais i aros yn y Deyrnas Unedig fel person diwladrwaeth o dan y rheolau mewnfudo.”;

(b) ym mharagraff 5—

(i) yn lle is-baragraff (2)(b) rhodder—

“(b) a oedd yn briod neu'n bartner sifil i'r person sydd â chaniatâd i ddod i mewn neu i aros ar ddyddiad y cais i gael caniatâd i aros.”;

(ii) yn lle is-baragraff (3)(b) rhodder—

“(b) a oedd, ar ddyddiad y cais i gael caniatâd i aros, yn blentyn i'r person sydd â chaniatâd i ddod i mewn neu i aros neu'n blentyn i berson a oedd yn briod neu'n bartner sifil i'r person sydd â chaniatâd i ddod i mewn neu i aros ar y dyddiad hwnnw.”;

(c) who has been ordinarily resident in the United Kingdom and Islands throughout the three year period preceding the first day of the first academic year of the course.

(3) A person—

- (a) who—
- (i) is the child of a person granted stateless leave or the child of the spouse or civil partner of a person granted stateless leave; and
- (ii) on the leave application date, was the child of a person granted stateless leave or the child of a person who, on the leave application date, was the spouse or civil partner of a person granted stateless leave;
- (b) who was under 18 on the leave application date;
- (c) who is ordinarily resident in Wales on the first day of the first academic year of the course; and
- (d) who has been ordinarily resident in the United Kingdom and Islands throughout the three year period preceding the first day of the first academic year of the course.

(4) In this paragraph, “leave application date” means the date on which a person granted stateless leave made an application to remain in the United Kingdom as a stateless person under the immigration rules.”;

(b) in paragraph 5—

(i) for sub-paragraph (2)(b) substitute—

“(b) who was the spouse or civil partner of the person with leave to enter or remain on the leave application date.”;

(ii) for sub-paragraph (3)(b) substitute—

“(b) who, on the leave application date, was the child of the person with leave to enter or remain or the child of a person who was the spouse or civil partner of the person with leave to enter or remain on that date.”;

- (iii) yn lle is-baragraff (3)(c) rhodder—
“(c) a oedd o dan 18 oed ar ddyddiad y cais i gael caniatâd i aros;”;
- (iv) ar ôl is-baragraff (3) mewnosoder—
“(4) Yn y paragraff hwn, ystyr “dyddiad y cais i gael caniatâd i aros” yw'r dyddiad y gwnaeth y person sydd â chaniatâd i ddod i mewn neu i aros y cais a arweiniodd at y person hwnnw yn cael caniatâd i ddod i mewn i'r Deyrnas Unedig neu aros ynddi.”

Diwygio Rheoliadau Addysg Uwch (Cyrsiau Cymhwysol, Personau Cymhwysol a Darpariaeth Atodol) (Cymru) 2015

46. Mae Rheoliadau Addysg Uwch (Cyrsiau Cymhwysol, Personau Cymhwysol a Darpariaeth Atodol) (Cymru) 2015(1) wedi eu diwygio yn unol â rheoliadau 47 i 49.

- 47.** Yn rheoliad 2 (dehongli), ym mharagraff (1)—
 - (a) yn y lleoedd priodol mewnosoder—
“ystyr “Rheoliadau 2017” (“the 2017 Regulations”) yw Rheoliadau Addysg (Cymorth i Fyfyrwyr) (Cymru) 2017(2);”;
ac
“ystyr “Rheoliadau 2018” (“the 2018 Regulations”) yw Rheoliadau Addysg (Cymorth i Fyfyrwyr) (Cymru) 2018(3);”;
 - (b) yn y diffiniad o “cwrs penben”, ar ôl “Reoliadau 2015” mewnosoder “ neu reoliad 2(1) o Reoliadau 2017”;
 - (c) yn y diffiniad o “cwrs blaenorol”, ar ôl “Reoliadau 2015” mewnosoder “, cwrs a grybwyllir ym mharagraff 2 neu 3 o Atodlen 2 i Reoliadau 2017”; a
 - (d) yn lle'r diffiniad o “cwrs sengl” rhodder—
“ystyr “cwrs sengl” (“single course”) yw cwrs—
 - (a) y mae rheoliad 5(6) o Reoliadau 2015 yn gymwys iddo ac sy'n dod o fewn y disgrifiad o gwrs yn y rheoliad hwnnw;
 - (b) y mae rheoliad 5(6) o Reoliadau 2017 yn gymwys iddo ac sy'n dod o fewn y disgrifiad o gwrs yn y rheoliad hwnnw; neu

- (iii) for sub-paragraph (3)(c) substitute—
“(c) who was under 18 on the leave application date;”;
- (iv) after sub-paragraph (3) insert—
“(4) In this paragraph, “leave application date” means the date on which the person with leave to enter or remain made the application that led to that person being granted leave to enter or remain in the United Kingdom.”

Amendments to the Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015

46. The Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015(1) are amended in accordance with regulations 47 to 49.

- 47.** In regulation 2 (interpretation), in paragraph (1)—
 - (a) in the appropriate places insert—
““the 2017 Regulations” (“Rheoliadau 2017”) means the Education (Student Support) (Wales) Regulations 2017(2);”;
and
““the 2018 Regulations” (“Rheoliadau 2018”) means the Education (Student Support) (Wales) Regulations 2018(3);”;
 - (b) in the definition of “end-on course”, after “2015 Regulations” insert “ or regulation 2(1) of the 2017 Regulations”;
 - (c) in the definition of “preceding course”, after “2015 Regulations” insert “, a course mentioned in paragraph 2 or 3 of Schedule 2 to the 2017 Regulations”; and
 - (d) for the definition of “single course” substitute—
““single course” (“cwrs sengl”) means a course to which—
 - (a) regulation 5(6) of the 2015 Regulations applies and which falls within the description of a course in that regulation;
 - (b) regulation 5(6) of the 2017 Regulations applies and which falls within the description of a course in that regulation; or

(1) O.S. 2015/1484 (Cy. 163), fel y'i diwygiwyd gan O.S. 2016/276 (Cy. 100).

(2) O.S. 2017/47 (Cy. 21).

(3) O.S. 2018/191 (Cy. 42).

(1) S.I. 2015/1484 (W. 163), as amended by S.I. 2016/276 (W. 100).

(2) S.I. 2017/47 (W. 21).

(3) S.I. 2018/191 (W. 42).

- (c) y mae rheoliad 6(4) o Reoliadau 2018 yn gymwys iddo ac sy'n dod o fewn y disgrifiad o gwrs yn rheoliad 6(3) o Reoliadau 2018.”

48. Yn rheoliad 4 (disgrifiad rhagnodedig o berson cymhwysol), yn lle paragraff (1) rhodder—

“(1) Mae person cymhwysol a ragnodir at ddibenion adran 5(5) o Ddeddf 2015 yn berson sy'n dod o fewn yr Atodlen ar ddiwrnod cyntaf blwyddyn academaidd, ac eithrio—

- (a) person nad yw'n gymwys i gael cymorth o dan Reoliadau 2015 oherwydd rheoliad 4(3)(c), (d), (e) neu (f) o'r Rheoliadau hynny;
- (b) person nad yw'n gymwys i gael cymorth o dan Reoliadau 2017 oherwydd rheoliad 4(3)(c), (d), (e) neu (f) o'r Rheoliadau hynny;
- (c) person nad yw'n gymwys i gael cymorth o dan Reoliadau 2018 oherwydd ei fod yn berson y mae Eithriad 3, paragraff (a), Eithriad 4, Eithriad 5 neu Eithriad 6 a restrir yn rheoliad 10(1) o'r Rheoliadau hynny yn gymwys iddo; neu
- (d) person a grybwyllir ym mharagraffau (2), (3), neu (8).”

49. Yn yr Atodlen—

- (a) ym mharagraff 1(1)—

- (i) yn y lleoedd priodol mewnosoder— “ystyr “person y rhoddyd caniatâd iddo aros fel person diwladrwaeth” (“*person granted stateless leave*”) yw person—
 - (a) y mae ganddo caniatâd cyfredol i aros fel person diwladrwaeth o dan y rheolau mewnfudo; a
 - (b) sydd wedi bod yn preswylio fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod ers i'r caniatâd hwnnw gael ei roi i'r person;”; ac “ystyr “rheolau mewnfudo” (“*immigration rules*”) yw'r rheolau a osodir gerbron Senedd y Deyrnas Unedig gan yr Ysgrifennydd Gwladol o dan adran 3(2) o Ddeddf Mewnfudo 1971;”;
- (ii) yn lle paragraffau (a) a (b) o'r diffiniad o “person sydd â chaniatâd i ddod i mewn neu i aros” rhodder—

- (c) regulation 6(4) of the 2018 Regulations applies and which falls within the description of a course in regulation 6(3) of the 2018 Regulations.”

48. In regulation 4 (prescribed description of a qualifying person), for paragraph (1) substitute—

“(1) A qualifying person who is prescribed for the purposes of section 5(5) of the 2015 Act is a person who falls within the Schedule on the first day of an academic year, other than—

- (a) a person who is not eligible for support under the 2015 Regulations by reason of regulation 4(3)(c), (d), (e) or (f) of those Regulations;
- (b) a person who is not eligible for support under the 2017 Regulations by reason of regulation 4(3)(c), (d), (e) or (f) of those Regulations;
- (c) a person who is not eligible for support under the 2018 Regulations because they are a person to whom Exception 3, paragraph (a), Exception 4, Exception 5 or Exception 6 listed in regulation 10(1) of those Regulations applies; or
- (d) a person mentioned in paragraphs (2), (3), or (8).”

49. In the Schedule—

- (a) in paragraph 1(1)—

- (i) in the appropriate places insert—
 - ““immigration rules” (“*rheolau mewnfudo*”) means the rules laid before Parliament by the Secretary of State under section 3(2) of the Immigration Act 1971;”; and
 - ““person granted stateless leave” (“*person y rhoddyd caniatâd iddo aros fel person diwladrwaeth*”) means a person who—
 - (a) has extant leave to remain as a stateless person under the immigration rules; and
 - (b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”;
 - (ii) for paragraphs (a) and (b) of the definition of “person with leave to enter or remain” substitute—

“(a) sydd—

- (i) wedi gwneud cais am statws ffoadur ond sydd, o ganlyniad i’r cais hwnnw, wedi ei hysbysu’n ysgrifenedig gan berson sy’n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref, er yr ystyrir nad yw P yn gymwys i gael ei gydnabod yn ffoadur, y credir ei bod yn iawn caniatáu iddo ddod i mewn i’r Deyrnas Unedig neu aros ynddi ar sail diogelwch dyngarol neu ganiatâd yn ôl disgrifiwn, ac y mae caniatâd wedi ei roi iddo i ddod i mewn neu i aros yn unol â hynny;
 - (ii) heb wneud cais am statws ffoadur ond sydd wedi ei hysbysu’n ysgrifenedig gan berson sy’n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref y credir ei bod yn iawn caniatáu i P ddod i mewn i’r Deyrnas Unedig neu aros ynddi ar sail caniatâd yn ôl disgrifiwn, ac y mae caniatâd wedi ei roi iddo i ddod i mewn neu i aros yn unol â hynny;
 - (iii) wedi cael caniatâd i aros ar sail bywyd preifat o dan y rheolau mewnfudo; neu
 - (iv) wedi ei hysbysu’n ysgrifenedig gan berson sy’n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref, er yr ystyrir nad yw P yn gymwys i gael caniatâd i aros ar sail bywyd preifat o dan y rheolau mewnfudo, fod P wedi cael caniatâd i aros y tu allan i’r rheolau⁽¹⁾ ar sail Erthygl 8 o’r Confensiwn Ewropeaidd ar Hawliau Dynol;”; a
- (b) ar ôl paragraff 4 (ffoaduriaid ac aelodau o’u teulu) mewnosoder—

“(a) who has—

- (i) applied for refugee status but has, as a result of that application, been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although P is considered not to qualify for recognition as a refugee, it is thought right to allow P to enter or remain in the United Kingdom on the grounds of humanitarian protection or discretionary leave, and who has been granted leave to enter or remain accordingly;
 - (ii) not applied for refugee status but has been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that it is thought right to allow P to enter or remain in the United Kingdom on the grounds of discretionary leave, and who has been granted leave to enter or remain accordingly;
 - (iii) been granted leave to remain on the grounds of private life under the immigration rules; or
 - (iv) been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although P is not considered to qualify for leave to remain on the grounds of private life under the immigration rules, P has been granted leave to remain outside the rules⁽¹⁾ on the grounds of Article 8 of the European Convention on Human Rights.”; and
- (b) after paragraph 4 (refugees and their family members) insert—

(1) Mae paragraff 276BE(2) o’r rheolau mewnfudo yn cyfeirio at hyn.

(1) Paragraph 276BE(2) of the immigration rules refers.

“Personau y rhoddwyd caniatâd iddynt aros fel personau diwladwriaeth ac aelodau o’u teulu”

4A.—(1) Person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth—

- (a) sy’n preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrws; a
- (b) sydd wedi bod yn preswylio fel arfer yn y Deyrnas Unedig a’r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrws.

(2) Person—

- (a)—(i) sy’n briod neu’n bartner sifil i berson y rhoddwyd caniatâd iddo aros fel person diwladwriaeth; a
- (ii) a oedd, ar ddyddiad y cais i gael caniatâd i aros, yn briod neu’n bartner sifil i berson y rhoddwyd caniatâd iddo aros fel person diwladwriaeth;
- (b) sy’n preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrws; ac
- (c) sydd wedi bod yn preswylio fel arfer yn y Deyrnas Unedig a’r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrws.

(3) Person—

- (a)—(i) sy’n blentyn i berson y rhoddwyd caniatâd iddo aros fel person diwladwriaeth neu’n blentyn i briod neu i bartner sifil person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth; a
- (ii) a oedd, ar ddyddiad y cais i gael caniatâd i aros, yn blentyn i berson y rhoddwyd caniatâd iddo aros fel person diwladwriaeth neu’n blentyn i berson a oedd, ar ddyddiad y cais i gael caniatâd i aros, yn briod neu’n bartner sifil i berson y rhoddwyd caniatâd iddo aros fel person diwladwriaeth;
- (b) a oedd o dan 18 oed ar ddyddiad y cais i gael caniatâd i aros;
- (c) sy’n preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrws; a

“Persons granted stateless leave and their family members”

4A.—(1) A person granted stateless leave who—

- (a) is ordinarily resident in Wales on the first day of the first academic year of the course; and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the three year period preceding the first day of the first academic year of the course.

(2) A person—

- (a) who—
 - (i) is the spouse or civil partner of a person granted stateless leave; and
 - (ii) on the leave application date, was the spouse or civil partner of a person granted stateless leave;
- (b) who is ordinarily resident in Wales on the first day of the first academic year of the course; and
- (c) who has been ordinarily resident in the United Kingdom and Islands throughout the three year period preceding the first day of the first academic year of the course.

(3) A person—

- (a) who—
 - (i) is the child of a person granted stateless leave or the child of the spouse or civil partner of a person granted stateless leave; and
 - (ii) on the leave application date, was the child of a person granted stateless leave or the child of a person who, on the leave application date, was the spouse or civil partner of a person granted stateless leave;
- (b) who was under 18 on the leave application date;
- (c) who is ordinarily resident in Wales on the first day of the first academic year of the course; and

- (d) sydd wedi bod yn preswylio fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.
- (4) Yn y paragraff hwn, ystyr “dyddiad y cais i gael caniatâd i aros” yw'r dyddiad y gwnaeth y person y rhoddwyd caniatâd iddo aros fel person diwladrwaeth gais i aros yn y Deyrnas Unedig fel person diwladrwaeth o dan y rheolau mewnfudo.”;
- (c) ym mharagraff 5 (personau â chaniatâd i ddod i mewn neu i aros ac aelodau o'u teulu)—
- (i) yn lle is-baragraff (2)(b) rhodder—
“(b) a oedd yn briod neu'n bartner sifil i'r person sydd â chaniatâd i ddod i mewn neu i aros ar ddyddiad y cais i gael caniatâd i aros; ac”;
 - (ii) yn lle is-baragraff (3)(b) rhodder—
“(b) a oedd, ar ddyddiad y cais i gael caniatâd i aros, yn blentyn i'r person sydd â chaniatâd i ddod i mewn neu i aros neu'n blentyn i berson a oedd yn briod neu'n bartner sifil i'r person sydd â chaniatâd i ddod i mewn neu i aros ar y dyddiad hwnnw;”;
 - (iii) yn lle is-baragraff (3)(c) rhodder—
“(c) a oedd o dan 18 oed ar ddyddiad y cais i gael caniatâd i aros; a”;
 - (iv) ar ôl is-baragraff (3) mewnosoder—
“(4) Yn y paragraff hwn, ystyr “dyddiad y cais i gael caniatâd i aros” yw'r dyddiad y gwnaeth y person sydd â chaniatâd i ddod i mewn neu i aros y cais a arweiniodd at y person hwnnw yn cael caniatâd i ddod i mewn i'r Deyrnas Unedig neu aros yniddi.”

Diwygio Rheoliadau Addysg (Benthyciadau at Radd Feistr Ôl-raddedig) (Cymru) 2017

50. Mae Rheoliadau Addysg (Benthyciadau at Radd Feistr Ôl-raddedig) (Cymru) 2017(1) wedi eu diwygio yn unol â rheoliadau 51 i 53.

(d) who has been ordinarily resident in the United Kingdom and Islands throughout the three year period preceding the first day of the first academic year of the course.

(4) In this paragraph, “leave application date” means the date on which the person granted stateless leave made an application to remain in the United Kingdom as a stateless person under the immigration rules.”;

(c) in paragraph 5 (persons with leave to enter or remain and their family members)—

(i) for sub-paragraph (2)(b) substitute—

“(b) was the spouse or civil partner of the person with leave to enter or remain on the leave application date; and”;

(ii) for sub-paragraph (3)(b) substitute—

“(b) who, on the leave application date, was the child of the person with leave to enter or remain or the child of a person who was the spouse or civil partner of the person with leave to enter or remain on that date;”;

(iii) for sub-paragraph (3)(c) substitute—

“(c) who was under 18 on the leave application date; and”;

(iv) after sub-paragraph (3) insert—

“(4) In this paragraph “leave application date” means the date on which the person with leave to enter or remain made the application that led to that person being granted leave to enter or remain in the United Kingdom.”

Amendments to the Education (Postgraduate Master's Degree Loans) (Wales) Regulations 2017

50. The Education (Postgraduate Master's Degree Loans) (Wales) Regulations 2017(1) are amended in accordance with regulations 51 to 53.

(1) O.S. 2017/523 (Cy. 109), fel y'i diwygiwyd gan O.S. 2017/712 (Cy. 169) ac O.S. 2018/277 (Cy. 53).

(1) S.I. 2017/523 (W. 109), as amended by S.I. 2017/712 (W. 169) and S.I. 2018/277 (W. 53).

51. Yn rheoliad 2 (dehongli), ym mharagraff (1)—

- (a) yn y lleoedd priodol mewnmosoder—
“ystyr “person y rhoddyd caniatâd iddo aros fel person diwladrwaeth” (“*person granted stateless leave*”) yw person—
(a) y mae ganddo caniatâd cyfredol i aros fel person diwladrwaeth o dan y rheolau mewnfudo; a
(b) sydd wedi bod yn preswylio fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod ers i'r caniatâd hwnnw gael ei roi i'r person;”; ac
“ystyr “rheolau mewnfudo” (“*immigration rules*”) yw'r rheolau a osodir gerbron Senedd y Deyrnas Unedig gan yr Ysgrifennydd Gwladol o dan adran 3(2) o Ddeddf Mewnfudo 1971;”;
(b) yn lle paragraffau (a) a (b) o'r diffiniad o “person sydd â chaniatâd i ddod i mewn neu i aros” rhodder—
“(a) sydd—
(i) wedi gwneud cais am statws ffoadur ond sydd, o ganlyniad i'r cais hwnnw, wedi ei hysbysu'n ysgrifenedig gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref, er yr ystyrir nad yw A yn gymwys i gael ei gydnabod yn ffoadur, y credir ei bod yn iawn caniatâu iddo ddod i mewn i'r Deyrnas Unedig neu aros ynddi ar sail diogelwch dyngarol neu caniatâd yn ôl disgrifiwn, ac y mae caniatâd wedi ei roi iddo i ddod i mewn neu i aros yn unol â hynny;
(ii) heb wneud cais am statws ffoadur ond sydd wedi ei hysbysu'n ysgrifenedig gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref y credir ei bod yn iawn caniatâu i A ddod i mewn i'r Deyrnas Unedig neu aros ynddi ar sail caniatâd yn ôl disgrifiwn, ac y mae caniatâd wedi ei roi iddo i ddod i mewn neu i aros yn unol â hynny;
(iii) wedi cael caniatâd i aros ar sail bywyd preifat o dan y rheolau mewnfudo; neu

51. In regulation 2 (interpretation), in paragraph (1)—

- (a) in the appropriate places insert—
““immigration rules” (“*rheolau mewnfudo*”) means the rules laid before Parliament by the Secretary of State under section 3(2) of the Immigration Act 1971;”; and
““person granted stateless leave” (“*person y rhoddyd caniatâd iddo aros fel person diwladrwaeth*”) means a person who—
(a) has extant leave to remain as a stateless person under the immigration rules; and
(b) has been ordinarily resident in the United Kingdom and Islands throughout the period since the person was granted such leave;”;
(b) for paragraphs (a) and (b) of the definition of “person with leave to enter or remain”, substitute—
“(a) who has—
(i) applied for refugee status but has, as a result of that application, been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although A is considered not to qualify for recognition as a refugee, it is thought right to allow A to enter or remain in the United Kingdom on the grounds of humanitarian protection or discretionary leave, and who has been granted leave to enter or remain accordingly;
(ii) not applied for refugee status but has been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that it is thought right to allow A to enter or remain in the United Kingdom on the grounds of discretionary leave, and who has been granted leave to enter or remain accordingly;
(iii) been granted leave to remain on the grounds of private life under the immigration rules; or

(iv) wedi ei hysbysu'n ysgrifenedig gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref, er yr ystyrir nad yw A yn gymwys i gael caniatâd i aros ar sail bywyd preifat o dan y rheolau mewnfudo, fod A wedi cael caniatâd i aros y tu allan i'r rheolau(1) ar sail Erthygl 8 o'r Confensiwn Ewropeaidd ar Hawliau Dynol;".

52. Yn rheoliad 8 (digwyddiadau), ym mharagraff (b), ar ôl "yn cael ei gydnabod yn ffoadur neu'n" mewnosoder "dod yn berson y rhoddwyd caniatâd iddo aros fel person diwladwriaeth neu'n".

53. Yn Atodlen 1—

(a) ar ôl paragraff 4 (ffoaduriaid ac aelodau o'u teuluoedd) mewnosoder—

"Personau y rhoddwyd caniatâd iddynt aros fel personau diwladwriaeth ac aelodau o'u teuluoedd"

4A.—(1) Person y rhoddwyd caniatâd iddo aros fel person diwladwriaeth—

- (a) sy'n preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; a
- (b) sydd wedi bod yn preswylio fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

(2) Person—

- (a)—(i) sy'n briod neu'n bartner sifil i berson y rhoddwyd caniatâd iddo aros fel person diwladwriaeth; a
- (ii) a oedd, ar ddyddiad y cais i gael caniatâd i aros, yn briod neu'n bartner sifil i berson y rhoddwyd caniatâd iddo aros fel person diwladwriaeth;
- (b) sy'n preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; ac
- (c) sydd wedi bod yn preswylio fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn blwyddyn gyntaf blwyddyn academaidd gyntaf y cwrs.

(iv) been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although A is not considered to qualify for leave to remain on the grounds of private life under the immigration rules, A has been granted leave to remain outside the rules(1) on the grounds of Article 8 of the European Convention on Human Rights;".

52. In regulation 8 (events), in paragraph (b), after "is recognised as a refugee or" insert "a person granted stateless leave or".

53. In Schedule 1—

(a) after paragraph 4 (refugees and their family members) insert—

"Persons granted stateless leave and their family members"

4A.—(1) A person granted stateless leave who—

- (a) is ordinarily resident in Wales on the first day of the first academic year of the course; and
- (b) has been ordinarily resident in the United Kingdom and Islands throughout the three year period preceding the first day of the first academic year of the course.

(2) A person—

- (a) who—
 - (i) is the spouse or civil partner of a person granted stateless leave; and
 - (ii) on the leave application date, was the spouse or civil partner of a person granted stateless leave;
- (b) who is ordinarily resident in Wales on the first day of the first academic year of the course; and
- (c) who has been ordinarily resident in the United Kingdom and Islands throughout the three year period preceding the first year of the first academic year of the course.

(1) Mae paragraff 276BE(2) o'r rheolau mewnfudo yn cyfeirio at hyn.

(1) Paragraph 276BE(2) of the immigration rules refers.

(3) Person—

- (a)—(i) sy'n blentyn i berson y rhoddwyd caniatâd iddo aros fel person diwladrwaeth neu'n blentyn i briod neu i bartner sifil person y rhoddwyd caniatâd iddo aros fel person diwladrwaeth; a
- (ii) a oedd, ar ddyddiad y cais i gael caniatâd i aros, yn blentyn i berson y rhoddwyd caniatâd iddo aros fel person diwladrwaeth neu'n blentyn i berson a oedd, ar ddyddiad y cais i gael caniatâd i aros, yn briod neu'n bartner sifil i berson y rhoddwyd caniatâd iddo aros fel person diwladrwaeth;
- (b) a oedd o dan 18 oed ar ddyddiad y cais i gael caniatâd i aros;
- (c) sy'n preswylio fel arfer yng Nghymru ar ddiwrnod cyntaf blwyddyn academaidd gyntaf y cwrs; a
- (d) sydd wedi bod yn preswylio fel arfer yn y Deyrnas Unedig a'r Ynysoedd drwy gydol y cyfnod o dair blynedd cyn diwrnod cyntaf blwyddyn academaidd gyntaf y cwrs.

(4) Yn y paragraff hwn, ystyr “dyddiad y cais i gael caniatâd i aros” yw'r dyddiad y gwnaeth person y rhoddwyd caniatâd iddo aros fel person diwladrwaeth gais i aros yn y Deyrnas Unedig fel person diwladrwaeth o dan y rheolau mewnfudo.”;

- (b) ym mharagraff 5 (personau sydd â chaniatâd i ddod i mewn neu i aros ac aelodau o'u teuluoedd)—
- (i) yn lle is-baragraff (2)(b) rhodder—
“(b) a oedd yn briod neu'n bartner sifil i'r person sydd â chaniatâd i ddod i mewn neu i aros ar ddyddiad y cais i gael caniatâd i aros;”;
- (ii) yn lle is-baragraff (3)(b) rhodder—
“(b) a oedd, ar ddyddiad y cais i gael caniatâd i aros, yn blentyn i'r person sydd â chaniatâd i ddod i mewn neu i aros neu'n blentyn i berson a oedd yn briod neu'n bartner sifil i'r person sydd â chaniatâd i ddod i mewn neu i aros ar y dyddiad hwnnw;”;
- (iii) yn lle is-baragraff (3)(c) rhodder—
“(c) a oedd o dan 18 oed ar ddyddiad y cais i gael caniatâd i aros;”; a
- (iv) ar ôl is-baragraff (3) mewnosoder—

(3) A person—

- (a) who—
- (i) is the child of a person granted stateless leave or the child of the spouse or civil partner of a person granted stateless leave; and
- (ii) on the leave application date, was the child of a person granted stateless leave or the child of a person who, on the leave application date, was the spouse or civil partner of a person granted stateless leave;
- (b) who was under 18 on the leave application date;
- (c) who is ordinarily resident in Wales on the first day of the first academic year of the course; and
- (d) who has been ordinarily resident in the United Kingdom and Islands throughout the three year period preceding the first day of the first academic year of the course.

(4) In this paragraph, “leave application date” means the date on which a person granted stateless leave made an application to remain in the United Kingdom as a stateless person under the immigration rules.”;

- (b) in paragraph 5 (persons with leave to enter or remain and their family members)—
- (i) for sub-paragraph (2)(b) substitute—
“(b) who was the spouse or civil partner of the person with leave to enter or remain on the leave application date;”;
- (ii) for sub-paragraph (3)(b) substitute—
“(b) who, on the leave application date, was the child of the person with leave to enter or remain or the child of a person who was the spouse or civil partner of the person with leave to enter or remain on that date;”;
- (iii) for sub-paragraph (3)(c) substitute—
“(c) who was under 18 on the leave application date;”; and
- (iv) after sub-paragraph (3) insert—

“(4) Yn y paragraff hwn, ystyr “dyddiad y cais i gael caniatâd i aros” yw'r dyddiad y gwnaeth y person sydd â chaniatâd i ddod i mewn neu i aros y cais a arweiniodd at y person hwnnw yn cael caniatâd i ddod i mewn i'r Deyrnas Unedig neu aros ynddi.”

Diwygio Rheoliadau Addysg (Benthyciadau at Radd Ddoethurol Ôl-raddedig) (Cymru) 2018

54. Mae Rheoliadau Addysg (Benthyciadau at Radd Ddoethurol Ôl-raddedig) (Cymru) 2018(1) wedi eu diwygio yn unol â rheoliadau 55 a 56.

55. Yn rheoliad 2 (dehongli), ym mharagraff (1), yn lle paragraffau (a) a (b) o'r diffiniad o "person sydd â chaniatâd i ddod i mewn neu i aros" rhodder—

“(a) sydd—

- (i) wedi gwneud cais am statws ffoadur ond sydd, o ganlyniad i'r cais hwnnw, wedi ei hysbysu'n ysgrifenedig gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref, er yr ystyrir nad yw A yn cymhwysyo i'w gydnabod yn ffoadur, y credir ei bod yn iawn caniatâu iddo ddod i mewn i'r Deyrnas Unedig neu aros ynddi ar sail diogelwch dyngarol neu ganiatâd yn ôl disgrifiwn, ac y mae caniatâd wedi ei roi iddo i ddod i mewn neu i aros yn unol â hynny;
- (ii) heb wneud cais am statws ffoadur ond sydd wedi ei hysbysu'n ysgrifenedig gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref y credir ei bod yn iawn caniatâu i A ddod i mewn i'r Deyrnas Unedig neu aros ynddi ar sail caniatâd yn ôl disgrifiwn, ac y mae caniatâd wedi ei roi iddo i ddod i mewn neu i aros yn unol â hynny;
- (iii) wedi cael caniatâd i aros ar sail bywyd preifat o dan y rheolau mewnfudo; neu

“(4) In this paragraph, “leave application date” means the date on which the person with leave to enter or remain made the application that led to that person being granted leave to enter or remain in the United Kingdom.”

Amendments to the Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018

54. The Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018(1) are amended in accordance with regulations 55 and 56.

55. In regulation 2 (interpretation), in paragraph (1), for paragraphs (a) and (b) of the definition of "person with leave to enter or remain", substitute—

“(a) who has—

- (i) applied for refugee status but has, as a result of that application, been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although A is considered not to qualify for recognition as a refugee, it is thought right to allow A to enter or remain in the United Kingdom on the grounds of humanitarian protection or discretionary leave, and who has been granted leave to enter or remain accordingly;
- (ii) not applied for refugee status but has been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that it is thought right to allow A to enter or remain in the United Kingdom on the grounds of discretionary leave, and who has been granted leave to enter or remain accordingly;
- (iii) been granted leave to remain on the grounds of private life under the immigration rules; or

(1) O.S. 2018/656 (Cy. 124).

(1) S.I. 2018/656 (W. 124).

(iv) wedi ei hysbysu'n ysgrifenedig gan berson sy'n gweithredu o dan awdurdod Ysgrifennydd Gwladol yr Adran Gartref, er yr ystyrir nad yw A yn cymhwyso i gael caniatâd i aros ar sail bywyd preifat o dan y rheolau mewnfudo, fod A wedi cael caniatâd i aros y tu allan i'r rheolau⁽¹⁾ ar sail Erthygl 8 o'r Confensiwn Ewropeaidd ar Hawliau Dynol;".

56. Yn Atodlen 1, paragraff 6 (personau sydd â chaniatâd i ddod i mewn neu i aros ac aelodau o'u teuluoedd)—

(a) yn lle is-baragraff (2)(b) rhodder—

“(b) a oedd yn briod neu'n bartner sifil i'r person sydd â chaniatâd i ddod i mewn neu i aros ar ddyddiad y cais i gael caniatâd i aros;”;

(b) yn lle is-baragraff (3)(b) rhodder—

“(b) a oedd, ar ddyddiad y cais i gael caniatâd i aros, yn blentyn i'r person sydd â chaniatâd i ddod i mewn neu i aros neu'n blentyn i berson a oedd yn briod neu'n bartner sifil i'r person sydd â chaniatâd i ddod i mewn neu i aros ar y dyddiad hwnnw;”;

(c) yn lle is-baragraff (3)(c) rhodder—

“(c) a oedd o dan 18 oed ar ddyddiad y cais i gael caniatâd i aros;”; a

(d) ar ôl is-baragraff (3) mewnosoder—

“(4) Yn y paragraff hwn, ystyr “dyddiad y cais i gael caniatâd i aros” yw'r dyddiad y gwnaeth y person sydd â chaniatâd i ddod i mewn neu i aros y cais a arweiniodd at y person hwnnw yn cael caniatâd i ddod i mewn i'r Deyrnas Unedig neu aros ynddi.”

(iv) been informed in writing by a person acting under the authority of the Secretary of State for the Home Department that, although A is not considered to qualify for leave to remain on the grounds of private life under the immigration rules, A has been granted leave to remain outside the rules⁽¹⁾ on the grounds of Article 8 of the European Convention on Human Rights;”.

56. In Schedule 1, paragraph 6 (persons with leave to enter or remain and their family members)—

(a) for sub-paragraph (2)(b) substitute—

“(b) who was the spouse or civil partner of the person with leave to enter or remain on the leave application date;”;

(b) for sub-paragraph (3)(b) substitute—

“(b) who, on the leave application date, was the child of the person with leave to enter or remain or the child of a person who was the spouse or civil partner of the person with leave to enter or remain on that date;”;

(c) for sub-paragraph (3)(c) substitute—

“(c) who was under 18 on the leave application date;”; and

(d) after sub-paragraph (3) insert—

“(4) In this paragraph, “leave application date” means the date on which the person with leave to enter or remain made the application that led to that person being granted leave to enter or remain in the United Kingdom.”.

Kirsty Williams

Ysgrifennydd y Cabinet dros Addyss, un o
Weinidogion Cymru
3 Gorffennaf 2018

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Cabinet Secretary for Education, one of the Welsh Ministers
3 July 2018

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(1) Mae paragraff 376BE(2) o'r rheolau mewnfudo yn cyfeirio at hyn.

(1) Paragraph 376BE(2) of the immigration rules refers.

