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WELSH STATUTORY INSTRUMENTS

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**2023 No. 1349**

**The Education (Student Finance) (Miscellaneous Amendments) (No. 3) (Wales) Regulations 2023**

**PART 2**

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

**CHAPTER 2**

**Family members of Afghan citizens**

**5. In the Schedule—**

- (a) in paragraph 1, in the definition of “person granted leave to enter or remain as a protected person”—
  - (i) after paragraph (c) insert “or”;
  - (ii) omit paragraphs (e), (ea), (eb), (f), (g) and (h);
- (b) in paragraph 1, at the appropriate place insert—

““person with leave to enter or remain as a relevant Afghan citizen” (“*person sydd â chaniatâd i ddod i mewn neu i aros fel dinesydd perthnasol o Affganistan*”) means a person who has—

  - (a) indefinite leave to enter the United Kingdom under paragraph 276BA2 of the immigration rules or indefinite leave to remain in the United Kingdom under paragraph 276BS2 of the immigration rules;
  - (b) indefinite leave to enter the United Kingdom under paragraph ARAP 6.1 of Appendix Afghan Relocation and Assistance Policy to the immigration rules or indefinite leave to remain in the United Kingdom under paragraph ARAP 6.2 of that Appendix to the immigration rules;
  - (c) leave to enter or indefinite leave to enter or remain in the United Kingdom outside the immigration rules on the basis of the Afghan Relocations and Assistance Policy Scheme; or
  - (d) indefinite leave to enter or remain in the United Kingdom outside the immigration rules on the basis of the Afghan Citizens Resettlement Scheme;”.
- (c) after paragraph 4C insert—

**“Persons with leave to enter or remain as a relevant Afghan citizen**

**4D.—(1) A person who—**

- (a) is a person with leave to enter or remain as a relevant Afghan citizen;
- (b) is ordinarily resident in the United Kingdom and the Islands and has not ceased to be so resident since being granted such leave; and

- (c) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.
- (2) A person who—
  - (a) is the spouse or civil partner of a person with leave to enter or remain as a relevant Afghan citizen;
  - (b) on the leave application date was the spouse or civil partner of a person with leave to enter or remain as a relevant Afghan citizen;
  - (c) is ordinarily resident in the United Kingdom and the Islands and has not ceased to be so resident since being granted leave to enter or remain in the United Kingdom; and
  - (d) is ordinarily resident in the United Kingdom on the first day of the first academic year of the course.
- (3) A person who—
  - (a) is—
    - (i) the child of a person with leave to enter or remain as a relevant Afghan citizen; or
    - (ii) the child of the spouse or civil partner of a person with leave to enter or remain as a relevant Afghan citizen;
  - (b) on the leave application date was—
    - (i) under 18 years old; and
    - (ii) the child of a person with leave to enter or remain as a relevant Afghan citizen or, as the case may be, the child of a person who was the spouse or civil partner of a person with leave to enter or remain as a relevant Afghan citizen;
  - (c) is ordinarily resident in the United Kingdom and the Islands and has not ceased to be so resident since being granted leave to enter or remain in the United Kingdom; and
  - (d) is ordinarily resident in the United Kingdom on 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 (“P”) made an application for leave to enter or remain in the United Kingdom that results in P becoming a person with leave to enter or remain as a relevant Afghan citizen.”