



Ein cyf/Our ref MA/JMEWL/2077/22

Elin Jones MS  
Llywydd  
Senedd Cymru  
Cardiff Bay  
CF99 1SN

7 July 2022

Dear Llywydd

**The Education (Student Finance) (Ukrainian Nationals and Family Members) (Miscellaneous Amendments) (Wales) Regulations 2022.**

In accordance with section 11A(4) of the Statutory Instruments Act 1946 I am notifying you that this statutory instrument will come into force on 24 July 2022, less than 21 days after it has been laid. A copy of the instrument and the Explanatory Memorandum that accompanies it are attached for your information.

The Education (Student Finance) (Ukrainian Nationals and Family Members) (Miscellaneous Amendments) (Wales) Regulations 2022 (“the 2022 Regulations”) amend:

- the Education (Fees and Awards) (Wales) Regulations 2007;
- the Education (European University Institute) (Wales) Regulations 2014;
- the Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015;
- the Education (Student Support) (Wales) Regulations 2017;
- the Education (Student Support) (Wales) Regulations 2018;
- the Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018; and
- the Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019.

These regulations underpin the system of financial support for students who are ordinarily resident in Wales and taking designated courses of higher education, set out the categories of person who are eligible for home fee status, authorise rules of eligibility in relation to certain awards connected to education and training, and set out the categories of person who are able to benefit from capped tuition fees.

The 2022 Regulations:

- make persons granted permission to stay in the UK by the UK Government under Appendix Ukraine Scheme of the Immigration Rules and those persons granted leave outside the Immigration Rules in connection with the Russian invasion of Ukraine

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

[Gohebiaeth.Jeremy.Miles@llyw.cymru](mailto:Gohebiaeth.Jeremy.Miles@llyw.cymru)  
[Correspondence.Jeremy.Miles@gov.wales](mailto:Correspondence.Jeremy.Miles@gov.wales)

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

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

- eligible for student support, home fee status, and the undergraduate tuition fee cap when starting or continuing a course on or after 1 August 2022; and
- make students undertaking an undergraduate distance learning course eligible to apply for Grants for Dependants.

Access to student support, home fee status, and the undergraduate tuition fee cap delivers the Welsh Government's commitment, as a Nation of Sanctuary, to support people fleeing the war in Ukraine. Those eligible under the Ukraine Scheme will have the opportunity to undertake higher education whilst in the UK, helping to secure their well-being and re-build their life.

The Welsh Government is determined that support be in place for those affected by the war for the start of the 2022/23 academic year on 1 August, and has been working at pace with its delivery partner (the Student Loans Company) to ensure this happens. I made a statement to this effect on 25 May 2022. Unfortunately, emerging operational constraints at the Student Loans Company mean it is not possible to make these amendments precisely in time for the start of the new academic year on 1 August. Rather, the Welsh Government must bring forward the coming into force date to 24 July 2022. In the absence of this change, it would not be possible to accept or process applications for support until after the start of the new academic year.

As such, the 2022 Regulations as laid will come into force before 21 days have elapsed. If the 21 day convention were to be observed, Ukrainian students would experience avoidable delays in accessing support, contrary to Welsh Government policy, placing them at a disadvantage when compared with other students. It could adversely impact the ability to start a course of higher education in the new academic year. This would be an unfortunate and avoidable source of distress, disappointment and harm to students already suffering the trauma of war.

The 2022 Regulations also ensure parity of support for distance learners with those studying on other courses. These amendments are made in order to deliver on a Welsh Government 'Programme for Government' commitment to widen access to childcare amongst those in education.

Policy on Ukraine has been confirmed to stakeholders in a Student Finance Wales Information Notice, in addition to the Written Cabinet Statement I made in May. Policy on GfDs is to be confirmed in another Notice very shortly. Not adhering to the 21 day convention will not adversely affect them – indeed, it is designed to assist those who the 2022 Regulations provide for.

I am copying this letter to the Minister for Rural Affairs, North Wales and Trefnydd, Huw Irranca-Davies MS, Chair of the Legislation, Justice and Constitution Committee, Siwan Davies, Director of Senedd Business, Sian Wilkins, Head of Chamber and Committee Services and Julian Luke, Head of Policy and Legislation Committee Service.

Yours sincerely,



**Jeremy Miles AS/MS**

Gweinidog y Gymraeg ac Addysg  
Minister for Education and Welsh Language