



University of
East London

Information regarding passports, visa documentation and apprenticeship eligibility for apprenticeships starting between 1 August 2023 and 31 July 2024

Dear employer,

Thank you for choosing the University of East London (UEL) to provide the delivery of apprenticeship training for your employees.

In England, all apprenticeships are funded via the Education and Skills Funding Agency (ESFA), an executive agency of the UK government. These ESFA funds come from employer contributions nationwide via the [Apprenticeship Levy](#). The ESFA regulates which individuals a university can and cannot enrol onto an apprenticeship.

Before you hire any staff members with the intention to enrol them onto an apprenticeship, it is important that you understand that **any individual who has the right to work and live in the UK does not necessarily have the right to enrol onto an apprenticeship** in England.

To help you understand which passport or visa documentation individuals must be able to evidence, we have extracted the applicable section of the ESFA funding rules on the following pages. Please use this guidance to inform your recruitment processes as **UEL does not hold responsibility for candidates who have been recruited to enrol on an apprenticeship erroneously**. UEL takes a very firm position that any candidates who cannot provide evidence of the described eligibility documentation are always to be refused enrolment onto an apprenticeship. Failure to comply with these ESFA regulations will result in the ESFA taking financial action against UEL and withdrawing your apprentice(s) mid-apprenticeship without refund if identified. This could also potentially lead to the ESFA withdrawing UEL's right to deliver apprenticeships altogether, at which point every live apprentice's course would be terminated.

Please note that the ESFA funding rules are subject to change annually and so from one year to the next, eligibility requirements may change. UEL will endeavour to keep employers informed on any changes to the ESFA funding rules as soon as they are released (typically in late July), however, it should be noted that this is publicly available information and ultimately, is equally the responsibility of employers to be aware of. The funding rules are available at: <https://www.gov.uk/guidance/apprenticeship-funding-rules>.

We apologise for any inconvenience this may cause and appreciate your understanding in this matter but please reach out to your designated UEL contact if you have any questions.

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To use funds in the employer's apprenticeship service account or government-employer co-investment, the individual must have a valid and eligible residency status.

1. UK nationals and other persons with right of abode

UK nationals or other persons with a right of abode have an eligible residency status if they have been ordinarily resident in the UK or the British Overseas Territories, or the Crown Dependencies (Channel Islands and Isle of Man) for at least the previous 3 years on the first day of the apprenticeship. The British Overseas Territories are listed at the end of this document.

All family members of UK nationals must meet the required residency eligibility criteria in their own right, unless they meet the criteria in point 2 or point 8.

2. UK nationals in the EEA and Switzerland

UK nationals and their family members who:

- Resided in the EEA or Switzerland by 31 December 2020 (or resident in the UK, having moved there from the EEA or Switzerland after 31 December 2017), **and**
- Resided in the EEA, Switzerland, Gibraltar or the UK for at least the previous 3 years before the start of the apprenticeship, **and**
- Remained ordinarily resident in the UK, Gibraltar, the EEA or Switzerland between 31 December 2020 and the start of the apprenticeship, **and**
- The apprenticeship starts before 1 January 2028.

3. EEA and Switzerland nationals in the UK with EU Settlement Scheme (EUSS) status

EEA and Switzerland nationals have an eligible residency status if they have obtained either pre-settled or settled status in the EUSS and have lived continuously in the EEA, Switzerland, Gibraltar, or the UK for at least the previous 3 years on the first day of their apprenticeship.

Although the deadline for most people to apply to EUSS was 30 June 2021, there may be individuals who have reasonable grounds for making a late application to EUSS and there may also be some individuals who have made an EUSS application on time but are still waiting on a final decision on their status from the Home Office, including those that have lodged an appeal. Once a valid application has been made to EUSS (evidenced by receipt of a certificate of application), the applicant will have temporary protection, pending the outcome of that application.

4. Family members of EU Nationals

A family member of an EU national is eligible for funding if:

- Where required to do so, they have obtained pre-settled or settled status under EUSS, **and**
- The EU national (principal) has obtained pre-settled or settled status under EUSS and has been ordinarily resident in the UK, EEA and/or Switzerland for at least the previous 3 years on the first day of their apprenticeship.

A "family member" for these purposes is either:

- The spouse, civil partner of the EU national (principal); **or**
- The child, grandchild, spouse's child or spouse's grandchild of the EU principal who is either:
 - under 21, **or**
 - dependant on the principal and/or their spouse**or**
- The dependant parent or grandparent of the principal or of the principal's spouse.

5. Irish citizens in UK or Ireland

Irish citizens in the UK or Republic of Ireland have an eligible residency status if they have been ordinarily resident in the UK and Islands, and/or Republic of Ireland for at least the previous 3 years on the first day of the apprenticeship.

6. Irish citizens in EEA and Switzerland

Irish citizens have an eligible residency status if they:

- Resided in the EEA or Switzerland by 31 December 2020 (or resident in the UK, having moved to the UK from EEA or Switzerland after 31 December 2017), **and**
- Resided in the EEA, Switzerland, Gibraltar or the UK for at least the previous 3 years on the first day of the apprenticeship, **and**
- Remained ordinarily resident in the UK, Gibraltar, the EEA or Switzerland between 31 December 2020 and the start of the apprenticeship, **and**
- Start their apprenticeship before 1 January 2028.

7. Other non-UK nationals

Non-UK nationals are eligible for funding if:

- They have been ordinarily resident in the UK and Islands for at least the previous 3-year period on the first day of the apprenticeship; **and**
- Whose ordinary residence in the UK and Islands has not during any part of that period been wholly or mainly for the purpose of receiving full-time education; **and**
- Have permission granted by the UK government to live in the UK and such permission is not for education purposes only.

Advice from UEL: For clarity on which individuals fall under this category, visit: <https://www.gov.uk/types-of-british-nationality>.

8. Family members of an eligible person of Northern Ireland

Family members of an eligible person of Northern Ireland have an eligible residency status if:

- They have been living in the UK by 31 December 2020; **and**
- They have obtained pre-settled or settled status under EUSS; **and**
- The eligible person of Northern Ireland (principal) has been ordinarily resident in the UK by 31 December 2020, for at least the previous 3 years on the first day of the apprenticeship.

9. Joining family members under the EU Settlement Scheme

Family members of an EEA or Swiss national can apply to EUSS after 30 June 2021, if they are joining them in the UK on or after 1 April 2021. They have 3 months to apply to EUSS from the date they arrive in the UK. They will have temporary protection and therefore be eligible for funding during those 3 months and pending the outcome of any EUSS application made during that period (and of any appeal).

The joining family member must also be ordinarily resident in the UK, Gibraltar, EEA, and/or Switzerland for at least the previous 3 years on the first day of the apprenticeship.

10. Individuals with certain types of immigration status and their family members

Any individual with any of the statuses listed below, is eligible to receive funding and is exempt from the 3-year residency requirement rule. Providers must have seen the individual's immigration permission (see the evidence requirements for learner eligibility) in these circumstances:

- Refugee status.
- Discretionary leave to enter or remain.
- Indefinite leave to enter or remain as a victim of domestic violence or as a bereaved partner.
- Humanitarian protection.
- Leave outside the rules.
- Ukraine schemes:
 - Individuals with leave to enter or remain in the UK under the Ukraine Family Scheme.
 - Individuals with leave to enter or remain in the UK under the Ukraine Sponsorship Scheme (Homes for Ukraine).
 - Individuals with leave to enter or remain in the UK under the Ukraine Extension Scheme.
- Afghan Relocation and Assistance policy (formerly known as Locally Engaged Staff under the intimidation policy) or Afghan Citizens Resettlement Scheme.
- The spouse, civil partner, or child of any of the **above** in the point 10 (i.e., not of the below).
- Section 67 of the Immigration Act 2016 leave.
- A child of a person who has received leave under section 67 of the Immigration Act 2016 will be eligible in line with rule 289.9 where they have been granted "leave in line" by virtue of being a dependent child of such a person.
- Calais leave to remain (a child of a person who has received Calais leave to remain will be eligible where they have been granted "leave in line" by virtue of being a dependent child of such a person).
- Afghanistan schemes:
 - British Nationals evacuated from Afghanistan under Operation Pitting.
 - British Nationals evacuated from Afghanistan by the UK government before 6 January 2022.

The individual's immigration permission in the UK may have a 'no recourse to public funds' condition. This does not include education or education funding, so this does not affect an individual's eligibility, which must be decided under the normal eligibility conditions.

Advice from UEL: Any other articulation of Leave to Remain not listed above (e.g., Leave to Remain, PBS Leave to Remain, Spouse/Partner Leave to Remain) does **not** fall under this category. Please see the Advice from UEL under point 14 for more information.

11. Asylum seekers

Asylum seekers and individuals who have made further protection-based submissions are eligible to receive funding if they:

- Have a valid permission to work granted by the Secretary of State for the Home Department. Any permission to work granted will only be valid until the claim has been finally determined and any appeals rights exhausted.

12. Children of Turkish workers

A child of a Turkish worker is eligible if:

- The Turkish worker was ordinarily resident in the UK on or before 31 December 2020 and has Turkish European Community Association Agreement (ECAA) rights or extended ECAA leave; **and**
- The child has been ordinarily resident in the EEA and/or Turkey for at least the previous 3 years on the first day of the apprenticeship and is resident in the UK on or before 31 December 2020.

13. Persons granted stateless leave

A person granted stateless leave is a person who has:

- Extant leave to remain as a stateless person under the immigration rules (within the meaning given in section 33(1) of the Immigration Act 1971).
- Been ordinarily resident in the UK and Islands throughout the period since the person was granted such leave. The UK and Islands are England, Scotland, Wales, Northern Ireland, the Channel Islands and the Isle of Man.

A stateless person must:

- Be ordinarily resident in the UK on the first day of the apprenticeship; **and**
- Have been ordinarily resident in the UK and Islands throughout the 3-year period preceding the first day of the apprenticeship.

Certain family members are also eligible under this category:

- The spouse or civil partner of a person granted stateless leave (and who was the spouse or civil partner of that person on the leave application date), who is ordinarily resident in the UK on the first day of the apprenticeship and who has been ordinarily resident in the UK and Islands throughout the 3-year period preceding the first day of the apprenticeship; **or**
- The child of a stateless person or of the stateless person's spouse or civil partner (and who was the child of that stateless person or the child of the stateless person's spouse or civil partner on the leave application date), was under 18 on the leave application date, is ordinarily resident in the UK on the first day of the apprenticeship and has been ordinarily resident in the UK and Islands throughout the 3-year period preceding the first day of the apprenticeship.

'Leave application date' means the date on which a persons granted stateless leave made an application to remain in the UK as a stateless person under the immigration rules (within the meaning given in section 33(1) of the Immigration Act 1971).

14. Immigration status

Any individual, or relevant family member, who has applied for an extension or variation of their current immigration permission in the UK is still treated as if they have that leave. Keeping this permission applies as long as the application was made before their current permission expired. Their leave continues until the Home Office make a decision on their immigration application.

An individual, or relevant family member, is considered to still have the immigration permission that they held when they made their application for an extension. Their eligibility would be based upon this status.

Advice from UEL: The ESFA considers variations of 'Leave to Remain' not listed in point 10 to be extensions of stay in the UK. Therefore, if an apprentice holds one of these variations, or has recently applied for an extension, they will be eligible for enrolment on an apprenticeship as long as the apprenticeship concludes before their visa expires. This is in compliance with the following funding rule:

"To access funds in the employer's apprenticeship service account or government-employer co-investment, the provider must ensure that the individual is able to complete the apprenticeship within the time they have available, including the end-point assessment. If the provider knows an individual is unable to complete the apprenticeship in the time they have available (e.g., because their visa will expire or because they have a fixed term contract which is shorter than the duration of the apprenticeship), they must not be funded."

Advice from UEL: From 31 December 2024, the UK government will no longer issue biometric cards (see: <https://www.gov.uk/biometric-residence-permits/report-problem>). Therefore, if a candidate holds a biometric card for a Leave to Remain visa which expires on this date, they will be asked to prove their immigration status online until further government guidance is released in early 2024.

15. Those in the armed forces or outside of England

As an exception, the ESFA will also allow the following individuals to be funded from an employer's apprenticeship service account or using government-employer co-investment:

- Armed forces and Royal Fleet Auxiliary personnel and their family members to undertake a statutory English apprenticeship wherever they are based.
- Individuals of other nationalities serving as members of the British armed forces throughout their period of service and their dependants living with them on their postings, in the same way as members of the British armed forces and their family members. This does not apply to family members who do not join members of the armed forces and instead stay outside of England.
- Members of other nations' armed forces stationed in England and their family members, where the family member has a right to work in the United Kingdom, if the armed forces' individual has been ordinarily resident in England for three years. The ESFA will not fund family members that stay outside of England.
- Crown servants posted overseas who are, or were immediately prior to the posting, ordinarily resident in England.

- Apprentices whose occupation involves significant travel outside of the UK as part of their job (such as in travel or tourism) or work offshore (such as on an oil platform) and they have an identified registered work location in England. Providers must not claim for the additional expense of delivering learning outside of England.

16. Further information for 16- to 18-year-olds

16- to 18-year-olds are eligible to be funded for an apprenticeship if any of the following clauses apply:

- They are accompanying or joining parents who have the right of abode, leave to enter, or leave to remain in the UK.
- They are the children of diplomats.
- They are the children of teachers coming to the UK on a teacher exchange scheme.
- They are entering the UK (where not accompanied by their parents) and are British citizens.
- They have a passport that has been endorsed to either show they have the right of abode in the United Kingdom or to show that they have no restrictions on working in the UK.
- They are placed in the care of the local authority.
- They meet the requirements for any other eligible category.

Further information on eligibility can be found from the UK Council for International Student Affairs (UKCISA) at <https://ukcisa.org.uk/>.

Countries or areas where residency establishes eligibility for our funding

The British Overseas Territories are:

- Anguilla
- Bermuda
- British Antarctic Territory
- British Indian Ocean Territory
- British Virgin Islands
- Cayman Islands
- Falkland Islands
- Gibraltar
- Montserrat
- Pitcairn, Henderson Island, Ducie and Oeno Islands
- South Georgia and the South Sandwich Isles
- St Helena and its dependencies
- Turks and Caicos Islands

For funding eligibility purposes, EEA and eligible overseas dependent territories are defined as all member states of the EU and Iceland, Liechtenstein, Switzerland, Norway and all the eligible British Overseas Territories and EU overseas territories. A list of European Union (EU) member states can be accessed on the EU website at <https://europa.eu/>.

Although Switzerland is not part of the formally recognised EEA, its nationals are eligible under various international treaties signed by the UK and Swiss governments.

The lists below states territories that are categorised as being within the EU and/or territories that are categorised as being part of the listed countries such that they satisfy our residency requirements for the purposes of the funding rules:

- The following are part of **Denmark but not the EU**:
 - Greenland.
 - Faroe Islands.
- The following are part of **Finland and the EU**:
 - Åland Islands.

- The following are part of **France and the EU**:
 - The French Overseas Department (DOMS) (Guadeloupe, Martinique, French Guiana (Guyana), Reunion and Saint-Pierre et Miquelon).
- The following is part of **France but not the EU**:
 - New Caledonia and its dependencies in French Polynesia.
 - Saint Barthélemy.
- The following is part of **Germany and the EU**:
 - Tax-free port of Heligoland.
- The following is part of **the Netherlands but not the EU**:
 - Antilles (Bonaire, Curacao, Saba, St Eustatius and St Maarten).
 - Aruba.
- The following is part of Portugal **and the EU**:
 - Madeira.
 - The Azores.
- The following is part of Spain **and the EU**:
 - The Balearic Islands.
 - The Canary Islands.
 - Ceuta.
 - Melilla.

Andorra, Macau, Monaco, San Marino, and the Vatican **are not** part of the EU or the EEA.

Definition of ordinarily resident

For funding purposes, the DfE regards as ordinarily resident in a given country any person who habitually, normally, and lawfully resides from choice and for a settled purpose in that country.

A person who is in the country unlawfully, which includes someone who has overstayed their visa, is not ordinarily resident.

Temporary absences from the UK

Learners who are temporarily outside of the UK for reasons such as education, employment, or a gap year, should be considered ordinarily resident in the UK for the purposes of assessing eligibility for apprenticeship funding upon their return to the UK.

British armed forces, Ministry of Defence (MoD) personnel or civil crown servants on postings outside of the UK, can also be treated as ordinarily resident in the UK for the purposes of checking eligibility for apprenticeship funding upon their return to the UK.