



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 by 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 on an apprenticeship.

Before you hire any staff members with the intention to enrol them on 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 on an apprenticeship** in England.

To help you understand which passport or visa documentation individuals must hold, we have extracted the applicable section of the ESFA funding rules on the following page. Please use these regulations to inform your recruitment processes as UEL does not hold responsibility for candidates who have been recruited to enrol on an apprenticeship erroneously. Any candidates who do not possess the described eligibility documentation will always be refused enrolment to the apprenticeship. Failure to comply with these ESFA regulations could result in the ESFA taking financial action against UEL, withdrawing UEL apprentices mid-apprenticeship and potentially withdrawing UEL's rights to deliver apprenticeships altogether.

Please note that the ESFA funding rules are subject to change and so from one year to the next, eligibility requirements may change. UEL will endeavour to keep you informed on any changes to the ESFA funding rules as soon as they are released (typically in late July).

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.

Louis Clark

Louis Clark
Quality Manager (Apprenticeship Compliance)
University of East London

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. Temporary absences from the UK

Learners who are temporarily outside of the UK for reasons such as education, employment or a gap year, but remain settled in the UK, should be considered ordinarily resident in the UK.

British armed forces, MoD personnel or civil crown servants on postings outside of the UK, or people who are resident in England but work outside England, can also be treated as ordinarily resident in the UK.

2. 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.

3. UK nationals in the EEA and Switzerland

UK nationals and their family members are eligible for apprenticeship funding if they:

- 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);
- Resided in the EEA, Switzerland, Gibraltar or the UK for at least the previous 3 years before the start of the apprenticeship;
- Remained ordinarily resident in the UK, Gibraltar, the EEA or Switzerland between 31 December 2020 and the start of the apprenticeship;
- The apprenticeship starts before 1 January 2028.

4. 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.

5. 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 husband, wife, civil partner of the UK national (principal); or
- The child, grandchild, spouse's child or spouse's grandchild of the UK principal who is:
 - 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.

6. 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.

7. 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 January 2028.

8. Other non-UK nationals

Non-UK nationals are eligible if they have been ordinarily resident in the UK and Islands for at least the previous 3 years on the first day of the apprenticeship and:

- Have permission granted by the UK government to live in the UK and such permission is not for education purposes only; **or**
- Have obtained pre-settled or settled status under EUSS.

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

9. 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.

10. 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.

11. 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. UEL 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;
- Exceptional leave to enter or remain;
- Indefinite leave to enter or remain;
- Humanitarian protection;
- Leave outside the rules;
- Ukrainian 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);
- The husband, wife, civil partner and child of any of the above in this paragraph;
- A child of a person who has received leave under section 67 of the Immigration Act 2016 will be eligible where they have been granted 'leave in line' by virtue of being a dependent child of such a person.
- 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.

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.

UEL Note: 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 UEL Note under paragraph 15 Immigration Status for more information.

12. 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.

13. 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.

14. 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); **and**
- 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).

15. 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.

UEL Note: The ESFA considers variations of 'Leave to Remain' not listed in section 12 of this document 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 use funds in the employer's apprenticeship service account or government-employer co-investment, the individual must be able to complete the apprenticeship within the time they have available. If you know an individual is unable to complete the apprenticeship in the time they have available, they must not be funded.

From 31st December 2024, the UK government will no longer issue biometric cards. 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.

16. 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.
- 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. UEL cannot claim for the additional expense of delivering learning outside of England.

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

16 to 18-year-olds are eligible to be funded for an apprenticeship if:

- They are accompanying or joining parents who have the right of abode, leave to enter, or leave to remain in the UK; **or**
- They are the children of diplomats; **or**
- They are the children of teachers coming to the UK on a teacher exchange scheme; **or**

- They are entering the UK (where not accompanied by their parents) and are British citizens; **or**
- 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; **or**
- They are placed in the care of the local authority; **or**
- They meet the requirements for any other eligible category in this document.

You can find further information on eligibility from the UK Council for International Student Affairs ([UKCISA](#)).

18. Countries or areas where residency establishes eligibility for our funding

Individuals who are nationals of certain British Overseas Territories are eligible for funding, ensuring they comply with the three-year rule on residence in the UK. These are as follows:

- 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. You can access a list of European Union (EU) member states on the [EU website](#).

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.

Below lists 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 the ESFA's residency requirements for the purposes of the funding rules.

- Denmark: Greenland; and Faroe Islands.
- Finland: Aland islands.
- France: French Overseas Department (DOMS) (Guadeloupe, Martinique, French Guiana (Guyana), Reunion, Saint-Pierre et Miquelon).
- Germany: Tax-free port of Heligoland.
- The Netherlands: Antilles (Bonaire, Curacao, Saba, St Eustatius, St Maarten); and Aruba.
- Portugal: Madeira; and the Azores.
- Spain: the Balearic Islands; the Canary Islands; Ceuta; Melilla.

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

Note: 'The Islands' refers to the Channel Islands and the Isle of Man