

# Information regarding passports, visa documentation and applicant eligibility for apprenticeships starting between 1 August 2024 and 31 July 2025

Based on Version 1 of the ESFA Apprenticeship Funding Rules 2024/25

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. The ESFA effectively acts as an agent between employers and UEL, ensuring the transfer of funds for apprenticeships between us is moderated. As a result, the ESFA regulates which individuals any training provider (UEL or otherwise) can or cannot enrol onto any apprenticeship.

**Important:** Before you hire any new 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. This decision is made by the ESFA, not UEL.

To support your understanding of which passport/visa documentation individuals must be able to evidence prior to enrolment on any apprenticeship, we have extracted the applicable section of the ESFA funding rules for you on the following pages.

Please use this guidance to inform your recruitment processes as **UEL does not hold any responsibility for any of your staff who may have been recruited with the promise of apprenticeship enrolment erroneously**. UEL takes a very firm position that any candidates who cannot provide evidence of the mandatory eligibility documentation will always be refused enrolment onto an apprenticeship. Failure to comply with these regulations will result in the ESFA taking financial action against UEL and withdrawing your apprentice(s) once identified without refund. This could also potentially lead to the ESFA terminating UEL’s right to deliver apprenticeships altogether, impacting our hundreds of employer-partners and thousands of apprentices.

Please note that the ESFA apprenticeship funding rules are subject to change (at least) 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, however, it should be noted that the ESFA apprenticeship funding rules are publicly available information and ultimately, it is equally the responsibility of employers to be aware of changes. 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. 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 and the right to work in England:**

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.

All family members of UK nationals must meet the required residency eligibility criteria in their own right, unless they meet the criteria in the Section 3, ***UK nationals in the EEA and Switzerland***, or the criteria in Section 9, ***Family members of an eligible person of Northern Ireland***.

The British Overseas Territories are listed in the ***Countries or areas where residency establishes eligibility for funding*** section.

1. **Non-UK nationals**

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

Non-UK nationals are eligible for funding if:

1. They have been ordinarily resident in the UK and Islands for at least the previous three-year period on the first day of their apprenticeship; **and**
2. 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**
3. Have permission granted by the UK government to live in the UK and such permission is not for education purposes only.
4. **UK nationals in the EEA and Switzerland**

UK nationals and their family members will have an eligible residency status if they have:

1. Resided in the EEA, Switzerland, EU overseas territories or Gibraltar by 31 December 2020 (or resident in the UK, having moved there from the EEA, Switzerland, EU overseas territories or Gibraltar after 31 December 2017); **and**
2. Resided in the EEA, Switzerland, EU overseas territories, Gibraltar or the UK for at least the previous 3 years before the start of the apprenticeship; **and**
3. Remained ordinarily resident in the UK, Gibraltar, the EEA, Switzerland or EU overseas territories between 31 December 2020 and the start of the apprenticeship; **and**
4. The apprenticeship starts before 1 January 2028.
5. **Family members of UK nationals**

Family members of UK nationals where both the UK national and the family member have resided in the EEA, Switzerland or EU overseas territories, have an eligible residency status if:

1. Both the UK national and the family member resided in the EEA, Switzerland or EU Overseas Territories by 31 December 2020 (or resided in the UK, having moved there from the EEA, Switzerland or EU Overseas Territories after 31 December 2017); **and**
2. Both the UK national and the family member remained ordinarily resident in the UK, the EEA, Switzerland or EU Overseas Territories between 31 December 2020 and the start of the course; **and**
3. The UK national to whom they are a family member has been ordinarily resident in the UK, EEA, Switzerland or EU Overseas Territories for at least 3 years on the first day of the apprenticeship; **and**
4. The course starts before 1 January 2028.

A family member for these purposes is either:

* A spouse/civil partner of the UK national (principal); **or**
* A child, grandchild, spouse/civil partner’s child or spouse/civil partner’s grandchild of the UK national (principal) who is either under 21, or dependant on the principal and/or their spouse/civil partner.

1. **EEA and Switzerland nationals in the UK and Switzerland nationals in the UK**

EEA and Switzerland nationals have an eligible residency status if they have obtained either pre-settled or settled status under 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.

1. **Family members of EEA or Swiss Nationals**

A family member of an EEA or Swiss national is eligible for funding if:

1. Where required to do so, they have obtained pre-settled or settled status under EUSS; **and**
2. The EEA 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 EEA national (principal); **or**
* The child, grandchild, spouse/civil partner’s child or spouse/civil partner’s grandchild of the EEA 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/civil partner.

1. **Irish citizens in the UK or the Republic of 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.

1. **Irish citizens in the EEA and Switzerland**

Irish citizens have an eligible residency status if they:

1. Resided in the 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**
2. Resided in the EEA, Switzerland, Gibraltar or the UK for at least the previous 3 years on the first day of the apprenticeship; **and**
3. Remained ordinarily resident in the UK, Gibraltar, the EEA or Switzerland between 31 December 2020 and the start of the apprenticeship; **and**
4. Start their apprenticeship before 1 January 2028.
5. **Family members of an eligible person of Northern Ireland**

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

1. They have been living in the UK by 31 December 2020; **and**
2. They have obtained pre-settled or settled status under EUSS; **and**
3. 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.

A family member for these purposes is either:

* The spouse/civil partner of the person of Northern Ireland (principal); **or**
* The child, grandchild, spouse/civil partner’s child or spouse/civil partner’s grandchild of the principal who is either under 21, or dependant on the principal and/or their spouse/civil partner or the dependant parent or grandparent of the principal or of the principal’s spouse/civil partner.

1. **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 three 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 three 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 three years on the first day of the apprenticeship.

1. **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 three-year residency requirement rule but will need to be ordinarily resident in the UK since the grant of their status. Providers must have seen the individual’s immigration permission (see the evidence requirements for learner eligibility) in these circumstances.

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| **Advice from UEL:** If an applicant (or family member) holds one of the statuses listed in Section 11, or has recently been approved for an extension, they will be eligible for enrolment onto an apprenticeship as long as the apprenticeship (including end point assessment) concludes before their visa expires. This is in compliance with the following ESFA funding rule:  *“To access funds in the employer’s apprenticeship service account or government-employer co-investment, [UEL] must ensure that the individual […] is able to complete the apprenticeship within the time they have available, including the end-point assessment.* ***If [UEL] knows an individual is unable to complete the apprenticeship in the time they have available, (e.g. because their visa will expire […], 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 which expires on this date, they will be asked to prove their immigration status online with the new eVisa. More information on eVisas are available here: <https://www.gov.uk/guidance/online-immigration-status-evisa>. |

1. **Individuals with** **refugee status**, where they have been ordinarily resident in the UK and Islands throughout the period since they were given **leave to enter/remain** in the UK.
2. **Family members of individuals with refugee status**, as defined below:

* The spouse/civil partner of a person with refugee status is eligible if all of the following apply:
* They were the spouse/civil partner of the person on the asylum application date; **and**
* They have been ordinarily resident in the UK and Islands throughout the period since they were given leave to enter/remain in the UK.
* The child of a person with refugee status to enter/remain, or of the person’s spouse/civil partner, is eligible if all of the following apply:
* They were the person with discretionary leave’s child or the child of the person’s spouse/civil partner on the asylum application date; **and**
* They were under 18 on the asylum application date; **and**
* They have been ordinarily resident in the UK since they were given leave to enter/remain.

1. **Individuals with humanitarian protection status**, where they have been ordinarily resident in the UK and Islands throughout the period since they were given leave to enter/remain in the UK.
2. The **family members of individuals with humanitarian protection status**, as defined below:

* The spouse/civil partner of a person granted humanitarian protection is eligible if all of the following apply:
* They were the spouse/civil partner of the person on the asylum application date; **and**
* They have been ordinarily resident in the UK and Islands throughout the period since they were given leave to enter/remain in the UK.
* The child of a person with humanitarian protection status to enter/remain, or of the person’s spouse/civil partner, is eligible if:
* They were the person with humanitarian protection status’s child or the child of the person’s spouse/civil partner on the asylum application date; **and**
* They were under 18 on the asylum application date; **and**
* They have been ordinarily resident in the UK since they were given leave to enter/remain.

1. Individuals with **discretionary leave to enter/remain**, where they have been ordinarily resident in the UK and Islands throughout the period since they were given leave to enter/remain in the UK.
2. The **spouse/civil partner of a person granted discretionary leave to enter/remain** is eligible if all of the following apply:

* They were the spouse/civil partner of the person on the asylum or leave application date; **and**
* They have been ordinarily resident in the UK and Islands throughout the period since they were given leave to enter/remain in the UK.

1. The **child of a person with discretionary leave to enter/remain**, or of the person’s spouse/civil partner, is eligible if:

* They were the person with discretionary leave’s child or the child of the person’s spouse/civil partner on the asylum or leave application date; **and**
* They were under 18 on the asylum or leave application date; **and**
* They have been ordinarily resident in the UK since they were given leave to enter/remain.

1. Individuals who have **extant leave to remain as a stateless person**, where they have been ordinarily resident in the UK and Islands throughout the period since they were granted such leave.
2. Family members of individuals with **extant leave to remain as a stateless person**, as defined below:

* The spouse/civil partner of a person granted stateless leave is eligible if all of the following apply:
* They were the spouse/civil partner of the person on the leave application date; **and**
* They have been ordinarily resident in the UK and Islands throughout the period since they were given leave to enter/remain in the UK.
* The child of a person with stateless leave, or of the person’s spouse/civil partner, is eligible if:
* They were the person with stateless leave’s child or the child of the person’s spouse/civil partner on the asylum or leave application date; **and**
* They were under 18 on the leave application date; **and**
* They have been ordinarily resident in the UK since they were given leave to enter/remain.

1. Individuals with **leave outside the immigration rules**, where they have been ordinarily resident in the UK and Islands throughout the period since they were given leave to enter/remain in the UK.
2. The **spouse/civil partner of a person granted leave outside the rules** is eligible if all of the following apply:

* They were the spouse/civil partner of the person on the asylum or leave application date; **and**
* They have been ordinarily resident in the UK and Islands throughout the period since they were given leave to enter/remain in the UK.

1. The **child of a person with leave outside the rules**, or of the person’s spouse/civil partner, is eligible if:

* They were the person with leave outside the rules’ child or the child of the person’s spouse/civil partner on the asylum or leave application date; **and**
* They were under 18 on the asylum or leave application date; **and**
* They have been ordinarily resident in the UK since they were given leave to enter/remain.

1. Persons granted **leave under one of the Ukraine schemes**:

* Individuals with leave to enter/remain in the UK under the Ukraine Family Scheme.
* Individuals with leave to enter/remain in the UK under the Ukraine Sponsorship Scheme (Homes for Ukraine).
* Individuals with leave to enter/remain in the UK under the Ukraine Extension Scheme.
* Individuals with leave to remain in the UK under the Ukraine Permission Extension Scheme.

1. Persons granted **leave under one of the Afghan Schemes**:

* Individuals with leave to enter/remain in the UK under the Afghan Citizens Resettlement Scheme (ACRS).
* Individuals with leave to enter/remain in the UK under the Afghan Relocations and Assistance Policy (ARAP).
* British Nationals evacuated from Afghanistan under Operation Pitting.
* British Nationals evacuated from Afghanistan by the UK government before 6 January 2022.

1. Individuals with **indefinite leave to remain/enter** granted as a victim of domestic abuse where they have been ordinarily resident in the UK since they were given leave to remain.
2. Individuals with **indefinite leave to remain/enter** granted as a bereaved partner, where they have been ordinarily resident in the UK since they were given leave to remain or enter.
3. Individuals with **Section 67 of the** [**Immigration Act 2016**](https://www.legislation.gov.uk/ukpga/2016/19/contents/enacted) **leave**, or 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.
4. Individuals with **Calais leave to remain**, or 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.
5. **British citizens who were born in the British Indian Ocean Territory** or, prior to 8 November 1965, in those islands designated as the British Indian Ocean Territory on that date or are direct descendants of a person who was born in the British Indian Ocean Territory or, prior to 8 November 1965, in those islands designated as the British Indian Ocean Territory on that date.

**Note:** 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.

1. **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.

1. **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 three years on the first day of the apprenticeship and is resident in the UK on or before 31 December 2020.

1. **Those in the armed forces or outside of England**

As an exception, we 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. We 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.

1. **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; **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.

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

**Individuals who are not eligible for funding:**

UEL cannot claim funding for individuals who:

* Are resident in the United Kingdom on a student visa unless they are eligible through meeting any other of the categories described in this document.
* Are in the United Kingdom on holiday, with or without a visa.
* Have overstayed their immigration or visitor visa.
* Are a family member of a person granted a student visa, have been given immigration permission to stay in the UK and have not been ordinarily resident in the UK for the previous three years on the first day of learning.
* Are ordinarily resident in the Channel Islands or Isle of Man, unless they are also ordinarily resident within England.
* Have a biometric residence permit or residence permit imposing a study prohibition or restriction on the individual.

**Countries/areas where residency establishes eligibility for ESFA 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 is part of **Finland and the EU**:
  + Aland Islands
* The following is part of **France and the EU**:
  + The French Overseas Department (DOMS) (Guadeloupe, Martinique, French Guiana (Guyana), Reunion and Saint-Pierre et Miquelon)
* The following are 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 are part of **the Netherlands but not the EU**:
  + Antilles (Bonaire, Curacao, Saba, St Eustatius and St Maarten)
  + Aruba
* The following are part of **Portugal and the EU**:
  + Madeira
  + The Azores
* The following are 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, 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.