

Annex A: Eligibility criteria (who we fund)

New for 1 August 2022

Note: Following a review of this section, the following updates have been made for version 1.

P365 - Updates to the UK nationals in the EEA to include Switzerland section.

P366 - Updated EEA nationals in the UK to EEA and Switzerland nationals in the UK with EU Settlement Status.

P367 - A new section on Irish citizens in UK or Ireland.

P368 - A new section on Irish citizens in EEA and Switzerland.

P369 - Updates to the Non-UK nationals section.

P370 - A new section on family members of EU Nationals.

P371 - A new section on family members of an eligible person of Northern Ireland.

P372 to P373 - A new section on joining family members under the EU Settlement Scheme.

P374 to P376 - A new section on late applications to the EU Settlement Scheme.

P377 - Updates to the individuals with certain types of immigration status and their family members section.

P362 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.

UK nationals

P363 UK nationals are eligible for funding if they:

- P363.1 Have been ordinarily resident in the UK, the [British Overseas Territories](#), or Crown Dependencies (Channel Islands and Isle of Man) for at least the previous three years before the start of the apprenticeship.

Right of abode in the UK

P364 The right of abode is a status under United Kingdom immigration law that gives an unrestricted right to live in the United Kingdom. It was introduced by the Immigration Act 1971. Individuals with the right of abode are eligible for funding if they:

- P364.1 Have been ordinarily resident in the UK, the [British Overseas Territories](#), or Crown Dependencies (Channel Islands and Isle of Man)

for at least the previous three years before the start of the apprenticeship.

UK nationals in the EEA and Switzerland

- P365 UK nationals and their family members are eligible for funding if they:
- P365.1 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
 - P365.2 resided in the EEA, Switzerland, Gibraltar or the UK for at least the previous three years before the start of the apprenticeship; and
 - P365.3 remained ordinarily resident in the UK, Gibraltar, the EEA or Switzerland between 31 December 2020 and the start of the apprenticeship and
 - P365.4 their apprenticeship started before January 2028

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

- P366 EEA and Switzerland nationals who have obtained either pre-settled or settled status under the EU Settlement Scheme, 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 will be eligible for funding.

Irish citizens in UK or Ireland

- P367 Irish citizens in the UK or Ireland who have been ordinarily resident in the UK and Islands, and/or Ireland for at least the previous 3 years on the first day of their apprenticeship will be eligible for funding.

Irish citizens in EEA and Switzerland

- P368 Irish citizens are eligible for funding if they:
- P368.1 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
 - P368.2 resided in the EEA, Switzerland, Gibraltar or the UK for at least the previous 3 years on the first day of the apprenticeship and
 - P368.3 remained ordinarily resident in the UK, Gibraltar, the EEA or Switzerland between 31 December 2020 and the start of the apprenticeship and
 - P368.4 start their apprenticeship before January 2028.

Non-UK nationals

- P369 A non-UK national (with exception to those that fall into the categories above) is eligible for funding if they have been ordinarily resident in the UK and Islands for at least the previous 3 years on the first day of their apprenticeship and have permission from the UK government to live in the UK (not for educational purposes) or have obtained pre-settled or settled status under EUSS.

Family members of EU Nationals

- P370 A 'family member' is the husband, wife, civil partner, child, grandchild, dependent parent or grandparent of an EU national (principal). A family member is eligible for funding if:
- P370.1 where required to do so, they have obtained pre-settled or settled status under EUSS, and
 - P370.2 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.

Family members of an [eligible person of Northern Ireland](#)

- P371 Family members of an eligible person of Northern Ireland (principal) are eligible for funding if:
- P371.1 they have been living in the UK by 31 December 2020 and
 - P371.2 they have obtained pre-settled or settled status under EUSS, and
 - P371.3 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 their apprenticeship.

Joining family members under the EU Settlement Scheme

- P372 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).
- P373 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 their apprenticeship.

Late applications to the EU Settlement Scheme

- P374** The closing date for EUSS was 30 June 2021 (except for joining family members of EEA or Swiss nationals). After this date, EEA and Swiss nationals applying for apprenticeships starting in the 2021 to 2022 academic year and beyond are generally eligible for funding only if they have been granted pre-settled or settled status under EUSS.
- P375** However, 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.
- P376** These individuals may be eligible for funding if they:
- P376.1** have been ordinarily resident in the relevant area for at least the previous 3 years on the first day of learning, and
 - P376.2** have a certificate of application, and
 - P376.3** are family members of EEA/Swiss nationals (if applicable)

Individuals with certain types of immigration status and their family members

- P377** Any individual with any of the statuses listed below, is eligible to receive funding and is exempt from the three-year residency requirement rule. You must have seen the individual's immigration permission (see paragraph P340.2) in these circumstances:
- P377.1** Refugee status;
 - P377.2** Discretionary leave to enter or remain;
 - P377.3** Exceptional leave to enter or remain;
 - P377.4** Indefinite leave to enter or remain;
 - P377.5** Humanitarian protection;
 - P377.6** Leave outside the rules;
 - P377.7** Ukraine Family Scheme;
 - P377.8** Ukraine Sponsorship Scheme (Homes for Ukraine);

- P377.9 Ukraine Extension Scheme;
 - P377.10 Afghan Relocation and Assistance policy (formerly known as Locally Engaged Staff under the intimidation policy);
 - P377.11 The husband, wife, civil partner and child of any of the above in this paragraph (that is paragraphs P377.1 to P377.11);
 - P377.12 Section 67 of the Immigration Act 2016 leave;
 - P377.13 Calais leave to remain
 - P377.14 British Nationals evacuated from Afghanistan under Operation Pitting; or
 - P377.15 British Nationals evacuated from Afghanistan by the UK government before 6 January 2022
- P378 A child of a person who has received leave under section 67 of the Immigration Act 2016 will be eligible in line with rule P377.12 where they have been granted "leave in line" by virtue of being a dependent child of such a person.
- P379 A child of a person who has received Calais leave to remain will be eligible in line with rule P377.13 where they have been granted "leave in line" by virtue of being a dependent child of such a person.
- P380 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.

Asylum seekers

- P381 Asylum seekers are eligible to receive funding if they:
- P381.1 Have lived in the UK for six months or longer while their claim is being considered by the Home Office and no decision on their claim has been made; or
 - P381.2 Are in the care of the local authority and are receiving local authority support under section 23C or section 23CA of the Children Act 1989 or section 21 of the National Assistance Act 1948.
- P382 An individual who has been refused asylum will be eligible if they:
- P382.1 Have appealed against a decision made by the UK government against granting refugee status and no decision has been made within six months of lodging the appeal; or
 - P382.2 Are granted support for themselves under section 4 of the Immigration and Asylum Act 1999; or

- P382.3 They are in the care of a local authority and are receiving local authority support for themselves under section 23C or section 23CA of the Children Act 1989.

Children of Turkish workers

- P383 A child of a Turkish worker is eligible if:
- P383.1 The Turkish worker was ordinarily resident in the UK on or before 31 December 2020 and has Turkish European Community Association Agreement (ECAAA) rights or extended ECAA leave;
 - P383.2 The Turkish worker is, or has been, lawfully employed in the UK; and
 - P383.3 The child has been ordinarily resident in the EEA and / or Turkey for the full three-year period before the start of their programme and is resident in the UK on or before 31 December 2020.

Persons granted stateless leave

- P384 A person granted stateless leave is a person who has:
- P384.1 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).
 - P384.2 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.
- P385 A stateless person must:
- P385.1 Be ordinarily resident in the UK on the first day of the apprenticeship; and
 - P385.2 Have been ordinarily resident in the UK and Islands throughout the three-year period preceding the first day of the apprenticeship.
- P386 Certain family members are also eligible under this category:
- P386.1 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 three-year period preceding the first day of the apprenticeship; or
 - P386.2 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 three-year period preceding the first day of the apprenticeship.

- P386.3 '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).

Immigration status

- P387 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.
- P388 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.

Those in the armed forces or outside of England

- P389 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:
- P389.1 Armed forces and Royal Fleet Auxiliary personnel and their family members to undertake a statutory English apprenticeship wherever they are based.
- P389.2 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.
- P389.3 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.
- P389.4 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. You must not claim for the additional expense of delivering learning outside of England.

Further information for 16 to 18-year-olds

- P390 16 to 18-year-olds are eligible to be funded for an apprenticeship if any of the following clauses apply:

- P390.1 They are accompanying or joining parents who have the right of abode, leave to enter, or leave to remain in the UK;
- P390.2 They are the children of diplomats;
- P390.3 They are the children of teachers coming to the UK on a teacher exchange scheme;
- P390.4 They are entering the UK (where not accompanied by their parents) and are British citizens;
- P390.5 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;
- P390.6 They are an asylum seeker;
- P390.7 They are placed in the care of the local authority; or
- P390.8 They meet the requirements for any other eligible category in this document.
- P391 You can find further information on eligibility from the UK Council for International Student Affairs ([UKCISA](#)).

Countries or areas where residency establishes eligibility for our funding

- P392 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
 - Henderson Island
 - Gibraltar
 - Montserrat
 - Pitcairn, Ducie and Oeno Islands
 - South Georgia and the South Sandwich Isles
 - St Helena and its dependencies
 - Turks and Caicos Islands
- P393 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](#).
- P394 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.

P395 The table 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 our residency requirements for the purposes of the funding rules.

Denmark	The following is part of Denmark: <ul style="list-style-type: none"> • Greenland • Faroe Islands
Finland	The following is part of Finland and the EU: <ul style="list-style-type: none"> • Aland islands
France	The following is part of France and the EU: <ul style="list-style-type: none"> • the French Overseas Department (DOMS) (Guadeloupe, Martinique, French Guiana (Guyana), Reunion and Saint-Pierre et Miquelon) <p>The following is not part of the EU but is part of France:</p> <ul style="list-style-type: none"> • New Caledonia and its dependencies French Polynesia • Saint Barthélemy
Germany	The following is part of Germany and the EU: <ul style="list-style-type: none"> • Tax-free port of Heligoland
Netherlands	The following is part of the Netherlands: <ul style="list-style-type: none"> • Antilles (Bonaire, Curacao, Saba, St Eustatius and St Maarten) • Aruba
Portugal	The following is part of Portugal and the EU: <ul style="list-style-type: none"> • Madeira • The Azores
Spain	The following is part of Spain and the EU: <ul style="list-style-type: none"> • the Balearic Islands, • the Canary Islands, • Ceuta • Melilla

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

To note: "the Islands" means the Channel Islands and the Isle of Man

