

Residency and Evidence Factsheet

Overview

In order to be deemed eligible for an Advanced Learner Loan learners must satisfy certain residency criteria and must supply evidence to support their residency status.

Learners can be split into two main categories, these are;

- UK Nationals
- Rest of World (RoW) Nationals

Each of the two main categories hosts a number of different sub categories of eligibility. Each of these sub categories has different evidence requirements, processing procedures in SLC and rules of exception.

UK National

- UK National

RoW National

- Spouse of a UK National
- EU National
- Family Member of a EEA National
- Child of a Swiss National
- Child of a Turkish Worker
- EEA Migrant Worker
- Indefinite Leave to Remain
- Refugee Status
- Limited Leave to Remain – Humanitarian Protection
- Right of Permanent Residence
- Family Reunion Visa

Follow the flow chart on page 2 to identify which category a learner may fall into.

Please Note: There have been 2 policy changes implemented for residency for 2018/19

- There has been an extension to the Armed Forces personnel policy (and their eligible family members) who are serving in another part of the UK may be eligible for an ALL
- The Government has also introduced a New Stateless Persons residence category.

Armed Forces

From 1 August 2018, if you are not resident in England, you may still be eligible for an Advanced Learner Loan if you are:

- a serving member of the UK Armed Forces;
- the spouse/civil partner/family member living with a serving member of the Armed Forces ; or
- a dependent parent living with a serving member;

Stateless Persons

From AY 18/19 the DfE have introduced a new residence category of eligible student.

The new residence category will be referred to as `stateless persons` and applies to individuals who have been granted leave to remain as a stateless person by the UK Home Office because they are stateless, and have no right to residence in their country of former habitual residence or any other country.

Students and eligible family member of persons who hold this status as granted by the Home Office will be eligible to apply for support for an ALL.

To be eligible under this category students must:

- have been granted leave to remain as a stateless person by the HO;
- be ordinarily resident in England to which they are applying on the first day of the first academic year of their course; and

Family members of Stateless Persons

Family members of individuals granted leave to remain as a stateless person may also be eligible for support. The definition of a family member will mirror that currently used for a refugee or someone who has been granted Humanitarian Protection.

If the student is the:

- Spouse; or
- Civil partner; or
- Child or step-child (under 18); or
- Child or step-child (under 18) of the spouse or civil partner,

of a person granted leave to remain as a stateless person, and was so on the date that the valid application for leave to the HO was made, they may be eligible for support.

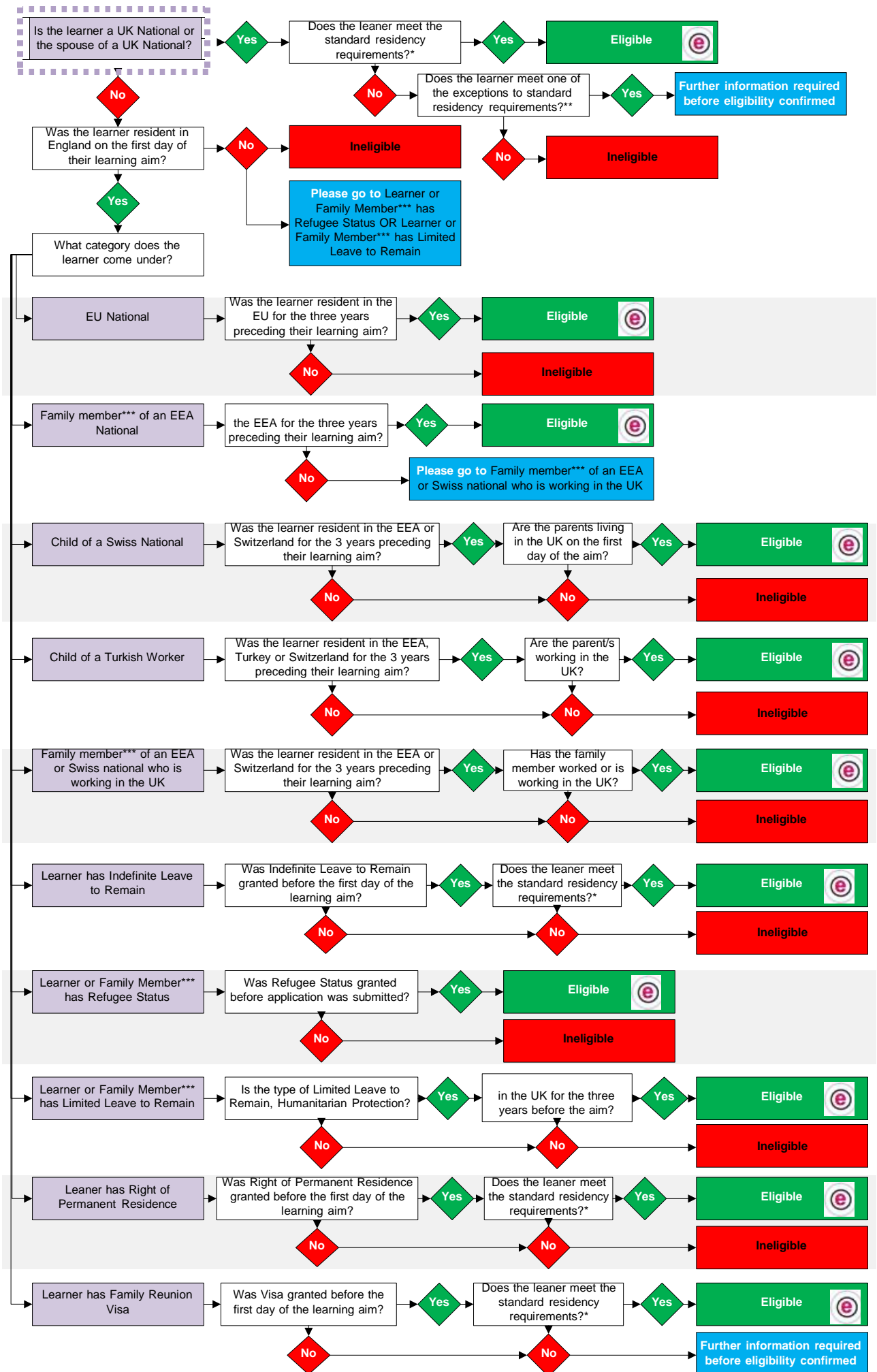
Note that family members will also need to:

- hold a valid HO form of leave (for example Limited Leave to Remain 'LLR') on the first day of the first academic year of their course; and
- have been ordinarily and lawfully resident in the UK and Islands throughout the three year period immediately prior to the first day of the first academic year of their course

Flow Chart

Within the flow chart there are three foot notes;

Footnote	Description
*	Standard residency requirements <ul style="list-style-type: none">• Ordinarily Resident• 3 years residency in the UK immediately before aim• Resident in the UK on the first day of the learning aim
**	Exceptions to residency requirements <p>If the learner has not been resident in the UK for the three years immediately before the aim they may be eligible if they can prove a temporary break in residency;</p> <ul style="list-style-type: none">• Temporary break may be eligible if it was in the EU• Temporary break may be eligible if it was outside of the EU due to a situation beyond the learners control (i.e. parents or spouses temporary work) AND they had the intent to and evidence to show that a return to the UK was imminent
***	Family member <p>For the purposes of residency a family member is classes as the learner's;</p> <ul style="list-style-type: none">• Husband/Wife or Civil-Partner• Parent or Step-Parent



Eligibility Criteria

After using the flow chart to see if the learner may be eligible the data in the table below will give information and more in depth eligibility criteria.

Status	Eligibility Criteria
UK National	
UK national	<ul style="list-style-type: none"> • Ordinarily Resident • 3 years residency in the UK immediately before aim** • Resident in the UK on or before the first day of the learning aim <p>** If the learner has not been resident in the UK for the three years immediately before the aim they may be eligible if they can prove a temporary break in residency. Temporary break may be eligible if;</p> <ol style="list-style-type: none"> 1. The break was in the EU or EEA 2. The break was outside of the EU or EEA due to things beyond the learners control (i.e. parents or spouses temporary work) AND they had the intent to and evidence to show that a return to the UK was imminent
RoW National	
Spouse of a UK National	<ul style="list-style-type: none"> • Ordinarily Resident • 3 years residency in the UK immediately before aim** • Resident in the UK on or before the first day of the learning aim • Spouse/Civil Partner of a UK National
EU National	<ul style="list-style-type: none"> • Resident in the UK on or before the first day of the learning aim • 3 years residency in the EU or EEA immediately before aim
Family Member*** of a EEA National	<ul style="list-style-type: none"> • Resident in the UK on or before the first day of the learning aim • 3 years residency in the EEA immediately before aim • Have a family member*** that is a EEA national
Child of a Swiss National	<ul style="list-style-type: none"> • Resident in the UK on or before the first day of the learning aim • 3 years residency in the EEA or Switzerland immediately before aim • Have a parent that is a Swiss national AND who is/was living in the UK on the first day of the aim
Child of a Turkish Worker	<ul style="list-style-type: none"> • Resident in the UK on or before the first day of the learning aim • 3 years residency in the EEA, Switzerland or Turkey immediately before aim • Have a parent that is a Turkish national who is working in the UK
EEA Migrant Worker	<ul style="list-style-type: none"> • Resident in the UK on or before the first day of the learning aim • 3 years residency in the EEA or Switzerland immediately before aim • Working or have a family member*** who is working in the UK
Indefinite Leave to Remain	<ul style="list-style-type: none"> • Ordinarily Resident • 3 years residency in the UK immediately before aim** • Resident in the UK on or before the first day of the learning aim • Learner granted Indefinite Leave to Remain before the learning aim start date
Refugee Status	<ul style="list-style-type: none"> • Resident in the UK on or before the first day of the learning aim • Learner or family member*** granted Refugee Status before the application is submitted (this can be after the learning aim start date) <p>For information If the learner is applying for a loan as the child or step-child of a refugee, they'll only be considered a 'child' if they were under the age of 18 at the time of the parent's application. If the learner is applying for a loan as the husband, wife or civil partner or a refugee, they must have been their husband, wife or civil partner at the time of their application to the Home Office.</p>
Limited Leave to Remain – Humanitarian Protection (HP)	<ul style="list-style-type: none"> • Resident in the UK on or before the first day of the learning aim • 3 years residency in the UK immediately before aim** • Learner or family member*** granted Limited Leave to Remain due to HUMANITARIAN PROTECTION before the application is submitted (this can be after the learning aim start date)
Right of Permanent Residence	<ul style="list-style-type: none"> • Ordinarily Resident • 3 years residency in the UK immediately before aim** • Resident in the UK on or before the first day of the learning aim • Learner granted Right of Permanent Residence before the learning aim start date

Family Reunion Visa	<ul style="list-style-type: none"> • Ordinarily Resident • 3 years residency in the UK immediately before aim (discretionary, please see evidence required section) • Resident in the UK on or before the first day of the learning aim • Family Reunion Visa was granted before the learning aim start date <p>For information A Family Reunion Visa is usually granted due to a family member*** being granted refugee status in the UK. There are two acceptable types of A Family Reunion Visa; <i>Visa Family Reunion - Indefinite Leave to Enter</i> and <i>Visa Family Reunion - Indefinite Leave Until</i></p>
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Evidence

The table below shows what evidence SLC require in order to clarify that the learner has the declared residency state and is therefore eligible for support. **Please Note;** Acceptable evidence for UK Armed Forces is a stamped letter, or stamped pro forma, from the Armed Forces Unit Records Office.

Status	Evidence Required
UK National	
UK national	<p>Evidence of identity (one of the following)</p> <ul style="list-style-type: none"> • Passport details form with valid UK passport details • Original Birth Certificate with accompanying ADIF (applicant declaration of identity form) <p>AND 3 years residency details (if the learner has been residing outside the UK in the 3 years prior to the learning aim start date)</p>
RoW National	
Spouse of a UK National	<p>Evidence of identity (one of the following)</p> <ul style="list-style-type: none"> • Original in-date Passport • Original biometric residence permit • Original travel document <p>AND Evidence of relationship</p> <ul style="list-style-type: none"> • Marriage certificate <p>AND Evidence of Spouse/Civil Partners Identity</p> <ul style="list-style-type: none"> • Original UK passport <p>AND 3 years residency details</p>
EU National	<p>Evidence of identity (one of the following)</p> <ul style="list-style-type: none"> • Original in date passport • Original in date national identity card • Original Irish birth certificate <p>AND 3 years residency details</p>
Family Member of a EEA National	<p>Evidence of identity (one of the following)</p> <ul style="list-style-type: none"> • Original in date passport • Original in date national identity card • Original Irish birth certificate <p>AND Evidence of family members' EEA nationality (one of the following)</p> <ul style="list-style-type: none"> • Original in date passport • Original in date national identity card • Original Irish birth certificate • Original UK passport <p>AND Evidence of relationship</p> <ul style="list-style-type: none"> • For example a birth or marriage certificate <p>AND 3 years residency details</p>
Child of a Swiss National	<p>Evidence of identity (one of the following)</p> <ul style="list-style-type: none"> • Original in date passport • Original in date national identity card

	<p>AND Evidence of parents Swiss nationality (one of the following)</p> <ul style="list-style-type: none"> • Original in date passport • Original in date national identity card <p>AND Evidence of relationship</p> <ul style="list-style-type: none"> • For example a birth or adoption certificate <p>AND Evidence of Swiss national parent's address (one of the following)</p> <ul style="list-style-type: none"> • Bank Statement • Tenancy agreement/mortgage statement • Recent utility bill • Local authority correspondence • Government department correspondence <p>AND A letter signed by the Swiss national parent to confirm they are living/were living in the UK of the start day of the course</p> <p>AND 3 years residency details</p>
<p>Child of a Turkish Worker</p>	<p>Evidence of identity (one of the following)</p> <ul style="list-style-type: none"> • Original in date passport • Original in date national identity card <p>AND Evidence of parents Turkish nationality (one of the following)</p> <ul style="list-style-type: none"> • Original in date passport • Original in date national identity card <p>AND Evidence of parent's current employment in the UK</p> <ul style="list-style-type: none"> • For example a contract of Employment <p>AND 3 years residency details</p>
<p>EEA Migrant Worker</p>	<p>If the Learner is the Migrant Worker Evidence of identity (one of the following)</p> <ul style="list-style-type: none"> • Original in date passport with VISA • Original in date national identity card • Original biometric residence permit <p>AND Evidence of current employment in the UK</p> <ul style="list-style-type: none"> • Financial evidence to confirm the learner is working, has worked or is looking for work, for example, P60 or a letter from their employer <p>AND 3 years residency details</p> <p>If the family member is the Migrant Worker Evidence of identity (one of the following)</p> <ul style="list-style-type: none"> • Original in date passport with VISA • Original biometric residence permit <p>AND Evidence of parents identity status (one of the following)</p> <ul style="list-style-type: none"> • Original in date passport • Original in date national identity card • Original immigration status document <p>AND Evidence of parent's current employment in the UK</p> <ul style="list-style-type: none"> • Financial evidence to confirm they are working, have worked or are looking for work, for example, P60 or a letter from their employer <p>AND Evidence of relationship</p> <ul style="list-style-type: none"> • For example a birth or marriage certificate <p>AND 3 years residency details</p>

<p>Indefinite Leave to Remain</p>	<p>If the Learner has Indefinite Leave to Remain Evidence of identity (one of the following)</p> <ul style="list-style-type: none"> • Original in date blue travel document • Original biometric residence permit • Original in date passport • Original in date national identity card (if originally an EEA national) <p>AND</p> <p>Evidence of residency status (one of the following)</p> <ul style="list-style-type: none"> • Original in date blue travel document • Original biometric residency permit • Original immigration status document • Original in date passport with VISA <p>AND</p> <p>A Home Office or Solicitors letter confirming the date the status was granted</p> <p>AND</p> <p>3 years residency details</p>
<p>Refugee Status</p>	<p>If the Learner has Refugee Status; Evidence of identity (one of the following)</p> <ul style="list-style-type: none"> • Original in date blue travel document • Original biometric residence permit <p>AND</p> <p>Evidence of residency status (one of the following)</p> <ul style="list-style-type: none"> • Original in date blue travel document • Original biometric residency permit • Original immigration status document <p>AND</p> <ul style="list-style-type: none"> • A letter confirming the date the refugee status was granted <p>If the family member has Refugee Status; Evidence of identity (one of the following)</p> <ul style="list-style-type: none"> • Original in date blue travel document • Original biometric residence permit <p>Evidence of the family member's residency status (one of the following)</p> <ul style="list-style-type: none"> • Original in date blue travel document • Original biometric residency permit • Original immigration status document • Original Home Office letter <p>AND</p> <p>Evidence of the learner's relationship</p> <ul style="list-style-type: none"> • For example a birth or marriage certificate <p>AND</p> <p>A Home Office or Solicitors letter confirming the date the status was granted</p>
<p>Limited Leave to Remain – Humanitarian Protection (HP)</p>	<p>If the Learner has Limited Leave to Remain (HP) Evidence of identity (one of the following)</p> <ul style="list-style-type: none"> • Original in black travel document • Original biometric residence permit • Original in date passport <p>AND</p> <p>Evidence of residency status (one of the following)</p> <ul style="list-style-type: none"> • Original in date black travel document • Original biometric residence permit • Original immigration status document • Original Home Office letter confirming reason Humanitarian Protection was granted (if no VISA in passport) <p>AND</p> <p>A letter confirming the date leave to remain was granted</p> <p>AND</p> <p>3 years residency details</p> <p>If the family member has Limited Leave to Remain (HP) Evidence of identity (one of the following)</p> <ul style="list-style-type: none"> • Original in black travel document • Original biometric residence permit

	<ul style="list-style-type: none"> • Original Home Office letter, confirming reason Humanitarian Protection was granted <p>AND</p> <p>Evidence of family member’s residency status (one of the following)</p> <ul style="list-style-type: none"> • Original in date black travel document • Original biometric residence permit • Original immigration status document • Original Home Office letter confirming Indefinite leave to remain was granted (if no VISA in passport) • Parent’s original blue travel document <p>AND</p> <p>Evidence of relationship</p> <ul style="list-style-type: none"> • For example a birth or marriage certificate <p>AND</p> <p>A letter confirming the date leave to remain was granted, unless already provided</p> <p>AND</p> <p>3 years residency details</p>
Right of Permanent Residence	<p>Evidence of identity (one of the following)</p> <ul style="list-style-type: none"> • Original in date passport • Original biometric residence permit <p>Evidence of residency status (one of the following)</p> <ul style="list-style-type: none"> • Original in date passport with VISA • Original biometric residence permit • Original immigration status document • Original Home Office letter confirming right of permanent residence was granted (if no VISA in passport) <p>AND</p> <p>A letter confirming the date right of permanent residence was granted</p> <p>AND</p> <p>3 years residency details</p>
Family Reunion Visa	<p>If the Learner has Visa Family Reunion - Indefinite Leave to Enter</p> <p>Evidence of identity (one of the following)</p> <ul style="list-style-type: none"> • Original in date blue travel document • Original biometric residence permit • Original in date passport <p>AND</p> <p>Evidence of residency status (one of the following)</p> <ul style="list-style-type: none"> • Original in date blue travel document • Original biometric residency permit • Original immigration status document • Original in date passport with VISA <p>AND</p> <p>A letter confirming the date the status was granted</p> <p>AND</p> <p>3 years residency details</p> <p>NOTE – If the learner does not meet the three years residency criteria they may still be eligible by sending in the evidence below as a learner with <i>Visa Family Reunion - Indefinite Leave Until</i> does not need 3 years residency to be eligible for support.</p> <p>If the Learner has Visa Family Reunion - Indefinite Leave Until</p> <p>Evidence of identity (one of the following)</p> <ul style="list-style-type: none"> • Original in date blue travel document • Original biometric residence permit <p>Evidence of the family member’s residency status (one of the following)</p> <ul style="list-style-type: none"> • Original in date blue travel document • Original biometric residency permit • Original immigration status document • Original Home Office letter <p>AND</p> <p>Evidence of the learner’s relationship</p> <ul style="list-style-type: none"> • For example a birth or marriage certificate <p>AND</p> <p>A letter confirming the date the refugee status was granted</p>

Exceptions

As some learners cannot provide the preferred documentation (ID evidence) there are alternative documents they can provide in lieu of original valid ID.

Below is part of a bespoke letter that SLC send to learners which provides them a list of alternatives of evidence in lieu of original valid ID.

Once these are received the Evidence Team will review these pieces of evidence and request a Home Office check.

A Home Office check is a manual process where SLC get in contact with the Home Office to clarify the residency status of a learner. This cannot be used for all learners and must only be used as a last resort.

Exception evidence letter insert;

Appendix 1:

We understand that some customers cannot provide the preferred documentation and as such we offer an alternative provision in these exceptional circumstances.

If you have not been issued with, or do not have in your possession (e.g. held by the Home Office or a solicitor on your behalf) any of the documents mentioned above, please provide us with one of the following as proof of your identity and status in the United Kingdom:

*(Please note: upon receipt of documentation, a **Home Office check will be carried out.** This could lead to a delay in your application's progress)*

- Expired passport with vignette
- Expired passport with a Home Office letter confirming your status in the United Kingdom
- Expired travel document

(All documents must be un-laminated originals)

Appendix 2:

In exceptional circumstances a customer may not be able to provide the identity evidence required. In this instance we require evidence as detailed in the table below.

*(Please note: upon receipt of documentation, a **Home Office check will be carried out.** This may lead to a delay in an application's progress)*

Receipt of documentation from the below list does not guarantee eligibility, cases are reviewed on an individual basis.

You must provide a signed letter from yourself that confirms the reason for the exceptional circumstance.

Included with your letter **you must** supply:

1. **One** item is required from each of columns A & B, plus two items from column C.
2. Each of the items from columns A & B must be **original documents**.
3. Items from column C must be **legible photocopies**.

A	B	C
<ul style="list-style-type: none">• Original Birth Certificate with ADIF• U.K photo Driving Licence• Non-U.K. I.D. Card	<ul style="list-style-type: none">• Home Office letter confirming status• Immigration Status Document (I.S.D)	<ul style="list-style-type: none">• U.K. Bank Statement• Tax Credits Award Notice• National Insurance Card

End of letter insert

FAQs

Q. Historically the Education & Skills Funding Agency funded learner who had Discretionary Leave to Remain, are they eligible for an Advanced Learner Loan?

A. No, the Education & Skills Funding Agency's guidelines, although somewhat similar, are not identical to the rules SLC have to assess learners by. SLC abide by the Further Education Loans Regulations and due to this learners with Discretionary Leave to Remain are not eligible for an Advanced Learner Loan.

Q. Limited Leave to Remain (LLR) Humanitarian Protection is an eligible residency status but what about other LLR types?

A. The Further Education Loans Regulations state that Humanitarian Protection is an eligible residency status but currently no other types of LLR are eligible. This includes, LLR Discretionary Leave, LLR Private Life and LLR Family Life (this list is not exhaustive)

Q. If the learners eligibility status is not found in this fact sheet, does that mean they are not eligible for an Advanced Learner Loan?

A. Not necessarily, this fact sheet has been created to be a comprehensive guide to help Learning Providers and their Learners understand the residency and eligibility criteria needed to be eligible for an Advanced Learner Loan. There may be relatively unseen types of eligibility that have not been captured in the guide so if there is ever uncertainty Learning Providers should seek further advise. Help can be found by contacting SLC directly or by referring to the Further Education Loans Regulations.