

Residency and evidence factsheet

Overview

To be deemed eligible for an Advanced Learner Loan (ALL), learners must satisfy certain residency criteria and must supply evidence to support their residency status.

Learners can be split into four main categories:

- UK nationals
- Rest of World (RoW) nationals
- Calais leave
- DVILR

Each of the four main categories hosts several different subcategories of eligibility. Each of these subcategories 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 an EEA national
- Child of a Swiss national
- Child of a Turkish worker
- EEA migrant worker
- Indefinite leave to remain (ILR)
- Refugee status
- Limited leave to remain – humanitarian protection
- Right of permanent residence
- Family reunion visa

There have been 2 policy changes implemented for residency for 2020/21:

- Calais leave
- Indefinite leave to remain as a victim of domestic violence or abuse (DVILR)

Calais leave

The Home Office has introduced a new form of leave, known as Calais leave. This is for individuals who were transferred to the UK as part of the Calais camp clearance between October 2016 and July 2017 as unaccompanied children who were to be reunited with qualifying family. Calais leave applies to individuals who do not qualify for leave to remain under existing rules, meaning they have not been granted refugee status, humanitarian protection or leave under

Section 67 ('Dubs leave'). This new category of leave came into force on 1 November 2018. A change is being made to residency rules governing student finance to allow those granted Calais leave and their dependent children access to home fee status and student support.

DVILR

The Home Office makes special provision to grant indefinite leave to remain (ILR) for victims of abuse who are in the UK by virtue of a partner visa or sponsorship by a British citizen or settled person. Where an individual's relationship has broken down with their partner or sponsor as a result of domestic abuse, and they have provided evidence of this, they will be granted ILR as a victim of domestic violence or abuse.

Unlike most categories of application for leave, applicants do not have to have an existing grant of leave to be granted ILR as a victim of domestic violence or abuse. This is in recognition of the fact that a person may have been subject to controlling, coercive and threatening behaviour, violence or abuse, which affected their ability to renew their leave.

Generally, to be eligible for student support, individuals must have been lawfully resident in the UK and Islands for 3 years before the start of the first academic year of their course. DfE ministers have taken the decision to remove the 3-year ordinary residence rule for persons granted ILR as a victim of domestic violence or abuse so that they can access student support and home fee status immediately after their status has been granted. The individual will still need to have been ordinarily resident in the UK and Islands throughout the period from being granted ILR to the first day of the first academic year of the course.

Eligibility criteria

Category	Ordinary residence requirements
UK national Spouse/Civil partner Child of	A person who: <ul style="list-style-type: none"> - is settled in the UK by virtue of having acquired the right of permanent residence - is OR in the UK on the first day a designated FE course has been OR in the UK and Islands throughout the 3-year period preceding the first day of the FE course - in a case where the residence as was wholly or mainly for the purpose of receiving full-time education, was OR in the territory comprising the EEA and Switzerland immediately before the period of full-time education
Settled	A person who on the first day of a designated FE course: <ul style="list-style-type: none"> - is settled in the UK other than by reason of having acquired the right of permanent residence - is OR in UK - has been OR in the UK and Islands throughout the 3-year period preceding the first day of the FE course, and whose residence in the UK and Islands has not been wholly or mainly for the purpose of receiving full-time education

<p>Long residence</p>	<p>A person who:</p> <ul style="list-style-type: none"> - on the first day of a designated further education course has, preceding the first day of the further education course, lived in the United Kingdom throughout either <ul style="list-style-type: none"> (i) half their life (ii) a period of twenty year - is ordinarily resident in the United Kingdom - has been ordinarily resident in the United Kingdom and Islands throughout the 3-year period preceding the first day of the further education course
<p>Persons granted Stateless Leave</p>	<p>A person who is either:</p> <ul style="list-style-type: none"> - a person granted Stateless Leave by the Home Office - an eligible family member of such a person - is OR in England on the first day of the designated course and has been lawfully OR in the UK and Islands throughout the 3-year period preceding the first day of the further education course <p>A person can be an eligible family member if they are either:</p> <ul style="list-style-type: none"> - the spouse - the civil partner - a child or stepchild (under 18) - Child or stepchild (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. <p>For more information please see the policy specification '10 - 18 Stateless persons AY 2018.19.'</p>
<p>Persons granted Section 67 leave and their dependent children</p>	<p>A person who has been granted Section 67 leave in the UK by the Home Office who:</p> <ul style="list-style-type: none"> - is ordinarily resident in the UK and Islands on the first day of the first AY year of their course - has been ordinarily resident in the UK and Islands throughout the 3-year period preceding the first day of the first AY of the course <p>A person who:</p> <ul style="list-style-type: none"> - is the child of a person granted Section 67 leave - on the leave application date, was the dependent child of that person - was aged under 18 on the leave application date - is ordinarily resident in England on the first day of the first AY of the course - has been ordinarily resident in the UK and Islands throughout the 3-year period preceding the first day of the first AY of the course <p>For further information regarding persons with Section 67 leave, please refer to the "18-19 New residency category – 'Persons granted Section 67 leave' (FE) Policy Specification."</p>

<p>Calais leave</p>	<p>A person who:</p> <ul style="list-style-type: none"> - is ordinarily resident in the UK and Islands on the first day of their Learning Aim - has been ordinarily resident in the UK and Islands throughout the three year period preceding the first day of the first AY of the course <p>Or a person who:</p> <ul style="list-style-type: none"> - is the child of a person granted 'leave in line' with their relevant parent - is ordinarily resident in England on the first day of the learning aim - has been ordinarily resident in the UK and Islands throughout the 3-year period preceding the first day of the first AY of the course <p>For further information regarding Calais leave please refer to the '20/21 Changes to Residency Categories Policy Specification'.</p>
<p>DVILR</p>	<p>A person who has ILR as a victim of domestic violence who:</p> <ul style="list-style-type: none"> - is ordinarily resident in UK and Islands on the first day of their Learning Aim - DfE ministers have taken the decision to remove the 3 year ordinary residence requirement <p>Please note that this change does not extend ALL eligibility to family members of persons granted DVILR.</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.

FAQs

Q: If the learner's eligibility status is not found in this factsheet, does that mean they are not eligible for an Advanced Learner Loan?

A: Not necessarily. This factsheet that is intended to be a comprehensive guide to help you and your learners understand the residency and eligibility criteria for an Advanced Learner Loan. There may be relatively unseen types of eligibility that we have not captured in the guide. If there is ever uncertainty, you should seek further advice. You can contact us directly or refer to the Further Education Loans Regulations.