

AEB Provider Guidance

GLA AEB Eligibility for migrant Londoners

This document outlines a recent change to the Adult Education Budget (AEB) Rules concerning the eligibility of migrant Londoners to access adult learning.

Previous rule

Under previous versions of the funding rules, learners who were not otherwise exempt, were required to have been ordinarily resident in London and have been residing in the UK for at least the previous three years on the first day of learning, to access funding for adult education in London.

New funding flexibility

From November 2022, paragraph 35 of the Adult Education Budget (AEB) funding rules enables UK residents who plan to be resident in London in the long term to, in certain circumstances, access AEB funded learning opportunities from their first day of arrival in London. This means that Londoners who have British nationality (having right to abode) or Irish nationality (ordinarily resident in the UK) and those of other nationalities who have permission to live in the UK long term (for at least 12 months), will now be eligible for AEB funded provision immediately on arrival in London.

To be eligible, an individual's permission to stay in the UK should have a duration of longer than 12 months from when it was issued. It does not need to be greater than 12 months from the first day of learning, but it does need to total at least 12 months as a whole. Where an individual has applied for an extension in line with paragraphs 52 to 55, the extension arrangements apply. In all other cases, the planned end date for the course should be prior to the expiry date for the permission.

Beneficiaries

The non-exhaustive list below outlines the main beneficiaries of this change, where they are not subject to immigration control or where they have been granted permission to stay (leave to enter or remain) for at least 12 months:

- British nationals, including British Citizens, British Overseas Territories Citizens, British Overseas Citizens, British Subjects, British Nationals (Overseas) and British Protected Persons
- Irish citizens
- EEA and Swiss nationals who have obtained pre-settled or settled status under the EU Settlement Scheme (EUSS)
- People on Family Visas, including spouses and other dependents
- People who have been granted Stateless Leave
- Dependents and family members of an eligible individual from Northern Ireland if they have been living in the UK by 31 December 2020 and have obtained pre-settled or settled status under EUSS

A full list can be found in clauses 39-46 in the AEB funding rules. As before, learners are required to be ordinarily resident in London and be available for the full duration of their course in order to be eligible for funding, except for EEA and Switzerland frontier workers.

EEA and Switzerland frontier workers

An EEA or Switzerland worker who is employed or self-employed in the UK who resides in the EEA or Switzerland and returns to that residence in the EEA or Switzerland at least once a week (frontier workers) are eligible.

Individuals in the immigration categories below were already exempt from a three-year residency condition and will not be affected by this rule change. These individuals will continue to remain eligible on arrival, with no minimum residency requirement and a requirement to present their immigration permission.

- 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
- Ukraine Family Scheme
- Ukraine Sponsorship Scheme (Homes for Ukraine)
- Ukraine Extension Scheme
- the husband, wife, civil partner or child of any of the above
- Section 67 of the Immigration Act 2016 Leave
- Calais Leave to Remain
- British Nationals evacuated from Afghanistan under Operation Pitting
- British Nationals evacuated from Afghanistan by the UK government before 6 January 2022

Evidence of residency permission

Learners may evidence their permission to stay in a range of ways, including presentation of a Biometric Residence Permit (BRP), passport, vignette in their passport or other evidence from the Home Office confirming status. For a detailed outline of how learners may evidence their AEB eligibility, please refer to clauses 112-127 in the [GLA AEB Grant Funding and Performance Management Rules](#).

Exceptions to the changes above

The list below outlines the individuals who do not benefit from this rule change and who are required to continue to meet requirements related to residency. A full list can be found in clause 63 of the AEB funding rules:

- People who are unable to evidence their permission to stay in the UK, those who are on a Student Visa, and visitors to the UK, with or without a visa, continue to be ineligible for AEB funding as long as they do not fall into any of the categories stated above.
- Those whose BRP or residence permit imposes a study prohibition or restriction on the individual continue to be ineligible for funding.
- The dependent family members of people on Student Visas continue to need to meet a three-year residency requirement.

People seeking asylum continue to need to meet the six-month residency requirement while they await a decision on their case or appeal, after which they qualify for full funding in London.

Extension of variation of current immigration permission

Any learner or dependent 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. Their leave will continue until a decision has been made on their application, and where they have appealed or sought an administrative review of their case within the time allowed to them for doing so.

Therefore, a learner or family member is considered to still have the immigration permission that they held when they made their application for an extension, administrative review or appeal; and their eligibility would be based upon this status. Eligibility is assessed at the start of each course only and does not change during the learning aim or programme.

No Recourse to Public Funds

The learner's immigration permission in the UK may have a 'no recourse to public funds' (NRPF) condition. 'Public funds' are defined in the Immigration Rules, and the benefits and services listed do not include education or any education funding. Therefore, this condition does not affect a learner's AEB eligibility, which must be decided under the normal eligibility conditions.

Evidence for full funding eligibility

Usual AEB eligibility rules for full funding continue to apply (please refer to the latest version of the [AEB Grant or Procured](#) funding rules).

In order to evidence eligibility for full funding for some courses, providers must be satisfied that the learner is unemployed, on a low income, or out of work and outside benefit arrangements. Employed learners must provide evidence which confirms that they earn below the London Living Wage. Unemployed learners must provide evidence of take-home pay through proof of state benefits or other evidence of take-home pay where the individual does not or cannot claim state benefits. Evidence may include payslips, Universal Credit Statements, employment contracts, bank statements or self-declarations. To allow for flexibility this list is not exhaustive, and savings do not count towards income and are not a factor in eligibility for funding.

Questions or queries

Providers should contact their AEB provider manager should they have any questions or queries.

Additional information

Additional information on support for migrants, refugees and people seeking asylum can be found on the [GLA website](#).