

Accepting volunteers from overseas

With the spread of the internet more and more people from overseas are applying to volunteer with UK organisations. The rules governing this (as with any immigration matter) can be complicated, but generally there should be no problem with accepting someone from overseas, as long as they obtain the proper paperwork.

This information sheet also covers refugees and asylum seekers.

Volunteers from the European Union

There are no restrictions on volunteering by people from Austria, Belgium, Denmark, France, Finland, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain and Sweden. The same freedom is extended to nationals of Iceland, Norway, Liechtenstein and Switzerland.

Volunteers from outside the European Union

People from outside the European Economic Area are not allowed to take up work, paid or unpaid (which includes volunteering) without a work permit. Given that work permits are only issued where a genuine vacancy exists and where particular qualifications or skills are required that are in short supply from the British and EEA labour force, there is little chance of obtaining a work permit solely to volunteer.

However, the Home Office has allowed a concession to allow people from outside the EEA to volunteer if they meet the following criteria:

- the activity is purely voluntary and does not involve taking up a salaried post or permanent position of any kind within the charitable organisation or entering into any arrangement that is likely to constitute a contract of employment; and
- the activity is either for a charitable organisation listed in Home Office guidance or a registered charity whose work meets the criteria set out in this instruction; and
- the activity is unpaid, or is not likely to be subject to payment of the National Minimum Wage [see note below] and directed towards a worthy cause; and
- it is closely related to the aims of the organisation; and
- it is fieldwork involving direct assistance to those the charitable organisation has been established to help; and
- the passenger intends to leave the United Kingdom at the end of their stay.

People coming to this country in order to volunteer

People from countries for which a visa is needed to travel to the UK must obtain one before travelling.

People who have arranged their voluntary work before travelling to the UK and who do not need a visa but would like peace of mind can seek entry clearance before travelling. This takes the form of a certificate placed in their passport. This is not a requirement and does not guarantee entry into the UK, but it may make passage through immigration control easier. Application for entry clearance is made to the British Embassy or High Commission in the volunteer's country. A fee is charged for entry clearance.

Applying from the UK for permission to volunteer

Different regulations apply according to whether the person is from a country from which a visa is required to enter the UK (visa nationals) or not (non-visa nationals). You can find out which category a country falls into by phoning the Immigration and Nationality Department on 0870 606 7766.

[or visit the UKvisas website:

<http://www.ukvisas.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1020786334922>]

Visa nationals

Visa nationals must have the **appropriate** visa, eg a volunteer visa. If they wish to switch to a different visa they have to return to their home country and apply from there.

Non-visa nationals

Non-visa nationals can apply while in the UK to change their immigration status to allow them to volunteer. Applications are considered under the Home Office concession described above.

Application is made on Form FLR0 obtainable from the Application Forms Unit (0870 241 0645 or <http://www.ind.homeoffice.gov.uk/default.asp?PageId=114>) of the Immigration and Nationality Department. Applicants need a letter from the

organisation they are volunteering with and evidence of funds. In January 1998 it was taking anything from 1 – 12 weeks to process applications.

Students

Since mid-1999 students from outside the European Economic Area no longer need permission to take part-time or holiday work, including volunteering.

Some restrictions remain in place, including a limit of 20 hours per week during term time, unless the college agrees otherwise.

Refugees

People who have refugee status or who have exceptional leave to remain, and family members, are allowed to do any type of work including voluntary work.

Asylum seekers

Many people seeking asylum want to use their skills and contribute something to the society in which they wish to live. Recent changes to asylum rules have made this easier.

Since April 2000, asylum seekers (people in the process of applying for refugee status) and family members are allowed to volunteer. This includes whilst they are appealing against a decision to refuse them asylum.

New Home Office guidance confirms that the Government 'does not expect asylum-seekers to be left out of pocket because of their volunteering', and that they can be reimbursed normal volunteer expenses. It states that care should be

taken to ensure that activity undertaken by an asylum seeker is genuinely voluntary, and does not amount to either employment or job substitution.

Asylum and Immigration Act 1996, section 8

This Act makes it a criminal offence to **employ** a person who does not have the right to work in the UK. It does not apply to volunteers. If you are unsure whether your volunteers are in law employees, contact our information service for further details.

Complying with the Act

Under the Act employers cannot be convicted if they make a copy of one of a number of documents including:

- a P45 or P60 from a previous employer showing the National Insurance number
- national insurance card
- passport or other travel document showing the person has the right to work in the UK
- certain other documents specified by the Home Office

To avoid racial discrimination, organisations should be consistent in asking, or not asking, for such documents from all volunteers. The Commission for Racial Equality has a free guide to Section 8 of the Asylum and Immigration Act (see below).

Further information

Commission for Racial Equality

Elliot House

10/12 Allington Street

London, SW1E 5EH

Tel: 020 7828 7022

Immigration and Nationality Directorate

Block C, Whitgift Centre

Wellesley Road

Croydon, CR9 3LY

Tel: 0870 606 7766

Fax: 020 8760 3017

Refugee Council

Bondway House

3-9 Bondway

London SW8 1SJ

Tel: 020 7582 6922

UKvisas

Foreign and Commonwealth Office

London SW1A 2AH

Tel: General Enquiries 020 7008 8438

Application forms 020 7008 8308

Fax: 020 7008 8359/61

Email: Visas.ForUK@fco.gov.uk

Website: www.ukvisas.gov.uk