

NEW VOLUNTEERING RULES FOR ASYLUM SEEKERS

HOME OFFICE ASYLUM POLICY INSTRUCTION ON PERMISSION TO WORK (version 6 from 01.04.14)

VOLUNTARY WORK OR VOLUNTEERING?

The new policy rules differentiate between **voluntary work** (which is **NOT** permitted) and **volunteering** (which **IS** permitted).

SO WHAT'S THE DIFFERENCE?

Key elements of volunteering

- (1) The providing organisation must be a charity, voluntary organisation or public sector body
- (2) There is no element of mutual legal obligation so the volunteer is not obliged to accept work if offered nor is the organisation obliged to offer or provide work to the volunteer
- (3) The volunteer is only paid reasonable out-of-pocket expenses *directly arising* from the work, such as travel, meals taken during working hours, or child-minding expenses incurred
- (4) The work is not a substitute for a post that a salaried person would normally fill
- (5) The work cannot prevent the asylum seeker from attending interviews or similar events.

Key elements of voluntary work:

- (1) Mutual legal obligation: volunteer obliged to perform the work and the organisation obliged to provide it.
- (2) The volunteer receives some payment for the work (e.g. an honorarium) or some benefit in kind such as access to free professional training resulting in a recognised qualification, free food and/or accommodation or access to future paid work opportunities
- (3) The work involves some form of job substitution.

An example of voluntary work might be an internship or a post with a private sector employer where, because of its "investment" in the volunteer, the employer expects the volunteer (or intern) to complete the training course and obtain the qualification and to work regular hours on demand.

CAN PERMISSION BE GIVEN FOR PAID OR VOLUNTARY WORK?

YES. But it will only be given:

- (a) if the asylum seeker has been waiting for more than 12 months for a decision and he or she has not contributed to the delay through her/his fault or actions
AND
- (b) the post is one contained in the Shortage Occupation Lists published by the Home Office. Broadly speaking, these include scientists, highly skilled engineers, software professionals, consultant doctors or specialist nurses, secondary school science teachers, special needs teachers, head teachers, economists and statisticians (plus a number of others)

ADVICE

Organisations providing volunteering opportunities may wish to give volunteers an official letter stating that the work complies with the 5 elements for 'volunteering' above. See our [Template letter](#)