

## **Part 4 - Persons seeking to enter or remain in the United Kingdom in an "au pair" placement, as a working holidaymaker or for training or work experience**

### Immigration rules

#### **"Au pair" placements**

##### **Definition of an "au pair" placement**

88. For the purposes of these Rules an "au pair" placement is an arrangement whereby a young person:

- (a) comes to the United Kingdom for the purpose of learning the English language; and
- (b) lives for a time as a member of an English speaking family with appropriate opportunities for study; and
- (c) helps in the home for a maximum of 5 hours per day in return for a reasonable allowance and with two free days per week.

##### **Requirements for leave to enter as an "au pair"**

89. The requirements to be met by a person seeking leave to enter the United Kingdom as an "au pair" are that he:

- (i) is seeking entry for the purpose of taking up an arranged placement which can be shown to fall within the definition set out in paragraph 88; and
- (ii) is aged between 17-27 inclusive or was so aged when first given leave to enter in this capacity; and
- (iii) is unmarried and is not a civil partner; and
- (iv) is without dependants; and
- (v) is a national of one of the following countries: Andorra, Bosnia-Herzegovina, Croatia, The Faroes, Greenland, Macedonia, Monaco, San Marino or Turkey; and
- (vi) does not intend to stay in the United Kingdom for more than 2 years as an "au pair"; and
- (vii) intends to leave the United Kingdom on completion of his stay as an "au pair"; and
- (viii) if he has previously spent time in the United Kingdom as an "au pair", is not seeking leave to enter to a date beyond 2 years from the date on which he was first given leave to enter the United Kingdom in this capacity; and

(ix) is able to maintain and accommodate himself without recourse to public funds.

#### **Leave to enter as an "au pair"**

90. A person seeking leave to enter the United Kingdom as an "au pair" may be admitted for a period not exceeding 2 years with a prohibition on employment except as an "au pair" provided the Immigration Officer is satisfied that each of the requirements of paragraph 89 is met. (A non visa national who wishes to ascertain in advance whether a proposed "au pair" placement is likely to meet the requirements of paragraph 89 is advised to obtain an entry clearance before travelling to the United Kingdom).

#### **Refusal of leave to enter as an "au pair"**

91. An application for leave to enter as an "au pair" is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 89 is met.

#### **Requirements for an extension of stay as an "au pair"**

92. The requirements for an extension of stay as an "au pair" are that the applicant:

(i) was given leave to enter the United Kingdom as an "au pair" under paragraph 90; and

(ii) is undertaking an arranged "au pair" placement which can be shown to fall within the definition set out in paragraph 88; and

(iii) meets the requirements of paragraph 89 (ii)-(ix); and

(iv) would not, as a result of an extension of stay, remain in the United Kingdom as an "au pair" to a date beyond 2 years from the date on which he was first given leave to enter the United Kingdom in this capacity.

#### **Extension of stay as an "au pair"**

93. An extension of stay as an "au pair" may be granted with a prohibition on employment except as an "au pair" provided the Secretary of State is satisfied that each of the requirements of paragraph 92 is met.

#### **Refusal of extension of stay as an "au pair"**

94. An extension of stay as an "au pair" is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 92 is met.

## **Working holidaymakers**

### **Requirements for leave to enter as a working holidaymaker**

95. The requirements to be met by a person seeking leave to enter the United Kingdom as a working holidaymaker are that he:

- (i) is a national or citizen of a country listed in Appendix 3 of these Rules, or a British Overseas Citizen; a British Overseas Territories Citizen; or a British National (Overseas); and
- (ii) is aged between 17 and 30 inclusive or was so aged at the date of his application for leave to enter; and
- (iii) (a) is unmarried and is not a civil partner, or  
(b) is married to, or the civil partner of, a person who meets the requirements of this paragraph and the parties to the marriage or civil partnership intend to take a working holiday together; and
- (iv) has the means to pay for his return or onward journey, and
- (v) is able and intends to maintain and accommodate himself without recourse to public funds; and
- (vi) is intending only to take employment incidental to a holiday, and not to engage in business, or to provide services as a professional sportsperson, and in any event not to work for more than 12 months during his stay; and
- (vii) does not have dependent children any of whom are 5 years of age or over or who will reach 5 years of age before the applicant completes his working holiday; and
- (viii) intends to leave the UK at the end of his working holiday; and
- (ix) has not spent time in the United Kingdom on a previous working holidaymaker entry clearance; and
- (x) holds a valid United Kingdom entry clearance, granted for a limited period not exceeding 2 years, for entry in this capacity.

### **Leave to enter as a working holidaymaker**

96. A person seeking to enter the United Kingdom as a working holidaymaker may be admitted provided he is able to produce on arrival a valid United Kingdom entry clearance granted for a period not exceeding 2 years for entry in this capacity.

#### **Refusal of leave to enter as a working holidaymaker**

97. Leave to enter as a working holidaymaker is to be refused if a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

#### **Requirements for an extension of stay as a working holidaymaker**

98. DELETED

#### **Extension of stay as a working holidaymaker**

99. DELETED

#### **Refusal of extension of stay as a working holidaymaker**

100. DELETED

#### **Children of working holidaymakers**

##### **Requirements for leave to enter or remain as the child of a working holidaymaker**

101. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the child of a working holidaymaker are that:

- (i) he is the child of a parent admitted to, and currently present in, the United Kingdom as a working holidaymaker; and
- (ii) he is under the age of 5 and will leave the United Kingdom before reaching that age; and
- (iii) he can and will be maintained and accommodated adequately without recourse to public funds or without his parent(s) engaging in employment except as provided by paragraph 95 above; and
- (iv) both parents are being or have been admitted to the United Kingdom, save where:
  - (a) the parent he is accompanying or joining is his sole surviving parent; or
  - (b) the parent he is accompanying or joining has had sole responsibility for his upbringing; or
  - (c) there are serious and compelling family or other considerations which make exclusion from the United Kingdom undesirable and suitable arrangements have been made for his care; and

(v) he holds a valid United Kingdom entry clearance for entry in this capacity or, if seeking leave to remain, was admitted with a valid United Kingdom entry clearance for entry in this capacity, and is seeking leave to a date not beyond the date to which his parent(s) have leave to enter in the working holidaymaker category.

#### **Leave to enter or remain as the child of a working holidaymaker**

102. A person seeking to enter the United Kingdom as the child of working holidaymaker/s must be able to produce on arrival a valid United Kingdom entry clearance for entry in this capacity.

#### **Refusal of leave to enter or remain as the child of a working holidaymaker**

103. Leave to enter or remain in the United Kingdom as the child of a working holidaymaker is to be refused if, in relation to an application for leave to enter, a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival or, in the case of an application for leave to remain, the applicant was not admitted with a valid United Kingdom entry clearance for entry in this capacity or is unable to satisfy the Secretary of State that each of the requirements of paragraph 101 (i)-(iv) is met.

#### **Seasonal agricultural workers**

##### **Requirements for leave to enter as a seasonal agricultural worker**

104. The requirements to be met by a person seeking leave to enter the United Kingdom as a seasonal agricultural worker are that he:

(i) is a student in full time education aged 18 or over; and

(ii) holds an immigration employment document in the form of a valid Home Office work card issued by the operator of a scheme approved by the Secretary of State; and

(iii) intends to leave the United Kingdom at the end of his period of leave as a seasonal worker; and

(iv) does not intend to take employment except as permitted by his work card and within the terms of this paragraph; and

(v) is not seeking leave to enter on a date less than 3 months from the date on which an earlier period of leave to enter or remain granted to him in this capacity expired; and

(vi) is able to maintain and accommodate himself without recourse to public funds.

#### **Leave to enter as a seasonal agricultural worker**

105. A person seeking leave to enter the United Kingdom as a seasonal agricultural worker may be admitted with a condition restricting his freedom to take employment for a period not exceeding 6 months providing the Immigration Officer is satisfied that each of the requirements of paragraph 104 is met.

#### **Refusal of leave to enter as a seasonal agricultural worker**

106. Leave to enter the United Kingdom as a seasonal agricultural worker is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 104 is met.

#### **Requirements for extension of stay as a seasonal agricultural worker**

107. The requirements for an extension of stay as a seasonal agricultural worker are that the applicant:

(i) entered the United Kingdom as a seasonal agricultural worker under paragraph 105; and

(ii) meets the requirements of paragraph 104 (iii)-(vi); and

(iii) would not, as a result of an extension of stay sought, remain in the United Kingdom as a seasonal agricultural worker beyond 6 months from the date on which he was given leave to enter the United Kingdom on this occasion in this capacity.

#### **Extension of stay as a seasonal agricultural worker**

108. An extension of stay as a seasonal agricultural worker may be granted with a condition restricting his freedom to take employment for a period which does not extend beyond 6 months from the date on which he was given leave to enter the United Kingdom on this occasion in this capacity, provided the Secretary of State is satisfied that the applicant meets each of the requirements of paragraph 107.

#### **Refusal of extension of stay as a seasonal worker**

109. An extension of stay as a seasonal worker is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 107 is met.

#### **Requirements for leave to enter as a teacher or language assistant under an approved exchange scheme**

110. The requirements to be met by a person seeking leave to enter the United Kingdom as a teacher or language assistant on an approved exchange scheme are that he:

(i) is coming to an educational establishment in the United Kingdom under an exchange scheme approved by the Department for Education and Skills, the Scottish or Welsh Office of Education or the Department of Education, Northern Ireland, or administered by the British Council's Education and Training Group or the League for the Exchange of Commonwealth Teachers; and

(ii) intends to leave the United Kingdom at the end of his exchange period; and

(iii) does not intend to take employment except in the terms of this paragraph; and

(iv) is able to maintain and accommodate himself and any dependants without recourse to public funds; and

(v) holds a valid United Kingdom entry clearance for entry in this capacity.

#### **Leave to enter as a teacher or language assistant under an exchange scheme**

111. A person seeking leave to enter the United Kingdom as a teacher or language assistant under an approved exchange scheme may be given leave to enter for a period not exceeding 12 months provided he is able to produce to the Immigration Officer, on arrival, a valid United Kingdom entry clearance for entry in this capacity.

#### **Refusal of leave to enter as a teacher or language assistant under an approved exchange scheme**

112. Leave to enter the United Kingdom as a teacher or language assistant under an approved exchange scheme is to be refused if a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

#### **Requirements for extension of stay as a teacher or language assistant under an approved exchange scheme**

113. The requirements for an extension of stay as a teacher or language assistant under an approved exchange scheme are that the applicant:

(i) entered the United Kingdom with a valid United Kingdom entry clearance as a teacher or language assistant; and

(ii) is still engaged in the employment for which his entry clearance was granted; and

(iii) is still required for the employment in question, as certified by the employer; and

(iv) meets the requirements of paragraph 110 (ii)-(iv); and

(v) would not, as a result of an extension of stay, remain in the United Kingdom as an exchange teacher or language assistant for more than 2 years from the date on which he was first given leave to enter the United Kingdom in this capacity.

#### **Extension of stay as a teacher or language assistant under an approved exchange scheme**

114. An extension of stay as a teacher or language assistant under an approved exchange scheme may be granted for a further period not exceeding 12 months provided the Secretary of State is satisfied that each of the requirements of paragraph 113 is met.

#### **Refusal of extension of stay as a teacher or language assistant under an approved exchange scheme**

115. An extension of stay as a teacher or language assistant under an approved exchange scheme is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 113 is met.

#### **Home Office approved training or work experience**

##### **Requirements for leave to enter for Home Office approved training or work experience**

116. The requirements to be met by a person seeking leave to enter the United Kingdom for Home Office approved training or work experience are that he:

(i) holds a valid work permit from the Home Office issued under the Training and Work Experience Scheme; and

(ii) DELETED

(iii) is capable of undertaking the training or work experience as specified in his work permit; and

(iv) intends to leave the United Kingdom on the completion of his training or work experience; and

(v) does not intend to take employment except as specified in his work permit; and

(vi) is able to maintain and accommodate himself and any dependants adequately without recourse to public funds; and

(vii) holds a valid United Kingdom entry clearance for entry in this capacity except where he holds a work permit valid for 6 months or less or he is a British National (Overseas), a British overseas territories citizen, a British Overseas citizen, a



British protected person or a person who under the British Nationality Act 1981 is a British subject.

**Leave to enter for Home Office approved training or work experience**

117. A person seeking leave to enter the United Kingdom for the purpose of approved training or approved work experience under the Training or Work Experience Scheme may be admitted to the United Kingdom for a period not exceeding the period of training or work experience approved by the Home Office for this purpose (as specified in his work permit), subject to a condition restricting him to that approved employment, provided he is able to produce to the Immigration Officer, on arrival, a valid United Kingdom entry clearance for entry in this capacity or, where entry clearance is not required, provided the Immigration Officer is satisfied that each of the requirements of paragraph 116(i)-(vi) is met.

**Refusal of leave to enter for Home Office approved training or work experience**

118. Leave to enter the United Kingdom for Home Office approved training or work experience under the Training and Work Experience scheme is to be refused if a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival or, where entry clearance is not required, if the Immigration Officer is not satisfied that each of the requirements of paragraph 116(i)-(vi) is met.

**Requirements for extension of stay for Home Office approved training or work experience**

119. The requirements for an extension of stay for Home Office approved training or work experience are that the applicant:

- (i) entered the United Kingdom with a valid work permit under paragraph 117 or was admitted or allowed to remain in the United Kingdom as a student; and
- (ii) has written approval from the Home Office for an extension of stay in this category; and
- (iii) meets the requirements of paragraph 116 (ii)-(vi).

**Extension of stay for Home Office approved training or work experience**

120. An extension of stay for approved training or approved work experience under the Training and Work Experience scheme may be granted for a further period not exceeding the extended period of training or work experience approved by the Home Office for this purpose (as specified in his work permit), provided that in each case the Secretary of State is satisfied that the requirements of paragraph 119 are met. An extension of stay is to be subject to a condition permitting the applicant to take or change employment only with the permission of the Home Office.

**Refusal of extension of stay for Home Office approved training or work experience**

121. An extension of stay for approved training or approved work experience under the Training and Work Experience scheme is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 119 is met.

**Spouses of persons with limited leave to enter or remain under paragraphs 110-121**

**Requirements for leave to enter or remain as the spouse or civil partners of a person with limited leave to enter or remain in the United Kingdom under paragraphs 110-121**

122. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the spouse or civil partners of a person with limited leave to enter or remain in the United Kingdom under paragraphs 110-121 are that:

(i) the applicant is married or the civil partner of to a person with limited leave to enter or remain in the United Kingdom under paragraphs 110-121; and

(ii) each of the parties intends to live with the other as his or her spouse or civil partners during the applicant's stay and the marriage or civil partnership is subsisting; and

(iii) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and

(iv) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and

(v) the applicant does not intend to stay in the United Kingdom beyond any period of leave granted to his spouse; and

(vi) if seeking leave to enter, the applicant holds a valid United Kingdom entry clearance for entry in this capacity or, if seeking leave to remain, was admitted with a valid United Kingdom entry clearance for entry in this capacity.

**Leave to enter or remain as the spouse of a person with limited leave to enter or remain in the United Kingdom under paragraphs 110-121**

123. A person seeking leave to enter or remain in the United Kingdom as the spouse of a person with limited leave to enter or remain in the United Kingdom under paragraphs 110-121 may be given leave to enter or remain in the United Kingdom for a period of leave not in excess of that granted to the person with limited leave to enter or remain under paragraphs 110-121 provided that, in relation to an application for leave to enter, he is able, on arrival, to produce to the

Immigration Officer a valid United Kingdom entry clearance for entry in this capacity or, in the case of an application for limited leave to remain, was admitted with a valid United Kingdom entry clearance for entry in this capacity and he is able to satisfy the Secretary of State that each of the requirements of paragraph 122 (i)-(v) is met.

**Refusal of leave to enter or remain as the spouse of a person with limited leave to enter or remain in the United Kingdom under paragraphs 110-121**

124. Leave to enter or remain in the United Kingdom as the spouse of a person with limited leave to enter or remain in the United Kingdom under paragraphs 110-121 is to be refused if, in relation to an application for leave to enter, a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival or, in the case of an application for limited leave to remain, if the applicant was not admitted with a valid United Kingdom entry clearance for entry in this capacity or is unable to satisfy the Secretary of State that each of the requirements of paragraph 122 (i)-(v) is met.

**Children of persons admitted or allowed to remain under paragraphs 110 121**

**Requirements for leave to enter or remain as the child of a person with limited leave to enter or remain in the United Kingdom under paragraphs 110-121**

125. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the child of a person with limited leave to enter or remain in the United Kingdom under paragraphs 110-121 are that:

- (i) he is the child of a parent who has limited leave to enter or remain in the United Kingdom under paragraphs 110-121; and
- (ii) he is under the age of 18 or has current leave to enter or remain in this capacity; and
- (iii) he is unmarried and is not a civil partner, has not formed an independent family unit and is not leading an independent life; and
- (iv) he can, and will, be maintained and accommodated adequately without recourse to public funds in accommodation which his parent(s) own or occupy exclusively; and
- (v) he will not stay in the United Kingdom beyond any period of leave granted to his parent(s); and
- (vi) both parents are being or have been admitted to or allowed to remain in the United Kingdom save where:
  - (a) the parent he is accompanying or joining is his sole surviving parent; or

(b) the parent he is accompanying or joining has had sole responsibility for his upbringing; or

(c) there are serious and compelling family or other considerations which make exclusion from the United Kingdom undesirable and suitable arrangements have been made for his care; and

(vii) if seeking leave to enter, he holds a valid United Kingdom entry clearance for entry in this capacity or, if seeking leave to remain, was admitted with a valid United Kingdom entry clearance for entry in this capacity.

**Leave to enter or remain as the child of a person with limited leave to enter or remain in the United Kingdom under paragraphs 110-121**

126. A person seeking leave to enter or remain in the United Kingdom as the child of a person with limited leave to enter or remain in the United Kingdom under paragraphs 110-121 may be given leave to enter or remain in the United Kingdom for a period of leave not in excess of that granted to the person with limited leave to enter or remain under paragraphs 110-121 provided that, in relation to an application for leave to enter, he is able, on arrival, to produce to the Immigration Officer a valid United Kingdom entry clearance for entry in this capacity or, in the case of an application for limited leave to remain, he was admitted with a valid United Kingdom entry clearance for entry in this capacity and is able to satisfy the Secretary of State that each of the requirements of paragraph 125 (i)-(vi) is met.

**Refusal of leave to enter or remain as the child of a person with limited leave to enter or remain in the United Kingdom under paragraphs 110-121**

127. Leave to enter or remain in the United Kingdom as the child of a person with limited leave to enter or remain in the United Kingdom under paragraphs 110-121 is to be refused if, in relation to an application for leave to enter, a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival, or, in the case of an application for limited leave to remain, if the applicant was not admitted with a valid United Kingdom entry clearance for entry in this capacity or is unable to satisfy the Secretary of State that each of the requirements of paragraph 125 (i)-(vi) is met