



## Volunteers from overseas

The rules about people from overseas volunteering can be complex.

This document explains who from overseas can and cannot volunteer and what additional restrictions are in place

**This doesn't cover every situation and you may have questions about individual circumstances or specific cases.**

If you're unsure about where you stand in relation to the rules, you can contact your local Volunteer Centre, or speak with the Home Office.

Your local Citizen's Advice Bureau may also be able to help.

## Volunteering and voluntary work

In some cases, migrants are entitled to volunteer but not entitled to do voluntary work. It is important you are clear on the difference.

This is how the Home Office makes the distinction:

- **Volunteers** do not have a contract, they must not be a substitute for an employee and they must not be doing unpaid work – ie receiving payment in kind (although they are sometimes reimbursed for reasonable travel and subsistence expenses). Volunteers usually help a charity or voluntary or public-sector organisation.
- **Voluntary workers** will usually have obligations to perform the work, which may, if tested in law, be found to be 'contractual' (eg to attend at particular times and carry out specific tasks) with the employer being 'contractually' required to provide the work. The contract does not have to be written. The worker is sometimes remunerated in kind in this situation, for example through free training, building their CV for future employment or free products or services from the organisation.

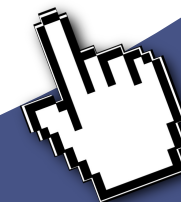
In practice, the distinction rests on whether individuals consider there to be an obligation for them to commit their time to the charity in order to run the service. **Volunteers are under no obligation to give their time.**

Voluntary workers however, may have an obligation (not necessarily written), or feel they have an obligation, for them to commit certain hours. These may be interns or full-time volunteers, or simply regular volunteers who are given such a degree of responsibility that they feel creates an obligation to attend in order to keep a service running.

**“There are no restrictions on volunteering for people from within the EU/European Economic Activity (EEA) area. However, for people outside the EEA, there are various restrictions based on what type of visa they are travelling on.”**

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**You can find guidance and advice on how you can avoid creating a contractual relationship with volunteers at the Knowhow Nonprofit website .**



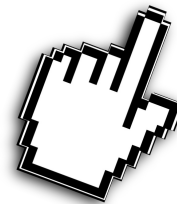
## Right to work checks

If an individual meets the definition of a volunteer, there is no requirement for them to have the right to work in the UK and therefore no right to work check is required. See guidance on how to ensure you are not creating a contractual relationship.

However, if there is any possibility that a volunteer could be deemed to be working under a contract, either as an employee, paid worker or voluntary worker, then a check should be carried out. Charities are liable to strong penalties under the Immigration, Asylum and Nationality Act 2006 if they are deemed to be employing people who do not have the right to work in the UK. Further rules are set out in the Immigration Act 2016.

Organisations should therefore take a considered approach towards conducting right to work checks for their volunteers

**You can find guidance on Visas and volunteering (non – EEA citizens) at the Knowhow Nonprofit website.**



# Refugees and asylum seekers

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

Asylum seekers (people in the process of applying for refugee status) and family members are also allowed to volunteer in both the public and voluntary sectors. This includes while they are appealing against a decision to refuse them asylum.

For more information:

Visit:  [www.volunteercentremanchester.co.uk](http://www.volunteercentremanchester.co.uk)

E-mail:  [info@volunteercentremanchester.co.uk](mailto:info@volunteercentremanchester.co.uk)

Phone:  0161 830 4770



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