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**CHAPTER 17  
SECTION 11****GAP YEAR ENTRANTS  
FOR WORK IN SCHOOLS****1. INTRODUCTION**

There is a long-established international tradition of young people spending a year abroad working and gaining experience of other countries and cultures after finishing their secondary education and before beginning their tertiary education. Often such young people take work in schools, and many have entered the United Kingdom under the concession for voluntary workers overseas to work in independent schools that have registered charity status. Others have entered under the Commonwealth Working Holidaymaker Scheme for paid work in UK schools. Gap year entry in both those categories remains open to such young people, provided that they meet the requirements for entry in those categories, but the provisions set out in these instructions provide for gap year entry for any Third Country Nationals who wish to enter for paid employment in schools in the UK in a teaching/teaching assistant capacity for a single period of 12 months only. These provisions have been created in light of the cultural value of gap year placements in schools, both to the participants and to the schools and their pupils. The provisions operate exceptionally outside the Rules, but ***all participants are required to be in possession of an entry clearance for admission under this category when they arrive in the United Kingdom.***

**2. LEAVE TO ENTER****2.1. Granting leave to enter**

Those in possession of an entry clearance under these provisions should normally be permitted to enter the United Kingdom for up to 12 months from the date on which the entry clearance becomes valid, in line with the validity of the entry clearance (provided that there is no reason to believe that false representations were made in order to obtain the entry clearance or that circumstances have changed since its issue).

They may not extend their stay beyond the period authorised, in this category. (The entry clearance for an entrant under these provisions will be issued for entry on Code 4 "as a Gap Year Entrant".) (NB Foreign nationals aged 16 and over, who are among those normally required to register under the Police Registration Scheme, are required to register with the police if they are being granted leave to enter for longer than six months. Further advice on Police Registration can be found in IDI **Chapter 10.**)

**2.2. Stats Code**

**O** Other person given leave to enter.

**3. REFUSAL OF LEAVE TO ENTER**

Those seeking entry under these provisions are required to hold a clearance issued for the purpose for which entry is being sought. Those seeking entry as Gap Year Entrants who do not possess an entry clearance for the purpose should accordingly be refused. Since the entry clearance requirement in respect of the scheme is non-statutory, the refusal should be on the basis that entry is being sought for a purpose not covered by the Rules (Paragraph 320(1) refers).

**NB Appeal Rights – see Chapter 12 of the Immigration Directorates' Instructions**

*ANNEX C provides examples of refusal formulae.*

### 3.1. On entry refusal code

**Z1** Other reasons

## 4. KEY REQUIREMENTS

To be eligible to be considered for entry clearance as a Gap Year Entrant an applicant must:

- (i) be aged 17, 18 or 19 at the time of making the application to enter the United Kingdom; and
- (ii) have completed secondary education on a date no more than 12 months prior to the date on which he intends to enter the United Kingdom in the category; and
- (iii) have evidence of an unconditional offer of a place on a degree course at a degree-awarding institution of higher education overseas that is due to commence at the next available opportunity after his intended 12 month period of leave in the category will expire\*, and
- (iv) have evidence of an offer of employment in a teaching/teaching assistant capacity in a school in the United Kingdom for the period of one full academic year (three consecutive terms); and
- (v) have the means to pay for his return or onward journey, and
- (vi) be able and intend to maintain and accommodate himself without recourse to public funds; and
- (vii) be intending to take employment in a teaching/ teaching assistant# capacity in a school in the UK as per the offer of employment referred to in (iv) above, and not intending to take any other employment; and
- (viii) intend to leave the United Kingdom at the end of his stay as a Gap Year Entrant, and take up his place at university overseas.

**\*NB Entry Clearance Officers should ensure that the validity of the entry clearance expires prior to the date on which the Gap Year entrant is due to take up his university place. They should also be aware that in countries such as Australia the academic year runs from January to December.**

**# Schools may use a variety of job titles, but the key requirement is that there must be direct involvement in the teaching and learning process in the classroom. It is permissible to also undertake some administrative work associated with teaching.**

## **5. AGE**

The terms of these provisions require that applicants are either 17,18 or 19 years old at the time they seek entry under the scheme. If an entrant who has earlier been admitted to the United Kingdom for a period of 12 months under these provisions returns here to resume his period of stay within the currency of his existing leave he will be expected to continue to meet the requirements of the category, ***but he should not be disqualified from re-admission solely on grounds that at the date of return he no longer meets the age requirements. The important issue is that at the time of first seeking entry the age requirements were met.***

## **6. STAGE OF EDUCATION**

The terms of these provisions require that the applicant must have completed secondary education on a date not more than 12 months prior to date on which he intends to enter the United Kingdom in the category (and he should not yet have commenced tertiary education). They also require that he must have evidence of an unconditional offer of a place on a degree course at a degree-awarding institution of higher education overseas that commences at the next available opportunity after his intended 12 month period of leave in the category will expire, and that he must intend to return overseas at the end of his permitted 12 months stay and take up his place at the institution where he has been offered a place on a degree course. Entry Clearance Officers will need to see satisfactory evidence in the form of documentation from applicants' schools and the institutions at which they will be studying for degrees in order to be satisfied that the above conditions are met. If any of these conditions are not met the application must be refused.

### **6.1. Applicants awaiting university offers**

In some countries, students who have recently completed secondary education may not receive their university offer in time to seek entry to the UK as a Gap year entrant for three academic terms, and return to take up their university place. In these circumstances, Entry clearance Officers may accept a copy of the application to study at the university and a supporting letter from the applicant's school as evidence that the applicant has firm plans to begin a university course on their return.

## **7. EMPLOYMENT**

### **7.1. Work intentions**

A Gap Year Entrant must produce for inspection by the Entry Clearance Officer a letter from a UK school confirming that he has been offered employment at the school for a full academic year (three academic terms). He must also satisfy the Entry Clearance Officer that he will be entering the United Kingdom with the intention of taking only the pre-arranged teaching/teaching assistant work in a UK school which these instructions allow. He may not engage in any other paid employment (*though he may engage in temporary unpaid voluntary work, provide that that work meets the conditions of the National Minimum Wage exemption for voluntary workers*).

## **8. DEPENDANTS**

These provisions do not allow for any entrants to be accompanied by dependants.

## **9. TRAVEL FARES**

An applicant must have the cost of the outward fare to the United Kingdom, or evidence that the school will cover the cost. The requirement to have the means to pay for the return or onward journey may be flexibly applied given that the applicant will be entering for pre-arranged paid employment.

## **10. MAINTENANCE AND ACCOMMODATION**

Since an entrant under these provisions will be entering for a full academic year of paid employment in a UK school, there should normally be no grounds to doubt that their maintenance and accommodation during their stay will be satisfactory. However, Entry Clearance Officers will need to see satisfactory evidence of the terms of employment with the school concerned, including information on what the entrant will be paid, and the arrangements that have been made for his accommodation throughout his 12 month stay.

## **11. INTENTIONS**

An applicant for entry clearance as a Gap Year Entrant must intend to leave the United Kingdom on completion of his 12 month stay in the category, and to return overseas to take up his university place. The entry clearance officer will wish to be satisfied that an applicant, whilst not settled in his own country, nevertheless has sufficient ties and prospects there to ensure that it is likely he or she will wish to return after one year.

## **12. SPORTING AND OTHER RECREATIONAL ACTIVITIES**

Entrants under these provisions may engage in sporting and other similar recreational activities (such as amateur dramatics) provided that these activities are of an entirely

unpaid, amateur, recreational nature.

### 13. STUDY

It is acceptable for a Gap Year Entrant to engage in some part-time study and short periods of full-time study (after school hours and in the school holidays) whilst he is here, provide that he will be working in full-time paid employment for **one full academic year (three consecutive academic terms)** in a UK school.

### 14. SWITCHING

Under the terms of these instructions, all Gap Year Entrants are required to have entered the United Kingdom with an entry clearance issued for the purpose. A person who did not enter the United Kingdom in possession of such an entry clearance and who seeks leave to remain under these provisions should accordingly be refused on the basis that the Secretary of State is not satisfied that they are seeking leave to remain for a purpose which is covered by the Immigration Rules. **(Paragraph 322(1) of HC 395 refers.)**

#### 14.1. Stats Code

##### **X6 Refusal – other reasons.**

An application for a person admitted as a Gap Year Entrant to remain for the purpose of employment for which a work permit or entry clearance is required should be refused on no-switching grounds **(see Chapter 5 - Employment)**. **NB Cases where it appears that the provisions of the scheme have been abused should be referred after action to MMSR to note.**

#### 14.2. Stats Code

##### **W7 Refusal - no switching**

**NB** There is *no* provision under the terms of these instructions for a Gap Year Entrant to have his leave in the category extended beyond the validity of his entry clearance. The period for which a Gap Year Entrant may stay in the United Kingdom under the scheme is for up to one year from the date on which the entry clearance becomes valid, until the expiry of the validity of the entry clearance, and no extensions of stay in the category beyond that period are permitted. A Gap Year Entrant is expected to return home at the end of his stay to resume his studies, and INPD should be notified if further leave to remain is sought in any other capacity. **(NB As stated above, the period of leave in the category should expire prior to the date on which the Gap Year entrant is due to commence higher education.)** A person who seeks leave to remain as Gap Year entrant beyond the authorised period should therefore be refused on the basis that the Secretary of State is not satisfied that he is seeking leave to remain for a purpose which is covered by the Immigration Rules. (Paragraph 322(1) of HC 395 refers.)

**ANNEX C** provides examples of refusal formulae.

The **general guidance on adverse decisions at Chapter 9, Section 1** provides important advice about the decision making process and should be consulted whenever an application falls to be refused.