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CHAPTER 5
SECTION 6MINISTERS OF RELIGION,
MISSIONARIES AND MEMBERS OF RELIGIOUS ORDERSGUIDANCE - GENERALPART 1 - MINISTERS OF RELIGION

1. DEFINITION

Paragraph 169 of HC 395 defines, for the purpose of the Rules, a minister of religion, and **must** be referred to when reading the following guidance.

A person who applies for entry clearance to come here in this capacity must

- ❖ Have been working for at least one year as a minister of religion in any of the 5 years immediately prior to the date on which the extension is sought or,
- ❖ where ordination is prescribed by a religious faith as the sole means of entering the ministry, has been ordained as a minister of religion following at least one year's full-time or two years part-time training for the ministry; and
- ❖ if seeking leave to enter after 23 August 2004 can demonstrate satisfactory proficiency in use and understanding of the English language by producing an International English Language Testing System certificate that certifies performance at level 4 competence in spoken English and that is dated not more than two years prior to the date on which the application is made.

2. ENGLISH LANGUAGE TESTING

From 23 August 2004 those seeking to enter or remain in the UK as Ministers of Religion will be required to provide an International English Language Testing System (IELTS) certificate demonstrating that they have achieved at least level 4 competence in spoken English in the test.

IELTS is jointly managed by the University of Cambridge Local Examination Syndicate, the British Council and IDP Education Australia. It is designed to assess the language ability of candidates who need to study or work where English is used as a language of communication. The tests are readily available at test centres around the world. The IELTS web site, www.ielts.org, contains up-to-date details of all the test centres.

Most centres conduct a testing session at least once a month. In the UK the test fee is variable depending on location, but candidates can expect to pay as much as £70. Prior to taking the test, candidates must provide evidence of identity, such as a passport or national identity card, in advance, upon registration and at various times during the written papers.

Candidates are tested on listening, reading, writing and speaking. A result card is sent to the candidate two weeks after they have taken the test. There are 9 bands ranging from Band 1 - Non User to Band 9 - Expert User. Test results are valid for two years. Candidates who fail are not allowed to repeat the test within 90 days at any centre.

Those seeking leave to enter or remain as Ministers of Religion are required to obtain a Band 4 result for spoken English. This is defined as a "limited user. Basic competence is limited to familiar situations. Has frequent problems in understanding and expression. Is not able to use complex language."

For persons with existing English skills, for example, those educated in an English speaking nation, Entry Clearance Officers may apply discretion to allow entry where evidence is provided that an individual speaks competent English.

3. REFERRED AND DEFERRED ENTRY CLEARANCE APPLICATIONS FOR MINISTERS OF RELIGION

When dealing with an application from a person who wishes to come here as a Minister of religion the entry clearance officer may, at his discretion, either:

* **Refer** to IND such an application where he is content with the applicant's own bona fides as a minister of religion, but wishes IND to have the job awaiting the applicant in the United Kingdom checked **and for IND to make the final decision**; or

* **Defer** to IND such an application where he is not content with the applicant's bona fides as a minister of religion, and wishes IND to make checks in the United Kingdom about the employment on offer here before **he, himself, makes the final decision**.

In either case caseworkers should make enquiries using the questionnaire at ANNEX R (see also paragraph 3).

4. THE "MINISTER OF RELIGION QUESTIONNAIRE"

ANNEX R provides a detailed questionnaire which has been developed for use in minister of religion cases, covering most of the enquiries caseworkers will need to make. **ANNEX R** also provides advice about the use of the questionnaire.

4.1. Using the questionnaire to make enquiries of sponsoring organisations

Caseworkers should first check with IPD and General Registry to see what information is already available about the sponsoring organisation. IPD maintains an index of religious organisations that have come to notice for varying reasons, and there are general files on many of them, including some individual churches, mosques and temples.

In cases where there is recent information about the sponsoring organisation and no concern about the bona fides of the applicant, **part A** of the questionnaire need **not** be completed.

Please note that copies of completed Parts A should be sent to IPD in order that IPD may take the opportunity to update its index by noting new

information obtained in the course of casework.

4.2. Using the questionnaire to make enquiries about employment and recruitment

In all cases **part B** (which requests a job description for the applicant) and **part C** of the questionnaire **must** be completed in order to establish that the applicant:

- * will be taking up the duties of a minister of religion appropriate to the needs of the congregation and sponsoring organisations he is to serve; and
- * will be working as such on a full-time paid basis and will be able to support and accommodate himself and his dependants without other employment or recourse to public funds.

To qualify for admission as a minister of religion the description of the job the applicant is to take in the United Kingdom should be consistent with the definition and not, for example, confined to teaching children. It will probably include a wide range of activities but should in any case include all the following core duties:

To lead worship regularly and on special occasions;

- To provide religious education for children and adults by preaching or teaching;
- To officiate at marriages, funerals and other special services;
- To offer counselling and welfare support to members of the congregation;
- To recruit, train and co-ordinate the work of any local volunteers and lay preachers.

An applicant does not have to take up a job which is entirely devoted to these core duties. Other duties can also be included. A list, **which is not exhaustive**, of other duties appropriate for a minister of religion is at **ANNEX S**.

It cannot be assumed that even a small congregation will require only one full-time minister but additional ministers **must** be working full-time to qualify.

5. MINISTER OF RELIGION CASES - CHECKS BY THE IMMIGRATION SERVICE

Immigration Service may be asked to visit and/or interview the sponsors **if this is felt to be essential**. In this case as much information as possible should be provided and points requiring clarification should be indicated.

6. REFERRAL TO THE FAITH COMMUNITIES UNIT (FCU) OF MINISTER OF RELIGION CASES

The FCU may be asked by IND to advise on community relations implications in individual cases both pre-entry and after-entry, **but only if the case is referred at SEO level and after IND have made written enquiries. Cases should be referred only for specific advice on the United Kingdom community relations aspects of a case** - for instance if there is doubt that there is a need for a priest, or if there appears to be a conflict among members of the congregation in the United Kingdom.

7. SWITCHING INTO THE "MINISTER OF RELIGION" CATEGORY

Following changes made to the Immigration Rules which came into force on 23 August 2004 it is now possible for someone who entered the United Kingdom in some other temporary capacity to remain here as a minister of religion provided that the following criteria are met:

- Was admitted to the United Kingdom or given an extension of stay, except as a minister of religion or a visitor under paragraphs 40-56 of the Rules, which has resulted in him spending a continuous period of at least 12 months here prior to the application being made; and
- Has either been working for at least one year as a minister of religion in any of the 5 years immediately prior to the date on which the extension is sought or, where ordination is prescribed by a religious faith as the sole means of entering the ministry, has been ordained as a minister of religion following at least one year's full-time or two years part-time training for the ministry; and
- has obtained such experience of working, or has been ordained and received the specified period of training, either in the United Kingdom or abroad; and
- is imminently to be appointed, or has been appointed to a position as a minister of religion and is suitable for such a position, as certified by the leadership of his prospective congregation;
- and meets the requirements of paragraph 170(ii)-(iva).

If all the requirements are met leave to remain may be granted for 12 months in the first instance.

PART 2 - MISSIONARIES

8. DEFINITION

Paragraph 169 of HC 395 defines, for the purpose of the Rules, a missionary, and **must** be referred to when reading the following guidance.

The duties of a missionary need not be restricted to preaching and teaching and may include the organisation of missionary activity, **but should not be essentially administrative or clerical in nature**. Working full-time as a teacher in a school run by a church or missionary organisation does **not** count as missionary work, but translating the Bible **is** missionary, not clerical, work.

Although the Rules refer to work which is in essence administrative or clerical, people who are to fill senior posts in a missionary organisation may be considered, provided they meet the other requirements of the Missionary Rules. Thus, they may not be doing fieldwork themselves but will be supervising staff and/or co-ordinating the organisation of missionary work, or will be in charge of a particular activity such as accounts/finance, personnel management or IT.

Those who are in support posts (clerical, secretarial, messengerial) should not be considered, unless you are satisfied that they have spent a substantial part of their time in the UK in active missionary fieldwork.

8.1. Qualifications

The Rules provide that such persons need to have been trained as missionaries, or have worked as missionaries **and** are being sent to the United Kingdom by overseas organisations to work full-time as a missionary.

The purpose of these requirements is to ensure that the missionary has a solid background as such and is being sent out to the United Kingdom as part of his work and not coming in at the request of a congregation without having to meet the minister of religion requirements.

9. INFORMATION ABOUT MISSIONARY ORGANISATIONS

Information about some missionary organisations will be found in **ANNEX U "Religious organisations/groups"**. Further information is also available from general files and the index of religious organisations maintained by IPD, Section 3.

10. SWITCHING INTO THE "MISSIONARY" CATEGORY

Applications to switch into this category should normally be refused. However, visitors and students may be granted leave to remain as missionaries **but only** where a general concession has been agreed (eg; for Operation Mobilisation students to remain as staff members - see **ANNEX U "Religious organisations/groups"**).

PART 3 - MEMBERS OF RELIGIOUS ORDERS

11. DEFINITION

Paragraph 169 of HC 395 defines, for the purpose of the Rules, a member of a religious order, and **must** be referred to when reading the following guidance.

In practice this category is restricted to members of monastic communities of monks and nuns (usually Christian or Buddhist) and similar religious communities involving a permanent commitment (eg the Bruderhof Communities in the UK - see **ANNEX U "Religious organisations/groups"**).

Members of the Findhorn Community are not treated as members of a religious order but concessionary arrangements have been agreed for their students and staff (see **ANNEX U "Religious organisations/groups"**).

12. WORK AND STUDY FOR MEMBERS OF RELIGIOUS ORDERS

Most work will be within the community itself although some members may undertake outside work directed by their order. Teachers working in schools not maintained by their order will require work permits.

Novices whose training consists of taking part in the daily community life of their order should be treated as members of a religious order, but anyone taking on a formal course of study or training in an academic institution not maintained by the order should be treated as a student. Nuns undertaking nursing training with the Benedictine Sisters of Our Lady of Grace and Compassion are exceptionally treated as students since they will be returning abroad.

People who are not members of a religious order but are studying within such a community should normally be treated as visitors or students.

13. SWITCHING INTO THE "MEMBER OF A RELIGIOUS ORDER" CATEGORY

Applications to switch into this category should normally be refused but may be considered exceptionally if the applicant entered the United Kingdom to visit or study under the auspices of the order and clearly meets the other requirements of the Rules.

PART 4 - CONCESSIONARY ARRANGEMENTS

14. VISITING PREACHERS

A minister of religion or professional preacher who is based abroad may come here on a preaching tour for up to 6 months as a visitor provided the tour involves only preaching, is consistent with a temporary absence from his employment abroad and does not constitute disguised employment as a minister of religion in the United Kingdom.

15. VISITING RELIGIOUS MUSICIANS

Religious musicians and singers (normally of the Sikh faith but of other faiths as well) may be admitted to perform at religious services in the United Kingdom without work permits for up to 6 months Code 3 (see **Chapter 17 Section 3 "Entertainers"**).

16. VOLUNTEERS WORKING FOR RELIGIOUS ORGANISATIONS

Voluntary workers with religious organisations are expected to meet the same criteria as volunteers with other charitable organisations, but where a volunteer is coming to live and work in a bona fide religious community registered as a charity we could accept that taking a full part in the life of that community amounted to work closely related to the aims of the charity (see **Chapter 17 Section 10 "Volunteers from overseas"**).