

### Volunteering: From overseas, refugees and person seeking asylum

***Please note the following is guidance only, not a substitute for legal guide and due to the complexities of immigration law we are unable to give legal advice. To access legal advice, you will need to speak to a registered immigration adviser.***

Volunteers from overseas are non-UK nationals; people who were not born in the UK including visitors, overseas students, refugees or persons seeking asylum seekers. They can bring many positive contributions to your organisation as well as:

- Different knowledge, skills, experiences, enthusiasm, commitment and drive to be involved
- Staff and those accessing your services learning new skills and an increased knowledge about different cultures and groups
- Building mutually beneficial links and relationships with hard to reach individuals, groups and communities
- Enabling your group to more representative of your local community

We understand that some people may be hesitant about offering volunteering opportunities to people born outside of the UK or are not a UK resident. This can be due to misinformation and misunderstanding of immigration law and the right to work and volunteer here. However, the good news is that generally you can involve non-UK nationals in volunteering, whether they are resident in the UK or visiting.

### **Volunteering and Voluntary Work**

When involving people from overseas as volunteers, or indeed anyone wishing to volunteer, it is important to understand the difference between volunteering and voluntary or unpaid work. This is a legal distinction made by the home office and can have an impact of your volunteers.

NCVO describe the difference as:

**Volunteers** - Offering their time to not for profits within the voluntary sector or to the public sector. They do not have a contact and must not be doing unpaid work and being a substitute for paid staff and must not be doing unpaid work. They only receive out of pocket reasonable expenses and no other payments. They don't have to commit their time and shouldn't feel like they do.

**Voluntary Workers** - Usually have obligations to do their work, which law may find these to be 'contractual' even if there isn't a written contract. For example, the voluntary worker might do their role at set times or carry out set tasks, and/or have a lot of responsibility. They may sometimes be paid in kind for example get free training, products or services from the organisation. They feel like they have to commit their time even if they don't have the written contract.

There is also the **Charity Worker Visa route** (intended specifically for short term unpaid charity workers): For more information about this route: [GOV.UK Charity Work Visa \(Temporary Work\) webpage](https://www.gov.uk/charity-work-visa-temporary-work). An individual must have a certificate of sponsorship from a licensed employer before they can apply to come to the UK to work. To take on someone on the Charity worker visa a charity/organisation would need be or to apply to be a sponsor. There is a list of [registered sponsors](https://www.gov.uk/charity-workers-visa) available on the [GOV.UK](https://www.gov.uk) website.

## What are the restrictions

*'PA3: A Visitor may undertake volunteering provided it lasts no more than 30 days in total and is for a charity that is registered with either the Charity Commission for England and Wales; the Charity Commission for Northern Ireland; or the Office of the Scottish Charity Regulator' - [Immigration rules, Visitors Appendix 3. Permitted Activities for all visitors](#)*

For more information on visa requirements, [Gov.UK UK Visas and Immigration](#) or go to [NCVO – recruiting volunteers from overseas](#)

## Right to work checks

*'If a person is a volunteer and not a voluntary worker, you don't need to check their right to work in the UK. If there is any way it could look like the volunteer has a contract, you should check their right to work in the UK' [From NCVO Volunteers from Overseas Right to Work checks](#)*

## Introduction of eVisas

The Home Office is developing a digital border and immigration systems, which will include digital online proof of immigration status. For more information [Home Office in the media factsheet E-Visas](#)

Voices in Exile have created an article explaining the impact of this policy, highlighting challenges created and outlining the actions people need to take to protect themselves and their visa [The shift to eVisas, what you need to know](#)

## Individuals checking their visa status

When considering volunteering the person should be checking they are allowed under the terms of their visa or entry clearance conditions, as if their visa does not permit volunteering this may have implications for their future ability to work, study or remain in the UK. For advice or information, they will need to contact UK Visas and Immigration [by clicking here](#) or visit [www.gov.uk](#). They can also check to see if their visa allows volunteering by using [UK Visas and Immigration online tool](#)

## Refugees and Asylum Seekers

A refugee is someone who has had to leave their home country due to persecution and cannot return for their own safety. In the UK, when a person is granted refugee status, they receive leave to remain, meaning they have the right to live, work, and volunteer without restrictions

There is no restriction to a person seeking asylum being able to volunteer (Refugee Council prefer to describe someone as a person seeking asylum as they feel that the term 'asylum seeker' is dehumanising). More information is available in the government publication 17 October 2024 [Permission to Work and volunteering for Asylum Seekers page 19/20](#)

Due to the level of misinformation and myths there can be confusion as to what the terms 'refugee' and 'asylum seeker' mean and they can be frequently and incorrectly get conflated. People seeking asylum and refugees are people at different stages of a legal process to gain protection.

**Who is a person seeking asylum?** *'A person who has left their country of origin and formally applied for asylum in another country but whose application has not yet been concluded' – Refugee Council*

**Who is a refugee?** A refugee is a person who 'owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group,

*or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country...*’ (Definition quoted from the 1951 Refugee Convention) A person becomes a refugee when government agrees that an individual who has applied for asylum meets this definition.

Usually refugees in the UK are given five years to remain as refugee, then must apply for further leave, although their status is not limited to five year.

**Are refugees and asylum seekers allowed to volunteer?** Yes.

‘People who have refugee status or seeking asylum can volunteer in both the public or voluntary sectors’ [NVCO – volunteers from overseas](#)

For more information on permission to work and volunteering:

[GOV.UK: Permission to work – caseworker guidance](#)

[Refugee Action – right to volunteer](#)

### **Supporting to volunteer**

Refugees and Asylum Seekers may have support needs the same as anyone volunteering for example maybe English is not their first language which could be a barrier to some opportunities/role/types of activities. To look at support needs with each individual and not to make assumptions on if there are needs and what they are, again this should be the same for anyone going through your volunteer recruitment process.

To also be aware they may not have a bank account to reimburse volunteer expenses into, so alternative methods need to be considered e.g. reimbursement from petty cash, prepaid bus tickets.

### **Further information and resources**

- [Refugee Action – Giving asylum seekers the right to volunteer](#)
- [Refugee Council - The truth about asylum](#)
- [Sanctuary on Sea](#)
- [GOV.UK](#)
- [Brighton and Hove City Council – migrants, asylum seekers and refugees](#)
- [Volunteer Centre Sheffield – Refugees and asylum seekers](#)
- [West Sussex County Council – Support for refugees](#)

