

Briefing

International students and volunteering

This briefing aims to provide clarity surrounding the regulations governing volunteering for international students. With a growing population of international students, understanding the regulation that surrounds their ability to volunteer is imperative.

Background

For some time there has been confusion over rules surrounding the type of activities international student can volunteer for and the length of time they're able to commit to volunteering.

This briefing brings together guidance from the Home Office to provide student volunteering teams with details about international students engagement with volunteering.

EU and EEA Students

These students can volunteer and aren't subject to any restrictions on their voluntary activity.

Bulgarian & Romanian students

A Bulgarian or Romanian national who is exercising a Treaty right as a student is permitted to do unlimited voluntary work, without requiring a registration certificate or other authorisation from the Home Office, provided the activity complies with the definition of voluntary worker in section 44 of the National Minimum Wage Act 1998.

A Bulgarian or Romanian student is permitted to undertake an unpaid work placement as part of their course, without requiring a registration certificate or other authorisation, provided the opportunity adheres to section 44 of the National Minimum Wage Act 1998.

It is important to note that from January 1st Romania and Bulgaria will be full members of the EU and as such students won't be subject to any restrictions around work or volunteering.

Croatian students

Croatia joined the EU on 1 July 2013. As a member of the EEA students will be restricted to the same conditions as currently impact Bulgarian and Romanian students.

International students from outside EU & EEA

International student can volunteer in the UK if the following criteria are met:

- The student is in the UK with immigration permission (a visa) as

a Student Visitor or as a Tier 4 Student

- The organisation where the student is volunteering is a registered charity (or in the process of being registered)
- The nature of the voluntary work is in line with the aims and objectives of the charity
- The volunteer should not simply be working unpaid as a one of the normal complement of administrative staff at the charity

Essentially it is important to note that volunteering, when following the above guidance, does not count as work. It therefore does not count towards working hour limits, and students from countries that have working limitations listed in their visa sticker or BRP, do not need an additional permit or to use their permitted working hours to volunteer.

Confusion arises because of some inconsistency in phrasing in the guidance.

Volunteering is not the same as unpaid work. An unpaid internship, for example, would likely count as work. For Home Office purposes they define voluntary worker as in section 44 of the National Minimum Wage Act 1998.

Students visitors

The picture is slightly less clear for those students on a visitors visa for less than 6 months.

As such we suggest that with student visitors, those on the student visitor visa for a course of less than 6 months or an English course of less than 11 months, that you should contact the UKCISA advice line or 020 7788 9214 or the Home Office to ensure they are able to volunteer.

Further information

For further information on the National Minimum Wage visit:

<https://www.gov.uk/your-right-to-minimum-wage/who-gets-the-minimum-wage>.

For further information on student visas visit:

<http://www.ukba.homeoffice.gov.uk/visas-immigration/studying/>

NCVO have produced a members briefing that covers involving volunteers from outside the UK:

http://www.volunteering.org.uk/images/stories/Volunteering-England/Documents/Free-Information-Sheets/information_sheet_accepting_volunteers_from_outside_the_uk_2012.pdf

For further information on international students working please find guidance from UKCISA here:

<http://www.ukcisa.org.uk/International-Students/Study-work--more/Working-during-your-studies/What-kind-of-work-can-I-do/>

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