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CHAPTER 17
SECTION 1**BUNAC SCHEME****1. INTRODUCTION**

The British Universities North America Club (BUNAC) arranges visits of students at American and British universities. Under this scheme, American students (i.e. citizens of the United States of America who are students in America, or on study abroad programmes, including those studying at Canadian universities), who come to the United Kingdom with BUNAC may, if they wish, take any employment of their choice for all or part of their stay. Third country nationals who are Green Card Holders in the United States of America (i.e. are permanent residents there) also benefit from the provisions of this scheme, but those who are visa nationals *must* obtain prior entry clearance, as well as a BUNAC card, before travelling to the United Kingdom for entry under the scheme. The participants must be students who are at least 18 years old. BUNAC accepts (qualified) financial responsibility for the students during their stay.

The category permits entry for a maximum of two (2) separate periods of 6 months. The date of entry for a second period of six months' leave must be later than the expiry date of the first six months' leave, and the requirements of the category must be met on each separate occasion that the participant is granted six months leave to enter in the category. Entrants should note that on no account can the leave in the category be extended beyond the maximum six month period permitted in respect of each entry to the United Kingdom under the category; an entrant who has entered for a second period of leave under the category is not eligible to have any period of leave added to their stay on the basis that they left the United Kingdom before completing the full six month period of leave that they were granted on their previous entry.

2. LEAVE TO ENTER

The scheme operates exceptionally outside the Rules, however all participants are required to produce on entry a BUNAC identity card which should have:

- ◆ a serial number
- ◆ a photograph of the holder

NB In the case of those entering for a second (*final*) six month period in the category, the BUNAC identity card should be endorsed with a number (2) and the word "**FINAL**".

2.1. Granting leave to enter

Leave to enter should normally be granted for 6 months on Code 4, for employment “as a participant of the BUNAC scheme”. The passenger is not required to register with the police.

2.2. Stats Code

- Other person given leave to enter

2.3. On entry refusal code

B1 For employment without a work permit

3. LEAVE TO REMAIN

Applications for leave to remain may be granted to complete a *total* period of stay of 6 months from the date of leave to enter in the category. Six months is the maximum period of stay permitted in respect of each of the two possible entries in the category. (This allows those who complete the two permitted separate six-month periods of stay in the category to spend a total maximum of 12 months in the United Kingdom as participants in the BUNAC scheme over all.) *All* applications to remain for employment beyond the expiry date of each or either of the two permissible six-month periods of stay should be refused.

3.1. Stats Code

F6 Permit free - other

Annex C (at the end of this chapter) provides examples of refusal formulae

3.2. Employment

Participants are normally expected to work for the whole of the 6-month period. Those who do not work for all or part of the 6 months have *no* claim to remain further to complete 6 months employment. The scheme's conditions must be strictly enforced in every case.

3.3. Refusal of leave to remain

Applications to remain for leave to take employment should be refused under Paragraph 133 of HC 395 on the basis that the applicant does not have leave to enter or remain in a category which permits switching into work permit employment. Cases where it appears

that the provisions of the scheme have been abused should be referred after action to MMP to note.

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.

3.4. **Stats Code**

W7 Refusal - no switching

Annex C provides examples of refusal formulae.

3.5. **Switching**

Participants in the BUNAC scheme who apply for leave to remain as visitors may be allowed to switch into this category provided that they meet all the requirements of the Rules. The Immigration Rules for students do not permit BUNAC participants to obtain extensions of stay in the student category as they will not meet the requirements of Paragraph 60 (i), so applications to remain for the purpose of studies should be refused under Paragraph 62.

A person admitted under the BUNAC Scheme will not meet the requirement of Paragraph 119(i), therefore any application for leave to remain for training and work experience will fall for refusal under Paragraph 121 of HC 395.