

# ***IMMIGRATION DIRECTORATES' INSTRUCTIONS***

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### **CHAPTER 17 SECTION 12**

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## **SECTION 12**

### **CONCESSIONARY LEAVE OUTSIDE THE RULES FOR TEACHERS WITH LEAVE AS WORKING HOLIDAYMAKERS**

#### **1. INTRODUCTION**

Under the Immigration Rules, working holidaymakers may be granted leave to enter or remain in the United Kingdom for a maximum period of two years. Working holidaymakers teaching in UK schools may find that their leave is due to expire part way through a school term. Under the Rules, if they have already been granted two years' leave, no further extension may be given.

However, in the interests of schools and their pupils, and in light of the unique considerations which apply to the completion of school terms, a short extension of leave to remain *may* be granted to a working holidaymaker employed as a schoolteacher in the UK. If such leave is granted, it will be on a concessionary basis outside the Immigration Rules.

#### **2. LEAVE TO REMAIN**

The grant of leave to remain under this concession is a matter of discretion. However, an applicant must be able to show that he is a working holidaymaker employed as a schoolteacher in the UK, that his leave is due to expire part way through a school term, and that the school wishes to retain his employment until the end of term. Leave should not be granted beyond the end of the school term in which the applicant's current leave expires.

The applicant's passport should be endorsed with leave to remain outside the Rules on Code 4 until the end of the school term, naming the school at which the person being granted leave is employed.

## 2.1. Stats Code

O - other

## 2.2 Refusal of leave to remain

Applications for leave to remain should be refused where an applicant is unable to show that he is a working holidaymaker employed as a schoolteacher in the UK, or where the applicant's current leave is due to expire in between school terms, or where the applicant is unable to show that the school wishes to retain his employment until the end of term.

If the application falls to be refused, it should be refused under Paragraph 322(1) of HC 395 on the basis that the Secretary of State is not satisfied that the extension is being sought for a purpose that is covered by the Immigration Rules.

## 3 Stats Code

W7 Refusal - no switching

*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.