

Aug/04

*IMMIGRATION DIRECTORATES' INSTRUCTIONS*

**CHAPTER 4  
SECTION 4**

**TEACHERS AND LANGUAGE ASSISTANTS  
COMING TO THE UNITED KINGDOM  
UNDER APPROVED EXCHANGE SCHEMES**

**1. INTRODUCTION**

In general, teachers from abroad who are suitably qualified may only come to this country for full-time employment by obtaining a work permit. However, teachers and language assistants coming to schools in the United Kingdom under approved exchange schemes may be admitted without work permits under paragraph 110 of the Rules. *Entry clearance is mandatory for this category.*

**2. LEAVE TO ENTER AS AN EXCHANGE TEACHER OR LANGUAGE ASSISTANT**

The requirements to be met by a person seeking leave to enter as an exchange teacher or language assistant are set out in Paragraph 110 in Part 4 of HC 395 and *must* be referred to when reading the following advice.

**2.1. Key points**

Although *all* the requirements of Paragraph 110 *must* be met, the main points on which the immigration officer needs to be satisfied are:

- ◆ that the passenger holds a valid entry clearance endorsed "Employment"; and
- ◆ that there is no reason to believe that false representations were made in order to obtain the entry clearance or that circumstances have changed since its issue.

**2.2. Further guidance**

The immigration officer may require further guidance where facts have come to light which may not have been available to the entry clearance officer and it is necessary to establish whether or not the entry clearance has been rendered invalid.

Exchange teachers should not normally be required to submit to medical examination, since they are obliged to undergo a medical examination before coming to the United Kingdom.

*ANNEX G (below) provides guidance relating to exchange teachers and language assistants.*

### 2.3. **Granting leave to enter**

- \* Code 4 for the period of the appointment up to a maximum of 12 months. The name of the school or college should be included in the endorsement.
- \* Non-Commonwealth nationals are required to register with the police if they are admitted for more than 3 months.

### 2.4. **INDECS**

- O Other person granted leave to enter

### 2.5. **Refusal of leave to enter**

- \* Where a passenger does not hold a valid United Kingdom entry clearance for this purpose he should be refused entry under Paragraph 112 of HC 395.
- \* A visa national seeking entry without a valid United Kingdom visa falls to be refused under Paragraph 320(5). See **Chapter 9, Section 2** to these instructions.
- \* Where a passenger seeking entry in this capacity holds an entry clearance for this purpose, refusal may only be considered under Paragraph 321 (See **Chapter 9, Section 3** to these instructions).
- \* In the case of a person returning to the United Kingdom from a temporary absence abroad, within a period for which he was previously given leave, reference **must** be made, before refusal, to **Chapter 1, Section 9, "Persons returning to resume previous leave"**.

*ANNEX H (below) provides examples of refusal formulae.*

### 2.6. **On Entry Refusal codes**

- E4 Lack of required non-settlement entry clearance, including those set aside on grounds of misrepresentation, forgery, failure to disclose material facts or where a change of circumstances has removed the basis of claim to admission.

### 2.7. **Right of appeal and corresponding refusal form**

There is no right of appeal against refusal of leave to enter in this capacity where no entry clearance is held [Section 13(3B)(a) of the Immigration Act 1971 (as set out in Section 11 of the Asylum and Immigration Appeals Act 1993)].

Form IS 82D should therefore be used.

The "*Port Instructions for on-entry asylum applications*" provides details of the appropriate forms to use in mixed asylum/non-asylum cases.

### 3. LEAVE TO REMAIN AS AN EXCHANGE TEACHER OR LANGUAGE ASSISTANT

The requirements to be met by a person seeking to remain in the United Kingdom as an exchange teacher or language assistant are set out in Paragraph 113 of HC 395.

*All* these requirements *must* be met, and *must* be referred to when reading the following advice.

#### 3.1. Key points

Caseworkers must satisfy themselves that:

- ◆ sponsorship is confirmed by the school or college concerned;
- ◆ the applicant intends to leave the United Kingdom at the end of the second year of the exchange;

and, in the case of language assistants, that:

- ◆ satisfactory funds are available for the maintenance of the applicant and any dependants.

#### 3.2. Further guidance

Applications to switch into this scheme from people admitted in another capacity should be refused.

*ANNEX G (below) provides guidance relating to exchange teachers and language assistants.*

#### 3.3. Granting leave to remain

- \* Provided sponsorship is confirmed, leave to remain for a second year may be granted on Code 4, as before.

\* Non-Commonwealth nationals are required to register with the police.

Any application to stay beyond 2 years should be refused.

3.4. **INDECS**

FB Extension

3.5. **Refusal of leave to remain**

*Chapter 9, Section 1 "Adverse decisions - General Guidance"* provides important advice about the decision making process and should be consulted whenever an application falls to be refused.

*ANNEX H (below) provides examples of refusal formulae.*

3.6. **INDECS**

F9 Refusal