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CHAPTER 15
SECTION 3ARMED FORCES:
NATO CIVILIAN EMPLOYEES

1. INTRODUCTION

Unlike serving members of the armed forces, civilian employees are *not* exempt from control. Persons in this category do not need a work permit and, in the case of non-visa nationals, entry clearance is not required *provided that satisfactory documentary of the person's status is held*.

2. LEAVE TO ENTER AS A NATO-CIVILIAN EMPLOYEE

Civilian employees should carry passports and have visas where necessary. The passenger must produce to the immigration officer documentary evidence of his status which could be in the form of:

- movement orders; or
- a letter confirming full time employment; or
- in the case of an ex-serviceman on a pension, employment for at least 20 hours per week.

2.1. Civilian component - United States Forces

Under the Visiting Forces Act, 1952, civilians directly employed by the United States forces in this country are entitled to certain fiscal and other privileges, if they have been recognised by the Secretary of State as members of the *"civilian component"*.

Members of the civilian component will be so described in their passports and recognition by the Secretary of State will be endorsed therein. This recognition does *not* confer any privileges under the Immigration Act and members of the civilian component should be treated in the same way as other civilian employees of NATO forces.

If the Home Office endorsement of recognition is noticed in the passport of a person who is no longer employed by the United States forces, a report in duplicate should be submitted to Passenger Casework section.

Employees of the United States forces may be included in movement orders and may also carry identity cards similar to those carried by members of the forces (but indicating their civilian status). Such persons should nevertheless be required to produce passports and should be treated as civilians.

Red Cross personnel sent by the American National Red Cross to work with the United States forces in the United Kingdom, may be treated as civilian employees.

2.2. Civilian component - Australia

Under Section 10 of the Visiting Forces Act 1952, certain civilian employees of the Australian Department of Defence may be recognised by the Secretary of State as members of the civilian component of the Australian forces. Such civilian employees should be given leave to enter as in **paragraph 2.3** (below).

2.3. Granting leave to enter

Normally Code 1 for the period of employment or 5 years which ever is shorter (**but see paragraph 2.5. below for concession whereby a United States citizen may be allowed to enter as a visitor to seek employment with the United States forces**).

Those who are not stationed in the United Kingdom but who are coming for temporary duty or leave for a period not exceeding 6 months, may be treated as visitors and if otherwise acceptable given leave to enter on Code 5N.

Employees travelling on passports issued by countries other than those which are members of NATO, or on non-national documents should be given limited leave on Code 1 for the period of employment or 5 years whichever is shorter but subject to returnability if the passenger is stateless.

Such persons are not required to register with the police.

See paragraph 4 (below) for advice on the entry of dependants.

2.4. INDECS

O Other person on limited leave to enter.

2.5. Admission as a visitor of a United States citizen seeking employment as a NATO civilian employee

A United States citizen who declares on arrival in the United Kingdom that he intends seeking employment with the United States forces may be given leave to enter as a visitor, (6 months Code 3) provided he satisfies the immigration officer that:

- he has a genuine and realistic intention of taking work only with the United States forces; and
- he will not fall a charge on public funds.

It is expected that the passenger will have a specific job or base in mind and that the immigration officer will contact the base to confirm the vacancy. The more specific the passenger can be the easier it will be for the immigration officer to be satisfied that the passenger qualifies for this concession.

3. LEAVE TO REMAIN AS A NATO-CIVILIAN EMPLOYEE

Persons admitted as NATO-civilian employees may be granted leave to remain in the same capacity **provided** they can produce documentary evidence of status as described at paragraph 2 above.

All applications from civilian employees (which are mainly from the United States forces) are dealt with by Managed Migration.

3.1. Applications for recognition of civilian component status

As explained at **paragraph 2.1** (above) civilians employed directly by the United States forces form a category known as the "**civilian component**". Civilian component status **must** be recognised by both the United States authorities and the Home Office. The Home Office has agreed to recognise civilian component status if an applicant:

- has been granted civilian component status by the United States authorities;
- has been granted leave to enter or remain as a civilian employee of the United States forces;
- commenced this employment within 12 months of arrival in the United Kingdom or separation from the forces; and
- is not **ordinarily resident** in the United Kingdom (eg a person who has indefinite leave to remain will normally be considered ordinarily resident here and will not be eligible for civilian component status).

Spouses of British citizens who wish to have civilian component status should be the subject of an application made by the United States authorities to employ them as civilian employees (they should **not** apply for leave to remain on the basis of marriage). A person who has limited leave to enter as a foreign spouse and is subsequently the subject of an application by the United States authorities for civilian component status should be assumed to have applied to vary his immigration status to civilian employee.

It may be appropriate in some cases to exercise discretion if, for example, someone has applied for indefinite leave to remain without realising the implications, or has gained settlement as a former dependant of United States forces personnel but has never worked in the United Kingdom except on a United States base. Such a person should be advised that if he travels abroad he should not seek re-entry to the United Kingdom as a returning resident but as a civilian employee of the United States forces.

Where there is any doubt, applications for civilian component status should be referred to IPD, Section 3.

3.2. Settlement

Settled status is not consistent with civilian component status and the United States authorities have agreed that members of the civilian component will not qualify. Such persons should continue to be granted limited leave of 5 years at a time or for the outstanding period of employment - whichever is shorter.

Occasionally a person in this category may apply for indefinite leave to remain on some other basis (eg; marriage to a person who is settled here). In view of the fact that by being granted indefinite leave to remain, such a person would lose his civilian component status the caseworker should write to the applicant explaining the implications, and ask for confirmation that he wishes to be granted indefinite leave. Applicants who indicate that they do not want indefinite leave should continue to be granted limited leave in the normal way.

3.3. **Granting leave to remain**

Grant limited leave to remain on Code 1 for the period of employment or 5 years, whichever is the shorter.

See paragraph 4 (below) for advice about applications for leave to remain from dependants.

3.4. **Switching**

United States citizens admitted or given leave remain as visitors, students, for other temporary purposes or for other employment may normally be allowed to remain as civilian employees of the United States forces, and so may former servicemen on separation. The United States authorities have agreed that the application should be made by the **employer** rather than the employee and that they will send the employee's passport to the Home Office as soon as possible to have his immigration conditions varied.

3.5. **INDECS**

F6 Extension - Other permit free employment

3.6. **Persons not qualifying for civilian component status**

An applicant who fails to qualify because he is ordinarily resident in the United Kingdom should be informed by letter that he does not qualify for civilian component status under the agreement regarding the Status of Forces of Parties to the North Atlantic Treaty, Article 1, Section 1(b).

If there is any doubt about a case where a person fails to qualify on grounds of ordinary residence, or if other grounds for refusal are contemplated, the case should be referred to IPD, Section 3.

Annex D *(below) provides an example of the letter.*

4. **DEPENDANTS OF NATO CIVILIAN EMPLOYEES - LEAVE TO ENTER/REMAIN**

When considering leave to enter or remain in respect of the dependants of NATO civilian employees the following factors apply:

- A person can qualify as a dependant **only** if the sponsor is serving in the United Kingdom;
- Unmarried children over 18 who have not joined the sponsor earlier because of completion of studies abroad should normally be granted leave to enter/remain for the sponsor's tour of duty;
- Unmarried children who have not joined the sponsor earlier because they were in employment do **not** qualify as dependants and must meet the requirements of the Rules in their own right;
- Parents of NATO civilian employees may be allowed to remain as dependants if they formed part of the sponsor's household abroad or if there are other compassionate reasons in that their circumstances have changed since the entry of the sponsor (eg one parent has died and the other would be living alone in the most compelling and compassionate circumstances).

In all cases where leave to remain is given as a dependant it should be made clear that the dependant is expected to leave the United Kingdom with the sponsor on completion of the sponsor's tour of duty (but see **Section 4, paragraph 6**, of this chapter, regarding settlement as the dependant of a person working **under contract** to NATO forces).

Dependants of NATO civilian employees are not required to register with the police.

4.1. **Husbands of women serving with NATO Force or the civilian component**

Under the Agreement regarding the Status of Force of Parties to the North Atlantic Treaty the husband of a woman who is a serving member of the force or who is employed within the civilian component should be admitted or granted leave to remain on Code 1 for the duration of the wife's tour of duty in the United Kingdom (NATO Forces only).

4.2. **Granting leave to enter/remain**

Dependants should receive a grant of leave to enter/remain on Code 1 for the duration of the sponsor's tour of duty.

4.3. **INDECS - On entry**

- Other person on limited leave to enter

4.4. **INDECS - leave to remain**

F6S, F6C or F6D (as appropriate) Extension - Other permit free employment