

Working in the UK

What follows is a rough guide to the rules governing employment in the UK it is not exhaustive nor guaranteed to be accurate. For an official opinion, please contact the relevant authorities and advisory bodies – there are links to their websites at the foot of this document.

Coming into the UK

All British Citizens and some Commonwealth nationals have a right of abode. If you have right of abode you are free to come into the UK at any time without asking for permission.

If you are a national of another European Union country you do not require formal permission to enter or to work in the UK and no time limit can be put on your stay. You have the right of residence.

If you do not have the right of abode or the right of residence you must obtain permission (leave) to enter the country and you must obtain a work permit in order to take a job.

How do I gain leave to enter the UK?

There are two ways – get a visa or a certificate of entry clearance. These can be applied for at your nearest British High Commission, British Embassy or Consulate.

The UK government also recommends that all those who do not have the right of abode or the right of residence obtain entry clearance before they leave their home country. This certificate proves the holder's eligibility to enter the U.K. If you have one you will not be refused permission to enter the UK unless there has been a material change in your circumstances, or you gave false information, or you did not disclose important facts when the entry clearance was obtained. You may also be refused entry on medical grounds, if you have a criminal record, if you are subject to a deportation order or if there are any other exceptional reasons why you may not be admitted.

Can I work in the UK?

If you have the right of abode (All British Citizens and certain Commonwealth nationals) or the right of residence (Nationals from the European Economic Area) you are allowed to take up a job in the UK. If not you need a work permit to work in the UK.

Can I Obtain a Work Permit?

No you cannot. Work permits are not issued to individuals they are issued to employers.

RSA
The Melon Ground
Hatfield Park
Hatfield
Herts AL9 5NB

telephone
+44 (0)1707 259333

facsimile
+44 (0)1707 271366

email
enquiries@theRSAgroup.com

web
www.theRSAgroup.com

If a UK employer offers you a job and you require a work permit to work in the UK. Your potential employer will have to apply to the Department for Education and Employment. The Department tends to issue work permits only for: jobs requiring higher educational or equivalent professional qualifications, for people with work experience at a senior level, or for areas in which there is a particular skills shortage. The key is that they must be satisfied that the vacancy cannot be filled by UK or EEA labour.

What about Working Holidays?

If you are a single person aged 17-27 there is an arrangement whereby you can come to the UK for an extended holiday (up to 2 years) and take employment that is incidental to the holiday. That work should be part-time or casual, and you are not allowed to take full time work for more than half of your stay.

To qualify as a working holidaymaker, you must fulfil all of the following criteria:

You:

- are a Commonwealth, British Dependent Territories or British Overseas citizen
- are seeking entry for an extended holiday
- are unmarried or married to a person who also qualifies for entry as a working holidaymaker and you intend to take holiday together
- do not have any children who are 5 years of age or over, or who will reach 5 years of age before you complete your holiday
- are able to support and accommodate yourself without recourse to public funds
- have the means to pay for your onward journey
- intend to leave the United Kingdom on completion of your holiday

If you meet all the criteria then you can apply to be a Working Holidaymaker at your nearest British Mission.

Senior Level Posts

It is possible to come to this country for an interview for a job with a business visa, they are normally valid for one week.

Even if your application is successful, you will have to return home whilst your prospective employer applies for a work permit, this normally takes about 6 weeks. Work Permits are not automatically given; there has to be a residency test and the job must be proven to have been advertised.

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web
www.theRSAgroup.com



Useful Links

The Foreign and Commonwealth Office
www.fco.gov.uk

The Home Office
www.homeoffice.gov.uk

The Immigration Advisory Service
www.iasuk.org

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