

Ask the Expert

Question: I'm a Commonwealth citizen on a UK working holidaymaker visa that will expire in a few months. But I'd like to stay in the UK after that. What should I do?

Advice: Essentially, to stay in the UK after your WH visa expires, you need to make sure that by the date of expiry, you have at least applied for further leave to remain in the UK in another immigration category. Overstaying your WH visa is a criminal offence and renders you liable to administrative removal. You can be arrested by police and immigration officers without a warrant if you are a suspected overstayer.

The most obvious way (but not the only way) to stay on legally is to move into employment under **the work permit scheme**. A work permit allows a person to be employed by a particular employer in a particular post. There is no such thing as a work permit that enables the holder to take any form of employment. Overseas workers must not be taking a job which could be done by someone already resident in the UK or by a European Economic Area national and the worker must usually have had a least two years' experience in a job similar to that for which a work permit is sought, and meet the particular skills "threshold" applicable. The prospective employer will have to advertise the post and show why other applicants were not suitable. For further information see www.workpermits.gov.uk.

One of the requirements for the granting of a UK working holiday visa in the first place is that you intend to leave the UK at the end of your two-year working holiday. So at present, working holidaymakers are not *formally* permitted to switch into work permit employment, although applications are considered on a discretionary, case-by-case basis. This is one of the issues under discussion in the Home Office's review of the UK Working Holidaymaker Scheme, and an announcement as to the results of that review and forthcoming changes to the Scheme is expected in May 2003.

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