

## Employing International students in the UK

Imperial College London attracts some of the best and most talented students in the world and over 30% of them are from outside the European Economic Area. With their combination of academic excellence, research capabilities and knowledge of real world applications they are able to make valuable contributions to commercial objectives.

This guide has been produced to inform businesses about the benefits of recruiting international students and graduates and to provide a route map to understand the various immigration schemes available to facilitate this. It will also point to further sources of information and advice for employers.

### Benefits of recruiting international students

In an international business environment, international students can be a real asset to a business, enabling the exploration of new markets. Imperial College students come from over 126 countries; they have wide personal networks and are very driven to succeed. From a business perspective international students can make an impact in a variety of ways:

- Providing knowledge of international business markets through experience and contacts
- Identifying new market opportunities overseas
- Utilising their language skills to liaise with international clients and internationalise your website and marketing
- Using previous business and research experience to advance commercial goals
- Providing scientific and technical skills, particularly in research and development
- Helping with intercultural awareness and business etiquette
- Working flexibly during peaks and troughs in workload

### Recruiting international students during their studies

Most international students from outside the European Economic Area at Imperial College are automatically allowed to work up to a maximum of 20 hours a week during term time and unlimited hours during the vacation period for their course. They are allowed to take any kind of work as long as it is not full-time, permanent or self-employment. However, please note that postgraduate (Master's or PhD) students do not get a long summer vacation. Postgraduates are only permitted to work unlimited hours at Christmas, Easter and on completion of their course. If you are in any doubt about a student's permission to work, please contact the University to confirm term dates and their level of study.

Students from within the EEA are allowed to work without any restriction in the UK.



UKVI requires that you check the passport and identity card (if applicable) of everyone you intend to employ to ensure they have a legal right to work in the UK. Their website [www.gov.uk/government/publications/prevent-illegal-working-in-the-uk](http://www.gov.uk/government/publications/prevent-illegal-working-in-the-uk) gives some guidance on how to carry out these checks.

The wording on passports and ID cards will vary but any of the following are student visas which allow students to work 20 hours a week without requiring an employer to obtain permission:

- Work (and any changes) must be authorised
- Able to work as authorised by the Secretary of State
- Work as in Tier 4 Rules
- Restricted Work. P/T term time. F/T vacations
- Restricted work term time

## Recruiting international students after their studies: main visa routes

### 1. Tier 2 General (Skilled Workers)

This category exists to enable employers to directly sponsor UK trained graduates (who have previously held a Tier 4 Student visa) for up to a maximum of 5 years, after which the employee is eligible for settlement if they meet the appropriate salary requirement. You will be exempt from applying the Resident Labour Market Test and no cap applies if the graduate is a Tier 4 visa holder. As the employer you would need to ensure that you have a licence under Tier 2 to sponsor migrants. Further information on the process to obtain a licence is on the GOV.UK website: [www.gov.uk/uk-visa-sponsorship-employers](http://www.gov.uk/uk-visa-sponsorship-employers)

If you offer a job to one of our graduates the salary must be in line with the relevant Code of Practice and as a minimum over £20,300 per annum (usually based on a 39 hour per week contract).

When can Imperial College graduates apply for their Tier 2 visa?

When switching from Tier 4 to Tier 2, students can apply up to 3 months before the expected completion date of their course, as long as the employer has issued the Certificate of Sponsorship (CoS) to support the application; and the start date of the job is after the official course completion date.

If the Tier 2 sponsorship is conditional on the degree results, a CoS can only be issued once this requirement has been met.

Degree results at Imperial are released as follows:

- Undergraduates – early August
- Master's – November

It is up to the employer if they want the applicant to have been granted the Tier 2 visa before allowing the employee to start the permanent full-time job.

Students who apply after receiving their results can start work as soon as they have made the Tier 2 application.

All students with Tier 4 leave to study a part-time postgraduate course must always wait until their Tier 2 immigration permission has been granted before starting work.



You can sponsor a PhD student under Tier 2 as long as they have completed at least 12 months of their course.

## 2. Tier 4 Doctorate Extension Scheme (DES)

PhD students nearing the end of their studies will be able to apply to extend their visa to remain in the UK for 12 months to work, look for work, or set up a business under the Doctorate Extension Scheme. As this is a Tier 4 visa, the CAS number will be issued by the PhD student's former place of study and the monitoring of the visa holder is the responsibility of the sponsoring university, rather than the employer. Applicants must respond promptly to any monitoring emails or other contact from the University: failure to do so could result in the cancellation of this visa.

The following endorsement on Biometric Resident Permits will allow full time work without requiring an employer to obtain further permission from the UKVI: "T4(G) Doct Ext Sch. Leave to remain. Work full time. No Dr/Den/Sport Post course".

## 3. Start-up visa

The Start-up Visa allows graduates, who have been identified by their university as having developed an innovative business, to extend their stay in the UK to establish one or more businesses in the UK.

There will be no restriction on working hours or on working for another employer whilst developing their business. It is also possible to use this visa to work for an existing business or on someone else's business idea. However, they will be monitored by their sponsor (the university) and expected to show progress in the development of their business. Developing the business should remain the main focus of the time spent under this visa route.

The following endorsement on Biometric Resident Permits will allow full time work without requiring an employer to obtain further permission from the UKVI:

"Start-up visa. Leave to remain. Business and Work full time. No Dr/Den Train/Sport"

Further information on this scheme is available on the GOV.UK website at <https://www.gov.uk/start-up-visa>

## 4. Tier 5 visas

There are a variety of schemes under the Tier 5 banner, all of which permit full-time work on a temporary basis (12-24 months). The most common schemes that employers are likely to encounter are: Tier 5 Youth Mobility Scheme, Tier 5 Temporary Worker – International Agreement and Tier 5 Temporary Worker – Government Authorised Exchange. For more details on the various Tier 5 visas types, see [www.gov.uk/browse/visas-immigration/work-visas](https://www.gov.uk/browse/visas-immigration/work-visas)



## Common misconceptions about recruiting international students

### International students can get their own work permit.

Since the abolition of the Post Study Work Scheme in April 2012 all new graduates must be sponsored by employers under Tier 2 except for small numbers who may qualify under other immigration categories as listed above.

### I must prove there is no one in the EEA who can do the job before I am able to recruit an international graduate.

This is not true for international graduates who are studying in the UK on a Tier 4 visa. The requirement for a Resident Labour Market Test (proving there is no one in the EEA that can do the role) was removed in April 2012 for anyone switching in the UK from Tier 4 to Tier 2.

### There is a limit on the number of international people I can recruit.

No, because there is no cap on the number of Certificates of Sponsorship you can issue under this category provided the graduate applies in the UK with a valid Tier 4 student visa. You may have an initial allocation of COSes, but this can be increased by request to the Home Office. If for any reason the applicant needs to leave the UK and apply for a Tier 2 visa from outside the UK the cap would apply (as would the Resident Labour Market Test).

## Frequently Asked Questions

### Q. Can the student/graduate start the job before they get their visa?

#### (a) Tier 2

A student/graduate applying for Tier 2 may only start the job once their official course completion date has passed. Student visa holders are not permitted to fill a permanent full-time vacancy however they can work up to 20 hours per week until the end of their course and unlimited hours after that on a fixed-term contract during the final 4-6 months on their visa.

An employer may allow an applicant to start working whilst they have a pending Tier 2 application so long as the official course completion date has been reached and you agree to let them start working.

If for any reason their visa was refused then they would have to stop work.

#### (b) Tier 4 Doctorate Extension Scheme

Yes, provided they have submitted their Tier 4 Doctorate Extension application to the Home Office, the PhD graduate can start working full-time from their date of award, or the date the new Tier 4 Doctorate Extension visa is issued, whichever is earliest. While on a Tier 4 student visa, work is permitted on a part-time basis only (maximum 20 hours per week). This rule continues until the course has been completed and for a PhD student this means when all corrections are done and the final version of the thesis has been submitted. After this, a Tier 4 student visa holder may work unlimited hours on a fixed-term contract (usually until the Tier 4 student visa expiry date or for a maximum of 4 months).

#### (c) Start-up visa

No, unless you employ them on a short fixed-term contract (in line with the usual work conditions for Tier 4 visa holders who have completed a course as described above). Once they receive the Start-up visa they will be permitted to work unlimited hours on a contract that does not exceed the expiry date on their visa and so long as they continue developing their own business.



## **Q. Why can't the student give me a letter from the Home Office to prove their right to work?**

A student's permission to work is contained within the wording on their Biometric Residence Card or visa stamp/sticker in their passport as detailed above. You can always contact the UKVI Employers' Helpline on 0300 123 4699 for advice.

## **Q. The student hasn't got a National Insurance Number, can I still employ them?**

Yes, you can employ a student provided they have the right to work as detailed above. A student can start work without a national insurance number however they will have to apply for one once they have a job offer. It can take a few weeks/months for a national insurance number to be issued but in the meantime you can issue them with a temporary number in order to pay them with the appropriate deductions.

## **Q. Can I offer the student work on a freelance basis?**

Self-employment is strictly not permitted on a Tier 4 student visa. You would need to employ the visa holder. In cases where regular working hours cannot be guaranteed, we are aware that many organisations offer 'zero-hour contracts' to students. This ensures they are viewed as employees rather than freelancers, and is allowed under the Tier 4 student visa regulations.

## **Q. Can I employ a student full time over the summer holidays?**

It depends. If the student is an undergraduate you can employ them full-time as their courses do not continue over the summer. However, if the student is a postgraduate you can only employ them for a maximum of 20 hours per week unless they have reached their official course end date, or the work they are doing with you is an assessed part of their course.

## **Q. Can I employ a student when their course has finished?**

Yes, all students should have an additional 4-6 months of visa after the end date of their course to allow them to wait for their results and decide what to do next. During this time they can work full time on their student visas as long as they do not fill a permanent vacancy or work on a freelance basis.

## **Q. Can I offer an international student a placement?**

Yes, as long as it is a requirement of their course and they have approval from the university (which will remain responsible for the Tier 4 student). Some Imperial College courses have a placement included as an assessed part of the course.

## **Q. What are the implications of ticking the 'confirm maintenance' box when issuing a Tier 2 COS?**

When you tick this box you are confirming to the Home Office that you will support your employee during their first month of employment should they fall into financial difficulty (e.g. by offering an advance of part of their salary). In most cases this is very unlikely to happen but by ticking the box you will make the employee's Tier 2 application much stronger and less likely to be refused for a minor reason (e.g. the bank statement being in the wrong format). It may also make the processing time faster as the UKVI will not need to spend time verifying the applicant's bank statements.

**This publication is written in conjunction with Imperial International Student Support,**

[www.imperial.ac.uk/international](http://www.imperial.ac.uk/international)

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