

Frequently Asked Questions on Employing International Students

The University has a licence to sponsor international students under Tier 4 of the Points Based System to come to study in Edinburgh.

Students who hold a valid Tier 4 visa are permitted to undertake employment on a restricted basis.

Students who have a 'student visitor' visa are not permitted to undertake any work.

1. Can we employ a Tier 4 student whilst they are in the UK?

Yes you can. Where a Tier 4 (General) student is following a course at NQF 6/QCF 6/SCQF 9 or above with a sponsor which is a Recognised Body or a UK Higher Education Institution, or is undertaking a short-term study abroad degree programme at an overseas Recognised Body or Higher Education Institution, the following work is allowed:

- part time during term-time, which is no more than 20 hours a week¹;
- full time during vacations ([refer to Question 7 for further details](#));
- on a work placement as an integral and assessed part of the course, providing the work placement does not amount to more than 50% of the course (*please refer to UKBA Tier 4 Policy Guidance for full details on work placement regulations*).
- as a postgraduate doctor or dentist on a recognised Foundation Programme;
- as a student union sabbatical office for up to two years.

2. Are Tier 4 students allowed to work full-time after they have completed their studies even if their visa expires at a later date?

Students can work full-time after completing their studies until the end of their valid student visa, provided they do **not**:

- engage in self-employment; or
- employment as a doctor in training (unless the course they are being sponsored to do is recorded on the CAS as a recognised Foundation Programme).
- provide services as a professional sportsperson (including coach) or entertainer; or
- pursue a career by filling a permanent full-time vacancy

Students can also work full time during vacation time ([refer to Question 7 for further details](#)).

3. If a PhD student finishes their course earlier than expected, can they still work full-time after they have completed their studies until their Tier 4 visa expires?

If a PhD student has finished their course earlier than expected for example they complete their studies 9 months before their leave expires you can only employ them for 60 days after they have completed their studies. The Institution they are studying at will notify the UKBA that they have completed their studies and so this leads to their visa being curtailed within 60

¹ The University's Careers Service does not advertise jobs for more than 15 hours per week as this is the point at which it is shown to impact on the study performance of full-time students.

days. Therefore they can only work full-time up to 60 days from their course finishing and they are no longer allowed to work until their original visa expiry date. It is the student's responsibility to notify their employer if they have finished their course early however it is important that an employer undertakes the necessary document checks before employment commences and on an annual basis (refer to [Question 8](#) and [Question 9](#) for further details).

4. When is a PhD student considered to have completed their programme of study?

A PhD student is considered to have completed their programme of study when they have met all of the requirements necessary for the award and have had this award approved by the relevant Exam Board. For PhD students this means that they should be considered to have completed their studies when they have submitted their thesis, undertaken their viva, completed any corrections required of them and been approved for the award of the qualification. While Graduation indicates the conferment of the degree it is not required in order for the student to have successfully met the requirements of the programme.

5. What is the Doctorate Extension Scheme?

The Doctorate Extension Scheme was introduced on 6th April 2013 and allows students who are currently following a course leading to the award of a PhD with a Tier 4 sponsor that is a UK HEI, to apply to stay in the UK for 12 months after their course has finished. The individual will need to apply for the scheme by making a new Tier 4 (General) application and will continue to be sponsored by their Tier 4 sponsor. This scheme allows individuals to work for 12 months with no restrictions on the type of employment they take except for as a Doctor or Dentist in training or a sportsperson (including coaches). The scheme is designed to allow full-time Tier 4 students who complete a PhD a longer period to find work with a Tier 2 employer, set up as an entrepreneur, or to gain practical work experience in their field. Individuals can subsequently switch into Tier 1 or Tier 2 (General) subject to the post meeting the necessary skills and salary requirements (refer to [Question 7](#)).

6. Can I employ a student on a Tier 4 visa in a permanent vacancy once they have completed their studies?

No they must not fill a permanent post. If a student on a Tier 4 visa has completed their studies and can provide evidence of this then you can employ them full-time on a temporary basis until their visa expires. However if a PhD student has finished their studies earlier than originally expected their visa will be curtailed after 60 days.

The exception to this is if he/she is on the Doctorate Extension Scheme or has made a Tier 2 visa application and:

- has successfully completed a course at degree level or above or completed a minimum of 12 months study in the UK towards a UK PhD, at a Sponsor that is a Recognised Body
- has made a Tier 2 application supported by a Certificate of Sponsorship assigned by a licensed Tier 2 Sponsor before his/her Tier 4 leave has ended (and any appeal against that decision has been determined) and

- will be employed in the role for which that Certificate of Sponsorship was assigned; and
- he/she has yet to receive a decision on his/her Tier 2 application

7. Can I employ a student if their Tier 4 visa is coming to an end?

If an individual's Tier 4 visa is coming to an end, you may be able to apply to sponsor them under Tier 2, subject to the post meeting the necessary skill and salary requirements. This means the post must be at graduate level (usually grade 6 and above) and the salary paid must be at least £20,300.

A resident labour market test is not required where an individual currently has permission to stay in the UK under Tier 4, are applying from inside the UK and they have received final results confirming that they have:

- been awarded a UK recognised bachelor or postgraduate degree; or
- been awarded a UK Postgraduate Certificate in Education; or
- completed a minimum of 12 months study in the UK towards a UK PhD.

However it is University practice that all posts which are of 6 months or more duration are required to be advertised.

The Tier 4 student must provide an original degree certificate, academic transcript or an academic reference on official headed paper of the institution confirming:

- their name; and
- the course title/award; and
- the course duration; and
- date of course completion and pass unless the individual is studying a PhD course.

If a Tier 4 student, having completed their course, makes an application for leave under the Points Based System before their visa expires, they will be permitted to work full time until their application has been decided.

PhD students may be eligible to apply for the Doctorate Extension Scheme which allows them to work in the UK for 12 months following the completion of their PhD, without restrictions (refer to [Question 5](#)).

8. What is the definition of 'vacation' for PhD students who do not have standard term and vacation times as per taught undergraduate and postgraduate students?

PhD students do not have defined 'vacation' periods as they have not been mapped onto teaching weeks. The student will approach their School/Supervisor to request leave from their studies in the form of a holiday based on their own situation/research timescales etc. and the supervisor should approve the request as appropriate. PhD students should obtain written permission from their PhD supervisor to confirm they are on vacation and this should be shown to the recruiting department in order to allow the individual to work full time.

It is important to note that the leave requested must not affect the end date of the PhD and the leave granted should be no more than between 6 and 7 weeks in line with the annual

leave entitlement for their PhD programme which is consistent with University employees. If the leave granted is for longer than this then the student's visa could be curtailed.

In addition, please note that the primary purpose of a Tier 4 visa is for study, employment should always be a secondary consideration.

When considering PhD students for full time employment during vacation, it is recommended that you ask the student to obtain prior confirmation from their School/PhD supervisor regarding how much leave they have already taken within the year to ensure that it is within the above guidelines, irrespective of whether or not they are at the UoE on a Visa.

9. What documentation are we required to obtain in addition to a Tier 4 student's passport/visa to show that they are entitled to work in the UK?

It is important to check that the individual is a current matriculated student. This could involve checking EUCLID or obtaining written confirmation from the School to confirm that the individual is a matriculated student. This documentation should be obtained before employing a Tier 4 student and when completing an annual check to confirm there are no issues in continuing to employ the individual.

10. Why are these additional checks required?

The reason for these additional checks is that if a Tier 4 student does not turn up for their course, suspends their studies or withdraws at a later date their visa is no longer valid and they would no longer have permission to work in the UK. The UKBA view the University of Edinburgh as one institution despite having a separate licence for staff and students and it is therefore important that processes are in place.

11. What are annual documentation checks and why are these checks required?

If an individual has limitations on their eligibility to work in the UK (normally time limits) as would be the case for Tier 4 students, their documents (passport, biometric card, EUCLID record) should be seen, copied and verified on an annual basis from the start of their employment. All subsequent checks should involve the copying and verifying of documents (using the relevant stamp) and these copies should be forwarded to the local HR team. These annual checks are required by the UKBA to provide a statutory excuse should an individual be later found to have no right to work in the UK for example if they failed to show up to the education establishment, were suspended or withdrew from their studies.

12. If a student on a Tier 4 visa has a visa application pending at the time of the annual check and therefore does not have their passport, what evidence is accepted until the passport has been returned?

If an individual has an application currently pending with the UKBA then the employer checking service can be used. The UKBA require that the individual named has been informed that a work status check may be carried out and has given permission for their personal information to be shared with UKBA for these purposes.

Other valid documentation which can be kept on file to provide an excuse until a decision has been made includes: proof of postage or a letter from UKBA confirming receipt of

application or the need for biometric data or an email from the UKBA online service confirming that payment has been received and application has been submitted.

If a student is currently studying at the University of Edinburgh and have made an application with the UKBA through the International Office then evidence can be obtained by contacting the International Office on immigration@ed.ac.uk to confirm that they have an in-time and valid application in progress.

The onus is on the individual to notify their employer once a decision has been made, however as a rule it can take approximately 3 months for a decision to be made so documents should be chased after this period of time if you have not heard from the individual.

Copies of emails/letters sent to chase individuals should also be kept as this may be required by the UKBA to prove that documentation was requested.

13. If an individual has a student visa and informed us that they are a student at another institution what confirmation of this do we require?

A confirmation letter (stamped and signed on a headed paper) from the other institution is needed to show that they are full-time students, which course they are enrolled in and the level and length of the course. A scanned letter via email from an official email address can also be accepted.

14. What documentation am I required to obtain for someone switching from Tier 4 to Tier 2, to confirm that they can work on a full time basis?

As long as the individual has submitted their application before their visa expires, the individual can work until their application has been decided.

However in terms of proof, the UKBA have recommended that we contact them with the name, nationality and date of birth of the individual and they can confirm if the individual has an application in progress, and therefore that we are allowed to employ them on a full time basis. Written consent will be needed from the individual first. It should be made clear to the individual, that should their application end up being invalid or rejected, they would need to inform the University as a matter of urgency.

15. What are the rules surrounding maternity leave and Tier 4 students who are employed at the University?

The regulations surrounding Tier 4 and maternity leave depend on an individual's specific circumstances.

The International Office can advise any Tier 4 students requiring maternity leave on an individual basis. Students can either receive advice by email or can book an appointment to come in to speak to a visa adviser in person. The email address for this is immigration@ed.ac.uk.