Working during and after studies – Feb 2020

Yousuf Antria (International Student Adviser)
Student Immigration and Compliance Team
We can provide INFORMATION, not ADVICE

International Student Advisers:

• Regulated by OISC (The Office of the Immigration Service Commissioner), specialist in student visas.

• Can provide information and signpost about work visas.

• Cannot give 1:1 advice about work visas (except for Doctorate Extension Scheme, or DES, for PhD students).

• Cannot assist with applications or check complete applications (except for DES)

• Seek specialist advice from regulated Immigration Advisers or the H.R. department of the employer.
Visas for Working in the UK -
(for students from outside of EEA/Switzerland)

Covering

• Points-based system (PBS)
• Visas for working whilst studying
• Tier 1: High-Value Migrant
• Tier 2: Skilled Workers with a Job Offer/ Intra-company Transfer (including recent changes to Tier 2)
• Tier 4: Doctorate Extension Scheme (PhD students only)
• Tier 5: Internship, Temporary Workers, and Youth Mobility

(correct as of 16 May 2019)
Tier 4 – visas for working in the UK during studies

- **Your work permission is clearly stated on your visa/BRP**
- **With certain restrictions:** cannot fill a full time/permanent position; cannot be self-employed or engage in business activity; cannot work as doctor/dentist in training, professional sportsperson or entertainer.
- **For Master’s students:** can work (including voluntary work) up to 20 hours per week (Monday to Sunday as of 6 April 2017) during course registration period. After the ‘course end date’ in CAS, can work full time but must revert back to 20 hours if need to resit/resubmit/extend (note not all employers recognise this).
- **Work placement:** a possibility if considered an integral and assessed part of the degree
- **Evidence of work permission:** BRP card, or, Tier 4 visa in a current passport. May request a ‘status letter confirming work permission’ from Warwick Immigration website.
- **Volunteering:** no restrictions on how much hours but different to ‘voluntary work’, or ‘unpaid work’ - if unsure, stick to ‘20 hours per week’
The conditions of a General Student or Tier 4 (General) visa dictates that you must not:

Fill a full-time permanent vacancy

• Be self-employed or engaged in a business activity (more information)
• Be employed as a doctor or dentist in training (unless on a recognized Foundation Programme)
• Be employed as a professional sportsperson or entertainer
• “Engagement in a business activity” is defined in the Tier 4 Policy Guidance (paragraphs 320, 321, 322 and 323) as ‘working for a business in which you have a financial or other significant beneficial interest in a capacity other than as an employee’.

Work a maximum of 20 hours per week during term-time – Term time is only for Undergraduate students and not for Masters/PHD/ Research students.

• The 20 hours is the total limit and it is not 20 hours for each employer/job. If you are working for multiple employer or at multiple jobs, the total hours should still not exceed 20 hours per week
Where you are following a **course of degree level study or above, excluding a foundation degree**, the following work is usually allowed - Always check your Visa Vignette or BRP card first in case there is an error on it:

- Part-time during term-time, that is, no more than 20 hours per week, which is defined by the Home Office as Monday to Sunday – **Please be aware the Masters and PHD students do not have term-time.**
- Full-time during vacations - This does not apply to Postgraduate students - see below
- Full time on a work placement provided that it is an assessed part of the course and is not more than 50% of the total length of the course

Where you are following a course of **study below degree level, including a foundation degree**, the following work is usually allowed - Always check your Visa Vignette or BRP card first in case there is an error on it:

- Part-time during term time, that is, no more than 10 hours per week which is defined by the Home Office as Monday to Sunday
- Full-time during vacations
- Full time on a work placement as an assessed part of a course
Tier 4 – Use your current visa for internship or job offer

• Use the 4 months ‘wrap around’ period to do short work placement/internship
  • Masters students, get 6 months wrap around period after their original course end date (see CAS for end date)
• No requirement for sponsorship during this period
• Same work restrictions apply (as work during studies)
• May then switch into Tier 5 (Government authorised exchange) if certain requirements met
• May switch into Start-up or Tier 2 if certain requirements met
Points based system (PBS)

• Five ‘tiers’ for work or study

  - Tier 1: High-Value Migrants
  - Tier 2: Skilled Workers with a Job Offer
  - Tier 3: Low Skilled Temporary Workers (inactive)
  - Tier 4: Students / Doctorate Extension Scheme
  - Tier 5: Temporary Workers and Youth Mobility

• Sponsor and CoS required (except Tier 1 & certain category of Tier 5)
Tier 4 – Doctorate Extension Scheme (DES)

- **What**: 1-year Tier 4 extension sponsored by Warwick to work/look for Tier 2 sponsor (not tied to any employer), from the ‘expected award date of the PhD’.
- **Who**: students who have undertaken and near the completion of a PhD (or other doctorate level qualification) (not MPhil), and their dependents (spouse/partner, children)
- **Where**: must submit visa application in the UK
- **How**: submit ‘express of interest’ form when you know the viva date and it is within 2 months to the viva date; make an appointment with an International Student Adviser, submit application within 60 days before ‘expected degree award date’.
  - If the outcome of your VIVA is corrections then your end date will change depending on the type of corrections hence you will have to calculate the 60 day period according to the new expected degree award date.
- **When**: can start working full time as soon as PhD is awarded
- **Type of Work**: any but NOT as doctor/dentist in training, professional sportsperson or coach
- **Requirement**: same Tier 4 requirement (CAS, other documentation but reduced finance); must meet monitoring points as set by the University
GET INVOLVED & BE READY!

Careers & Skills

Warwick Volunteer

Unitemps

Go Global
HELLO
my name is
INTERN
Tier 5 – Youth Mobility *(incorporated changes on 6 April 2017)*

Only available to nationals/passport holders of*:
- Australia: 31,000 places (deemed sponsorship status)
- Canada: 6,000 places (deemed sponsorship status)
- Japan: 1,000 places (deemed sponsorship status)
- Monaco: 1,000 places (deemed sponsorship status)
- New Zealand: 14,000 places (deemed sponsorship status)
- Hong Kong: 1,000 places (must obtain CoS from home government first)
- Republic of Korea: 1,000 places (must obtain CoS from home government first)
- Taiwan: 1,000 places (deemed sponsorship status)
- British overseas citizen, British overseas territories citizen or a British National (overseas): no CoS required and no limit on number of places.

* All the numbers refer to the annual allocation for 2019

- Aged 18-30,
- Has £1,890
- 2 year visa
- Work or study
- Apply from outside of UK
- Does not lead to settlement

no self employment, except where the following conditions are met:
(i) the migrant has no premises which he owns, other than his home, from which he carries out his business,
(ii) the total value of any equipment used in the business does not exceed £5,000, and
(iii) the migrant has no employees.
Tier 5 – Intern Scheme (GAE)

Tier 5 (Temporary Worker: Government Authorised Exchange)
Tier 5 (GAE) – Intern Scheme - 1

- Visa for work experience (including volunteering, job shadowing and internships) for 3-12 months, may extend for another 12 months (depending on the scheme you’re applying for).
- Provides UK businesses the freedom to identify and offer internship without having to hold their own Sponsor Licence.
- Employers must be registered and approved by the Tier 5 (GAE) ‘overarching sponsor’.
- Position must be supervised, at least at skills level NQF Level 3 and of ‘supernumerary’ nature (this means the role is in addition to the employer’s normal staffing requirement).
- Intern must be paid the UK National Minimum Wage or above.
Tier 5 (GAE) – Intern Scheme - 2

- Tier 4 students can switch in the UK if have completed a Bachelor or Master’s Degree in their last grant of leave which is directly related to the work experience; otherwise must apply from overseas.
- This is a Paid Service (‘Overarching sponsor’ will typically charge a fee to be met either by the employer or the intern, and a typical charge is around £1000).
- You must have £945 in saving held for 90 days before you apply.
- Visa application cost for a 12-month sponsorship: £244 + £400 (IHS).
- We do not recommend any ‘Overarching Sponsor’ but some general schemes include: BUNAC – Intern in Britain; AISEC – Access Tier 5 Scheme; GTI – Tier 5 Intern Programme.
- Contact Tier 5 (Overarching Sponsor) for immigration advice (if under OISC).
- The University of Warwick currently holds a Tier 5 (GAE) license but only for visiting academics and artists who are invited to perform at Warwick Art Centre.
Think Like an Entrepreneur
Start-up Visa

- A Scheme for a university to identify, nurture and develop entrepreneurs among their UG & PG population who has a genuine, credible and innovative business idea for UK based business.

- 20 endorsements per institution (April to March)
  - Register your interest via: https://warwick.ac.uk/fac/cross_fac/enterprise/graduates/tier1/registerinterest

- Application can be made from the UK or overseas
- No time limit on when awarded your degree, so it can have been longer than 12 months before your Start-up visa application
- Not previously had PSW, Fresh Talent, IGS or SEGS visa
- An endorsement is valid for 3 months from the date of issue, so you must make your immigration application before its validity expires.
- Leave will be granted for 2 years
  - Cannot extend this visa but may be able to switch into other categories of visa (if you meet their requirements)
- Can be endorsed by a different institution other than where your degree is awarded, however, Warwick would only endorse Warwick students and graduates
- Can work another job, as well as working for your business
Start-up Visa

- Visa Application fee: £493 for in UK application and £363 for application made overseas

- Immigration health surcharge: 800

- Maintenance level:
  - £945.00 for 90 consecutive days (if applying in the UK)
  - £1,890.00 for 90 consecutive days (for entry clearance outside of the UK)

- Dependants allowed
  - £1,260.00 per person if apply outside of the UK or if you have been in the UK for a period of less than 12 months
  - £630.00 per person if apply within the UK and you have been in the UK for 12 months or longer

!READ POLICY GUIDANCE CAREFULLY!

More information here:

https://warwick.ac.uk/study/international/immigration/othervisas/tier1/startup/
https://warwick.ac.uk/fac/cross_fac/enterprise/graduates/tier1/
Start-up Visa

How to be endorsed by Warwick

• Stage 1 – Register your interest via: https://warwick.ac.uk/fac/cross_fac/enterprise/graduates/tier1/registerinterest
• Stage 2 – Initial discussion
• Stage 3 – Making an application
• Stage 4 – Presenting your business idea to a panel (in person or skype)
• Stage 5 – If your idea is endorsed show your financial evidence to the University and receive your endorsement letter
• Stage 6 – Apply for your new Immigration Permission
• Stage 7 – Provide a copy of your new Immigration Permission to the University

Contact enterprise@warwick.ac.uk for any enquiries related to Start-up endorsements
Global Talent

You can apply for a Global Talent visa if you work in a qualifying field and have been endorsed:

- as a recognised leader (exceptional talent)
- as an emerging leader (exceptional promise)
- under the UK Research and Innovation endorsed funder option

Application process

You need to complete 2 stages to get this visa.

You need to:

- apply to the Home Office for endorsement as a leader or an emerging leader in your particular field
- apply for the visa

Most people apply for endorsement first, but you can complete both applications at the same time. However, if your endorsement is refused, your visa application will also be refused and you will not get any money back for either application.
Switch to Global Talent Visa

You can apply to switch to a Global Talent visa if you’re already in the UK with any of these visa types:

- Tier 1
- Tier 2
- Tier 5 (Temporary worker - Government Authorised Exchange) on an exchange scheme for sponsored researchers
- a Start-up visa
- an Innovator visa

You can choose how long you want to apply for, up to a maximum of 5 years. You only have to pay the healthcare surcharge for the amount of time you choose to stay.

How to get endorsed

You must apply online.

If you’re a digital technology specialist you’ll also need to apply for a Tech Nation Visa Scheme endorsement.
Global Talent Eligibility

To get a Global Talent visa, you need to apply to be endorsed:

• as a leader (exceptional talent)
• as an emerging leader (exceptional promise)
• under the UK Research and Innovation endorsed funder option

Your application will be reviewed by an organisation that’s related to your qualifying field, called an ‘endorsing body’.

The endorsing bodies are:

• The Royal Society, for science and medicine
• The Royal Academy of Engineering, for engineering
• The British Academy, for humanities
• Tech Nation, for digital technology
• Arts Council England, for arts and culture
• UK Research and Innovation (UKRI), for research applicants

If your qualifying field is fashion, architecture or film and television, Arts Council England will pass on your application for review to:

• British Fashion Council, for fashion
• Royal Institute of British Architects (RIBA), for architecture
• Producers Alliance for Cinema and Television (PACT), for film and television

Read the assessment criteria and immigration rules.
Tier 1

- The high-value migrants' tier of the UK immigration system
- Applicants do not require a job offer
- No sponsor required
- Fully sponsored students (from a government or international scholarship agency) should show consent to stay in the UK after their studies
Tier 1 – different categories

- **Innovator Visa** – People who want to set up or run a business in the UK
- **Investors** – minimum £2m investment
Innovator Visa

Overview

• You can apply for an Innovator visa if:
• you want to set up or run a business in the UK
• you’re from outside the European Economic Area (EEA) and Switzerland
• you meet the other eligibility requirements
• your business or business idea has been endorsed by an approved body
• Cannot apply from within the UK if you are here on a TIER 4 visa.

You must have at least £50,000 in investment funds if you want to set up a new business. You do not need funds if your business is already established and has been endorsed for an earlier visa.

Getting endorsed

You must be able to show that your business idea is:

a new idea - you cannot join or invest in a business that is already trading
viable, with potential for growth

Read the endorsing bodies list - you should only approach ones that are suitable for your business idea.
Innovator Visa

How long it takes to get a visa
The earliest you can apply is 3 months before you travel.

*Example:* You can apply from 16 March if you plan to travel on 15 June.
You should get a decision on your visa within 3 weeks.
You can check the [guide processing times](#) to find out how long getting a visa might take in your country.

**Fees**

**Main applicant**
Applying in the UK: £1277  
Applying from overseas: £1021

**Dependants**
Applying in the UK: £1277  
Applying from overseas: £1021
Innovator Visa

How long you can stay
You can stay for 3 years if you:
• come to the UK on an Innovator visa
• switch to this visa from another visa
You can apply to extend for another 3 years when your visa is due to expire. There’s no limit on the number of times you can extend.
You may be able to apply for settlement (known as ‘indefinite leave to remain’) once you’ve been in the UK for 5 years.

If your endorsement is withdrawn
Your visa may be cut short if your endorsement is withdrawn. If you want to stay longer, you must re-apply with a new endorsement before your current visa expires.

<table>
<thead>
<tr>
<th>What you can Do:</th>
<th>What you Cannot</th>
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<tbody>
<tr>
<td>set up a business or several businesses</td>
<td>do any work outside your business, for example work where you’re employed by another business</td>
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<tr>
<td>work for your business - this includes</td>
<td>work as a doctor or dentist in training</td>
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<tr>
<td>being employed as a director, or self-</td>
<td>work as a professional sportsperson, for</td>
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<td>employed as a member of a business</td>
<td>example a sports coach</td>
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<tr>
<td>partnership</td>
<td>get public funds</td>
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<td>bring family members with you</td>
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Innovator Visa

Eligibility
Before you apply you need to have your business or business idea assessed by an approved body. They will provide you with an endorsement letter if your business is viable.
You must also:
• meet the English language requirement
• be at least 18 years old
• be able to prove that you have enough personal savings to support yourself while you’re in the UK
Read the specific requirements for the Innovator visa before you apply.

If you want to set up a new business
You must have at least £50,000 in investment funds to apply for an Innovator visa if you want to set up a new business.
Your funding can come from any source.
You do not need any investment funds if your business is already established and has been endorsed for an earlier visa.

Supporting yourself
You need to have had at least £945 in your bank account for 90 consecutive days before you apply.
You cannot use either of the following to support yourself:
• money from your investment funds
• money earned while working in the UK illegally
Tier 1 Investors

• Not a work category, but individuals with at least £2 million to invest in the UK can be employed, self-employed or study with this leave.
• You can apply for a visa up to 3 months before your date of travel to the UK. You should get a decision on your visa within 3 weeks.
• You must be 18 or over to apply for this visa.
• You need to be able to prove that the money belongs to either you or your husband, wife, unmarried or same-sex partner.
• You need to have opened a UK bank account.
• Your funds must be:
  - held in one or more regulated financial institutions
  - free to spend (‘disposable’) in the UK
  - Your money can be in the UK or overseas when you apply.
• You can come to the UK with this visa for a maximum of 3 years and 4 months.
• You can apply to extend this visa for another 2 years.
Tier 2

Looking for a job
Tier 2 – different categories

Different sub categories of Tier 2

• Tier 2 (General)
• Intra-company transfers
• Sportspersons
• Ministers of Religion
Tier 2 (General)

• For skilled workers with a job offer
• Replaced work permits from November 2008
• Employer must issue virtual ‘certificate of sponsorship’ (CoS) to enable a worker to get a visa
• Visa normally issued for up to three or five years, tied to individual job, may not be able to start contract until visa granted
• As employer is ‘sponsoring’ migrant, they must monitor and report on attendance and employee records
Tier 2 (recent changes)

From 6 April 2017:

- Exemption from RLMT for post-study work visas is further restricted to Tier 1 (GE), Tier 1 (post-study work) and Tier 4 leave holders only
- Immigration Skills Charge must be paid for a CoS to be valid **BUT this does not apply if you switch from Tier 4 to Tier 2**
- Tier 4 students who study or work in Guernsey, Jersey or the Isle of Man after studies will not break continuity of leave for the purpose of in the UK and being exempt from the RLMT
- A criminal record certificate is now required for certain occupation (mainly health, social work and education)
- Increasing salary threshold for Indefinite Leave to Remain on or after 6 April 2022 to £37,900
Tier 2 (General)- for Tier 4 students

Applicable if applying in the UK -1

- Must have current Tier 4 visa
- Must apply for the Tier 2 visa before Tier 4 visa expires (i.e., overlapping period)
- The earliest you can apply is within the last 3 months of your course end date
- Students currently on Master’s degree, having previously completed a Bachelor’s degree without gap, can apply for Tier 2 using the Bachelor’s degree award.
- Above study was done whilst here in the UK with immigration permission which allowed study (i.e., cannot use qualification gained via supplementary study)
- Studied at a recognised UK institution or listed body, or a Tier 4 sponsor licence holder (Warwick is a recognised UK institution & Tier 4 sponsor)
Tier 2 (General) – for Tier 4 students

Applicable if applying in the UK -2

- Must be graduate level job with licensed Tier 2 sponsor
- Minimum salary of £20,800 or more (or higher - sector average according to SOC Code of Practice) – make sure you check www.gov.uk/government/collections/sponsorship-information-for-employers-and-educators
- No Resident Labour Market Test (RLMT), quota or cap
- Required maintenance over 90 consecutive days: £945.00
- If fully sponsored in the previous 12 months for the Tier 4 visa, financial sponsor’s unconditional consent required
- 12 month “cooling off” period
Eligibility - Tier 2 (General)

Generally applicable if applying from overseas

- Before issuing CoS, employer must ensure the job satisfies the Resident Labour Market Test (RLMT): graduate level, advertised for four weeks, no suitable UK/EEA worker, pay at going rate
- Attribute points available for CoS, qualifications and prospective earnings
- Mandatory English language and maintenance requirements
- Jobs in shortage professions or jobs with a salary of £155,300+ do not need to meet RLMT

For a list of Shortage occupations, refer to this website:
Tier 2 (General) – for Tier 4 students

Key Documents

• Proof of Award of degree Or proof of course completion
  a) Original degree certificate, or,
  b) Documents from University confirming award of degree or completion of 12 months of PhD
  c) OR; apply 3 months of your course completion date (check your CAS for the end date). – if you have been given re-sits then the end date will change hence make the TIER 2 application accordingly.

• Certificate of sponsorship (CoS) from employer (to check employer details and Code of Practice details)

• English language requirement is met if awarded a UK degree during current/previous grant of leave under Tier 4. Otherwise will need to show recent approved English language test or any previous degree

• Evidence of funds - bank statement/bank letter or certified on CoS (can include dependants)

• If previously sponsored will require a letter of unconditional consent from sponsor

  There are additional documents (check policy guidance)
Tier 2 (General) – When can I apply?

- You must apply within 3 months from the date your Certificate of Sponsorship was assigned.
- You must also apply no more than 3 months before the ‘start date’ of your contract as detailed in your Certificate of Sponsorship.
- If you are applying from inside the UK, you should apply before your current leave expires. If you do not, you will be classed as an overstayer, which could affect any future applications you make.

- £610 (entry clearance) and £704 (leave to remain) for leave up to 3 years
- £1,220 (for entry clearance) and £1,408 (leave to remain) for 5 years

Tier 2 shortage occupations:
- £464 (entry clearance) and £464 (leave to remain) for leave up to 3 years
- £928 (for entry clearance) and £928 (leave to remain) for 5 years
Looking for a Job under Tier 2

• Check the Tier 2 sponsor register to ascertain the company holds a licence

Ensure you make clear on the application form that you currently hold a Tier 4 visa and valid until when.

• If you have previously studied a Bachelor’s degree in the UK using a Tier 4 visa which has been awarded, make sure the employer is aware.

• Consider the nature of employment and period of sponsorship. Only your 1st Tier 2 application is eligible for certain ‘concession’ (no RLMT); subsequent applications must meet much higher level of salary (as an experienced worker).

• Remember you need to meet higher salary threshold if Cos is for 5 years.
Tier 2 (Intra-company Transfer)

- Must be sponsored by overseas employer who has offered you a role in a UK branch of the organisation
- Must have a CoS and apply before coming to the UK
- Work must be related to the work of your sponsor organisation
- Types of Intra-company transfer:
  - Long-term staff: for those coming for > 12 months. Minimum salary £41,500
  - Graduate Trainee: for recent graduate with at least 3 months of experience with overseas employer. Can work in the UK for up to 12 months. Minimum salary: 23,000.
- You must have £945 in your bank account for 90 days before you apply. This is to prove you can support yourself.
Falling in love?

If you are in a relationship you may be able to switch to a visa category which permits work.

This usually applies to people who are already married/ in civil partnership, or have co-habited in a relationship akin to marriage for 2 years.

- If your other half is also a Tier 4 student but with a longer Tier 4 visa: you can switch from a Tier 4 to a dependent visa
- If your other half is a UK national or someone who has settled in the UK: you may be able to switch to a spouse visa
- If your other half is a non-UK EEA national: you may be able to claim residency under the EU law (BUT if cohabiting then must obtain permission first). EEA Family Permit if applying overseas, or EEA Residence Card if applying in the UK.

* Immigration Service can help you switch from Tier 4 to dependent, but you should seek specialist advice in the latter two circumstances.
Next Steps

• Think about what you want to do and start preparing
• Start gathering documents if possible
• Make sure you are aware of the timing for making an application
• Ensure you refer to the relevant Policy Guidance published by the UKVI when making any application
• May wish to seek advice from your employer or seek independent specialist advice
Resources

• UKVI
  https://www.gov.uk/government/organisations/uk-visas-and-immigration
• Policy Guidance
  https://www.gov.uk/browse/visas-immigration/work-visas

Careers and Skills – Startup Endorsement
  https://warwick.ac.uk/study/international/immigration/othervisas/tier1/startup/

UKCISA
  https://www.ukcisa.org.uk/Information--Advice/Working/Working-after-studies#RL

Immigration Service
  https://warwick.ac.uk/study/international/immigration/othervisas/
Questions?
Additional Information

Resident Labour Market Test (RLMT)

In order to pass the resident labour market test, an employer must have advertised the job in an appropriate way for the sector, and be able to show that no suitably skilled settled worker can do the job. The Home Office decides where the employer must advertise the job, for how long, and the information that must be included in the advertisement. Settled workers are British citizens, other European Economic Area nationals, British Overseas Territories nationals, those with indefinite leave to enter or remain and those who have leave under the UK ancestry provisions.

You can find detailed information about advertising requirements in the Guidance for Tier 2 and Tier 5 sponsors.

Tier 2 employers can offer a job to some people without having to meet all of the provisions of the resident labour market test. This applies to you if you fall into one of the following categories:

• Your job is on the shortage occupation list for the UK (or for Scotland only if you are going to work in Scotland); or
• Your job is on the list of PhD level jobs (see above); or
• You meet all the requirements of the post-study work exemption (see below); or
• Your salary will be £159,600 or higher; or
• You will be continuing to work as a doctor or dentist in training, or you will be working as a specialty doctor in training and your wage and training costs will be met by the government of another country; or
• You are applying for leave in order to resume a post in a higher education institution, and you will be employed by the same sponsor as under your previous grant of Tier 2 (General) leave and your break in employment was solely due to a period of academic leave; or
• Your job is a supernumerary research position and either the funding is not transferable (you are named on the award), or by your sponsor, where you have been selected on the basis of your own research proposal and the funding of the research is secured in an agreement between the sponsor and a third party organisation, or you are continuing work that was initially funded in such a way.
Additional Information