

## Frequently Asked Questions on Tier 4 Students and Employment

### 1. I have a Tier 4 visa, can I work whilst I am 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 week<sup>1</sup>;
- full time during vacations;
- 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 UKVI 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. As a Tier 4 student am I allowed to work full-time after I have completed my studies even if my 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 is 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

### 3. I am a PhD student, if I finish my course earlier than expected, can I still work full-time after I have completed my studies until my 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 they can only be employed for 60 days after they have completed their studies. The Institution they are studying at will notify the UKVI that they have completed their studies and so this leads to their visa being curtailed within 60 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.

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<sup>1</sup> NB: A Tier 4 (General) student who is following a course that is below degree level is only permitted to work a maximum of 10 hours a week during term time.

#### **4. I am a PhD student, when am I considered to have completed my programme of study?**

A PhD student is not considered to have completed their programme of study until 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 not be considered to have completed their studies until 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. I am an MSc student, when am I considered to have completed my programme of study?**

An MSc student will be considered to have completed their studies when they have submitted their dissertation. As this is the student's final piece of work (and they are not allowed, or asked to make any further amendments or corrections to their dissertation once it has been submitted and marked) they are able to work full time on a temporary basis until their visa expires.

#### **6. What is the Doctorate Extension Scheme?**

The Doctorate Extension Scheme was introduced in 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.

Once individuals have successfully completed their PhD there will be fewer restrictions on the work they can do and they can use the 12 months to gain further experience in their chosen field, seek skilled work or develop plans to set up as an entrepreneur.

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.

For further information on how to apply for the Scheme please refer to the International Offices website if you are a University of Edinburgh student:

<http://www.ed.ac.uk/schools-departments/international-office/immigration/current-students/tier4-des>

Or alternatively please refer to the UKVI Tier 4 guidance:

<http://www.UKVI.homeoffice.gov.uk/sitecontent/applicationforms/pbs/Tier4migrantguidance.pdf>

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). 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](#)).

## **7. Can I be employed in a permanent vacancy on a Tier 4 visa once I have completed my studies?**

No you 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 they can be employed 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

## **8. Can I be employed if my Tier 4 visa is coming to an end?**

If an individual's Tier 4 visa is coming to an end, they may be eligible to apply under Tier 2, this is subject to their 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 £20,800.

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 6](#)).

### **9. Can I be sponsored under Tier 2 for any type of post?**

Individuals can only be sponsored for a post which is graduate level and above, i.e. the job requires the successful individual to hold a degree in order to undertake the job effectively. For the University of Edinburgh this is usually posts at grade 6 and above. In addition the post must meet the appropriate salary rate which must be at least £20,800 per annum or at least the minimum rate quoted in the relevant code of practice for that post, whichever is higher.

### **10. What is the definition of semester and '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.

As the primary purpose of a Tier 4 visa is for study, employment should always be a secondary consideration. Therefore PhD students should not work in excess of 20 hours during 'term' time.

For University of Edinburgh students, semester and vacation dates will be in line with those published for taught undergraduate and postgraduate students.

For non-University of Edinburgh students, the definition of 'vacation' time will be in line with the rules of the other Higher Education Institution.