

Frequently Asked Questions on Employing International Students

The University has a license 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;
- 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. 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

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 UKVI that they have completed their studies and so this leads to their visa being curtailed within 60

¹ 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.

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.

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. I am an MSc student, when am I considered to have completed my programme of study?

A 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. 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](#)).

7. 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

8. 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 £20,800.

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. 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.

10. 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. For University of Edinburgh students this involves checking EUCLID and taking a print of the screens which confirm that the individual is a matriculated student. Screen prints from the University's website showing the semester and vacation dates for the entire duration of the student's course are also required.

This documentation must be obtained before employing a Tier 4 student.

11. 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 a full-time student, which course they are enrolled in, the level and length of the course and the term/vacation dates for the entire duration of their course. A scanned letter via email from an official email address can also be accepted. Prints from the institutions' website can also be taken as evidence of term/ vacation dates for each year of the student's course.

12. 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 UKVI 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.