

RECRUITING INTERNATIONAL STUDENTS

- INFORMATION FOR EMPLOYERS

WORKING DURING STUDIES

Q. How many hours a week can a student work?

A. Most students are permitted to work for 20 hours per week in term time and full time in the University vacations. You can check their entitlement on their Biometric Residence Permit (BRP). You can check University term dates (which differ depending on the level of course) at www.york.ac.uk/about/term-dates/

Students are also entitled to undertake a full time placement provided it is part of their academic course.

Q. Can students work more than 20 hours in one week if they have worked fewer hours the week before?

A. No. The rules are clear - 20 hours is the maximum permitted in any one week. It is not possible to work 10 hours one week and more than 20 the following week.

Q. Can I employ students full time during the summer?

A. Yes - if they are on an undergraduate degree they are permitted to work full time during the summer vacation during or immediately after their course if they have a valid Tier 4 visa. For postgraduate students the summer period is still considered term time – so the 20 hour a week restriction will still apply. They are however allowed to work full time for 4 months from the end of their course until their visa expires. This is typically from the end of September until the end of January.

Q. If a student does not have a National Insurance Number can I still employ them?

A. Yes, provided the student has the right to work you can employ them but they should apply for their NI number as soon as possible. They can start work before they have received their NI number.

WORKING AFTER STUDIES

Q. Why can't international students get their own work permit?

A. Simply because they do not exist. The Points Based Immigration rules mean that unless they are doing short term work in the few months after their course (using their Tier 4 student visa), a new graduate has to have a job offer from a suitable employer before they can apply for the relevant visa. This can either be for a short term internship (Tier 5) or a longer term professional position (Tier 2).

Q. Resident Labour Market Test: Don't I have to prove that I am unable to find a suitable applicant from within the EEA before I can offer a job to an international graduate under Tier 2?

A. The good news is no you don't. If you are recruiting a student at the end of their course while they are in the UK on a valid Tier 4 visa, you **do not have to carry out the Resident Labour Market Test**. This is one of the concessions in the rules that make it easier for you to recruit the best talent. If an international graduate is the best candidate for the job, and the position meets the salary and skill level required for sponsorship, you can recruit them under Tier 2.

Q. Can I get an international graduate to work for me short term without having to sponsor them?

A. Yes you can. There are two ways you can do this. A Tier 4 student visa is valid for 4 months after the end of the student's course and in this period they are permitted to work full time for any employer without requiring any additional immigration permission. There are some restrictions on the type of work they can do but these are minimal.

Secondly, if you want to recruit an international graduate for longer you have the option to recruit them to a longer internship under the **Tier 5 Temporary Worker (Government Authorised Exchange Scheme)**.

Under this scheme new international graduates have the option to work in the UK for up to 12 months (sometimes longer) provided they can find a suitable internship, related to their course of academic study. You do not have to sponsor them directly – you can work with a government authorised overarching sponsor who will carry out the sponsorship duties on your behalf for a fee.

Don't be put off by the idea of paying a fee – this scheme is a great way for you to get the best international talent into your company, bringing new skills and the latest knowledge straight from University without you having to pay a graduate level salary (the scheme doesn't require it) or recruit long term. You might have a specific project where you don't have the in-house capacity or capability to deliver – a talented international graduate could be the solution you need to make your project happen.

Examples of overarching sponsors:

- AIESEC: Access Tier 5 – www.accesstier5.com
- GTI: Tier 5 Intern – www.tier5intern.com/
- BUNAC: Intern in Britain (6 month scheme, apply outside the UK)
www.bunac.org/usa/intern-abroad/professional/Britain
(May also be willing to sponsor voluntary internships)
- IAESTE www.iaeste.org British Council run scheme
- Twin UK Tier 5 Engineering www.workandvolunteer.com/tier-5-engineering-internships

Q. Now the government has introduced the Immigration Skills charge isn't it even more expensive to recruit an international student?

A. More good news. The Immigration Skills Charge does not apply if you are recruiting a new graduate within the UK when they are switching from a Tier 4 to a Tier 2 visa.

Q. As an employer I have a legal obligation to only employ people who have a right to work in the UK, so why does your vacancy policy state that you do not accept wording such as "All applicants must have the right to work in the UK" on vacancies?

We understand that this is confusing for employers and we know you have an important obligation to employ only those who have a legal right to work.

However legislation to protect applicants against unfair discrimination has to sit alongside this obligation. The effect of such wording can be to deter eligible candidates from even applying for a position as it is not possible under the immigration rules for an international graduate to have the correct visa option in place **before** they have an offer of a job. Employers should not prevent a candidate from submitting an application even if they do not have the right to work at the time of making the application. The guidance in the **Commission for Racial Equality Statutory Code of Practice** states:

"Employers should, as far as possible, select applicants on the basis of merit and suitability to do the job – and address right to work issues at the last stages of selection."

Therefore our suggested wording makes it clear that this permission must be in place at the start of their employment, but not before the application stage.

Q. I still have questions – where can I go for help?

A. We may be able to help you in the first instance by answering initial questions and directing you to sources of information or further legal advice where necessary. Contact: careers-employers@york.ac.uk

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