

GUIDANCE NOTES

FOR STUDENTS 2003-04

Working during your studies

Note: If you are a European Economic Area national, or a Swiss national, or are here as the dependant of such a national, this Guidance Note does not apply to you. See the Guidance Note 'EEA students' instead.

The countries of the European Economic Area are:

Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden and the UK. Ten countries are expected to join on 1 May 2004. They are: Cyprus*, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia.

*At the time of writing the full position regarding Northern Cyprus is not known.

Many international students are allowed to do some work whilst they study in the UK. However, this is not true for every international student, and even if you are allowed to work, there are certain restrictions on the type of work that you can take.

WHICH STUDENTS ARE ALLOWED TO WORK?

When the UK immigration authorities give you permission to be in the UK, they put a sticker or stamp in your passport telling you what conditions apply to your stay. These include conditions about work. If you are from a country where it is compulsory to apply for entry clearance (a visa or a certificate of entry) for the UK before travelling, your conditions will appear on your entry clearance. If you are not from one of these countries, and plan to sort out your immigration when you land in the UK, then your conditions will be stamped in your passport when you arrive here. For information about who needs to apply for entry clearance, see the Guidance Note, *'I am coming to the UK to start my studies. What do I need to do about immigration.'*

To be allowed to work, the condition that you have about employment needs to be a 'restriction', rather than a 'prohibition' on work. If you are coming for a course of more than 6 months, you can expect to be given a 'restriction' on work.

However, if you are coming for a course of 6 months or less, the situation is more complicated:

STUDENTS COMING FOR COURSES OF 6 MONTHS OR LESS WHO WISH TO BE ALLOWED TO WORK:

Applying before travel

- ➔ If you are from a country where it is **compulsory** to apply for a visa for the UK before travelling, you should make sure that you apply for a visa as a 'student' rather than as a 'visitor'.
- ➔ Even if you are from a country where it is **not compulsory** to apply for a visa for the UK before travelling, you have the option of applying before travel to your local British Embassy or High Commission for entry clearance in the form of an 'entry certificate'. The fee is £36. Applying for entry clearance before you travel gives you a better opportunity to make sure that you get a 'restriction' rather than a 'prohibition' on work. Make sure that you apply for an entry certificate as a 'student' rather than as a 'visitor'.

You need to make sure, before you make the application, that you meet the Immigration Rules for students. See Guidance Note *'I am coming to the UK to start my studies. What do I need to do about immigration.'* Make sure the Entry Clearance Officer dealing with your application knows that you want

to be able to work. However, your reason for wanting to work must not be that you need money to fund your studies or living costs in the UK. To meet the Immigration Rules for students, you have to show that you have enough money to support yourself **without needing to work** (although there are two very minor exceptions to this, which are explained later in this Guidance Note). If you have academic reasons for wanting to be able to work, or your course involves some work experience, take care to explain that.

When the Entry Clearance Officer gives you your passport back, check it straightaway. Make sure that your visa or entry certificate says that you are coming to the UK as a 'student', rather than as a 'visitor', and that your conditions include a 'restriction' rather than a 'prohibition' on work. If you have been given a 'prohibition' on work, ask the Entry Clearance Officer to change it. If they refuse to change it, contact the college or university that you are going to be studying at, to ask them to fax the Entry Clearance Officer on your behalf.

Applying before travel

If you are from a country where it is not compulsory to apply for a visa for the UK before travelling, and you do not want to apply for an entry certificate, you will need to take special care when you land in the UK. You will need to ask the Immigration Officer who processes you to stamp you in as a student, with a 'restriction' on working. You will need to show your offer letter for the course, and evidence of how you are going to pay for your studies and your living costs. This is slightly more risky than applying for entry clearance before you leave your home country, as Immigration Officers are under pressure to make decisions quickly, and it is quicker for them to process you as a 'visitor' rather than as a 'student'.

If you are already in the UK and have a 'prohibition' on working stamped in your passport, ask the International Student Adviser or Welfare Officer at your college or university for advice about applying for it to be changed. Telephone UKCOSA if there is no International Student Adviser or Welfare Officer at your college or university.

WHAT DOES A 'RESTRICTION' ON WORKING LOOK LIKE?

A 'restriction' on working can be worded in two different ways:

No recourse to public funds
Work (and any changes) must be authorised
 or
Leave to enter/remain in the United Kingdom on condition that the holder maintains and accommodates himself and any dependants without recourse to public funds and does not enter or change employment paid or unpaid without the consent of the Secretary of State for Employment and does not engage in business or profession without the consent of the Secretary of State for the Home Department is hereby given for/until (specified time)

WHAT DOES A 'PROHIBITION' ON WORKING LOOK LIKE?

A 'prohibition' on working can be worded in two different ways:

No work or recourse to public funds
 or
Leave to enter/remain in the United Kingdom on condition that the holder maintains and accommodates himself and any dependants without recourse to public funds, does not enter employment paid or unpaid and does not engage in any business or profession, is hereby given for/until (specified time)

WHAT WORK AM I ALLOWED TO DO DURING MY STUDIES?

Providing your most recent conditions include a 'restriction' (rather than a 'prohibition') on working, **you are allowed to:**

1. work for up to **20 hours a week during term-time**, and **any number of hours during vacations**
2. take **a placement** which is part of a **'sandwich course'**

To be a work placement which is part of a 'sandwich course':

- the work placement must be clearly defined; and
- the work placement must be approved by the institution providing the course; and
- the course must lead to degree / qualification awarded by a nationally recognised examining body;

and

- the work placement must not extend beyond the end of the course.

3. if you are on a degree course, take a 3 month **internship**, if it meets the following definition:

To be an 'internship':

- the student must be on a first or higher degree course in the UK; and
- it must be offered by an employer to a potential employee, whether that future employment is in or outside the UK; and
- internships must be an established part of the employer's recruitment procedure; and
- the student must not previously have undertaken an internship with the employer; and
- it must not be for longer than 3 months ; and
- it must be paid; and
- pay and conditions of employment must be comparable to those for a 'resident worker' doing the same kind of work; and
- it must be completed within the current period of permission to be in the UK as a student.

However, **you must not:**

- engage in business, self-employment or provide services as a professional sportsperson or entertainer
- pursue a career by filling a permanent full-time vacancy

WHEN MAKING IMMIGRATION APPLICATIONS, CAN I REFER TO MY EARNINGS FROM WORK?

To meet the Immigration Rules for students, you have to show that you have enough money to support yourself **without needing to work**. You cannot, therefore, refer to your potential earnings in the UK when showing how you will support yourself.

However, there are two exceptions to this general rule:

1. If your course is a sandwich course, and your college or university can guarantee that a sandwich placement will be available for you, and how much you will earn, then you can refer to those earnings.
2. If you are going to be studying at a publicly-funded institution of further or higher education (rather than a private college), and that institution can guarantee that they will be able to offer you some work themselves. Provided they are prepared to give you a

letter confirming how much they will pay you, then you can refer to those earnings.

IS MY HUSBAND OR WIFE ALLOWED TO WORK?

When the UK immigration authorities give your husband or wife permission to be in the UK, they put a sticker or stamp in their passport telling them what conditions apply to their stay.

If those conditions match either of the conditions below, your husband or wife is allowed to do any type of work, for as many hours each week as they wish.

Conditions allowing work:

Leave to enter for/until (specified time)
No recourse to public funds

or

Leave to enter/remain in the United Kingdom on condition that the holder maintains and accommodates himself and any dependants without recourse to public funds is hereby given for/until (specified time)

If their conditions match either of the conditions below, your husband or wife is not allowed to work at all.

Conditions prohibiting work:

Leave to enter for/until (specified time)
No work or recourse to public funds

or

Leave to enter/remain in the United Kingdom on condition that the holder maintains and accommodates himself and any dependants without recourse to public funds, does not enter employment paid or unpaid and does not engage in any business or profession is hereby given for/until (specified time)

WHICH CONDITIONS WILL MY HUSBAND OR WIFE RECEIVE?

If you, the student, have permission to be in the UK **for 12 months or more**, or would have been were it not for delays in processing your application, then your husband or wife should be given conditions that allow them to work.

This should happen automatically if you and your husband or wife are making your immigration

applications at the same time. However, if your husband or wife is making their application later than you, they will need to have a photocopy of those pages of your passport that show that you have permission to be in the UK for 12 months or more. The pages they will need to have photocopies of are:

1. the page with your name and date of birth
2. the page with your visa or entry certificate (if you have one)
3. the page with your most recent permission to be in the UK

If you have permission to be in the UK for 12 months or more, and your husband or wife has not been given conditions that allow them to work, ask the International Student Adviser or Welfare Officer at your college or university for advice about applying for the conditions to be changed. If there is no International Student Adviser or Welfare Officer at your college or university, telephone UKCOSA.

If you, the student, have permission to be in the UK for less than 12 months, then your husband or wife should expect to be given conditions that do not allow them to work.

WHEN MAKING IMMIGRATION APPLICATIONS, CAN I REFER TO MY HUSBAND'S OR MY WIFE'S EARNINGS?

In general, you cannot refer to your husband's or your wife's earning potential when applying for a visa or entry certificate before you come to the UK, or for permission to enter the UK before the beginning of your studies.

However, if your permission to be in the UK is due to expire before your studies are finished, then you will need to apply for an extension of your stay here. At that point, you can refer to your husband's or your wife's earnings.

HOW DO I PERSUADE EMPLOYERS THAT I AM ALLOWED TO WORK?

Give them a copy of the Government leaflet 'International students working in the UK – what you need to know'. You can obtain it by clicking on a link on the Department for Education and Skills' website (www.dfes.gov.uk/international-students/workleaflet.pdf) or by telephoning their distribution service (0845 60 22260 – quote the produce code Int-Stu-Work-2).

The leaflet explains to employers that you do not have to have a National Insurance number before starting work.

I HAVE STARTED WORK. HOW DO I GET A NATIONAL INSURANCE NUMBER?

Look up 'Benefits Agency' in your local telephone book. Telephone them to ask if you can drop in, or make an appointment, to apply for a National Insurance number. Ask what documents they want you to bring with you. These will include a letter from your employer confirming the employment, your passport, and perhaps some other document confirming your identity. When you get there, you will be asked to fill in a form, and the staff will give you a letter to show your employer, confirming that you have applied for a National Insurance number.

USEFUL ADDRESSES

UKCOSA:

Telephone advice: 020 7107 9922, 1-4pm Mon-Fri

Web: www.ukcosa.org.uk

If you are a student nurse, you can contact:

Royal College of Nursing Immigration Advice Service

20 Cavendish Square

London W1G 0RN

Tel: 020 7647 3874 (12-2pm, Mon-Fri)

Web: www.ren.org.uk

Tax Enquiry Centre/Tax Office

Look in your local telephone book under 'Inland Revenue'

Web: www.inlandrevenue.gov.uk



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