

## **Tier 4 (General) and Sponsored Students: Brunel University London's Rights to Work Policy and Term Time Definition**

This policy has been updated to reflect the changes to Brunel University's academic year structure beginning in September 2024. Note that the policy applies to international students holding either a 'Tier 4' or a 'Student' visa, whether this was granted before or after 5 October 2020 when the Student Route replaced Tier 4.

Students working either on or off of campus are restricted to the working hours permitted under their visa conditions as summarised below. In addition, **all** students are restricted to on-campus working hours of 20 hours per week during term-time as outlined in this policy.<sup>1</sup>

Students studying with a Tier 4/Student visa are restricted to the numbers of hours they can work (paid or unpaid) during term time. The number of hours students have the right to work is stated on their visa documentation, whether a passport vignette, Biometric Residence Permit or a digital immigration status. This is applicable for each week<sup>2</sup>, not an average across a longer period of time. Under current UK Immigration Rules, a Tier 4/sponsored student should be permitted to work 20 hours a week if studying an undergraduate, postgraduate or research degree. Note students studying below degree level should only be permitted to work for 10 hours per week. When a student is not deemed to be 'in term' there is no specific restriction on the number of hours that can be worked per week, and a student can work full-time. Students must always abide by the work conditions stated on their visa documentation, and if this is incorrect should contact UK Visas and Immigration (UKVI) to amend it.

'Term time' is defined as any period of an academic year where there is an expectation on a student to academically participate with scheduled events as part of their programme. While this may primarily include any timetabled teaching, the submission of assessed coursework and attendance at exams, it can also include work placements, writing up periods for either postgraduate dissertations or doctoral theses, and scheduled supervisory meetings for Doctoral Researchers.

Tier 4/sponsored students must be aware that any breach of their visa working conditions, for example exceeding the maximum number of hours that can be worked in a week, is regarded as a criminal offence in the UK. It is the student's responsibility to understand when they are considered 'in term' and abide by their visa conditions. The University is obliged to inform UK Visas and Immigration (UKVI) of any students found to have worked illegally and may have to remove visa sponsorship, leading to de-registration from the University. Tier 4/sponsored students are also prohibited from undertaking certain types of work, which is covered in Part 4 below.

### **Application to students**

#### **PART ONE: UNDERGRADUATE AND POSTGRADUATE TAUGHT PROGRAMMES**

The precise timing of the scheduled University closures may vary from year-to-year. The exact timing of Term and Vacation periods for each academic year will be set out in a [calendar for the academic year, available at the Brunel Website](#).

Depending on the degree level of students, term-time is defined as follows:

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<sup>1</sup> Note Senate approved uplift of term-time working hours from 15 to 20 in September 2024

<sup>2</sup> For clarity, the UKVI definition of a 'week' is a period of 7 days starting on a Monday and ending on a Sunday.

Type of activity	'Term time' for the purposes of Tier 4/Student visa working restrictions
<b>Undergraduate students starting in September/October</b>	Semester 1 (Autumn), Semester 2 (Spring) and Semester 3 (Summer) until the conclusion of the Summer Assessment Period usually in May as specified on the academic year calendar.
<b>Undergraduate students starting in January</b>	Semester 2 (Spring) and Semester 3 (Summer), before following the standard structure the following academic year in Semester 1 (Autumn)
<b>Postgraduate Taught students (Masters level) undertaking a full-time masters programme (September starters)</b>	Semester 1 (Autumn), Semester 2 (Spring) and Semester 3 (Summer) until the dissertation submission deadline has passed <sup>3</sup>
<b>Postgraduate Taught students (Masters level) undertaking a full-time masters programme (January starters)</b>	Semester 2 (Spring), Semester 1 (Autumn), in addition to the Summer Assessment period, until the dissertation submission deadline has passed <sup>4</sup> . Students are deemed to be out of term from the end of the Summer Assessment period through to the start of Semester 1 (Autumn) unless there is a formal academic expectation throughout the summer as outlined in the exceptions below.

### Types of taught programme not covered by the general scheme:

Some types of student activity are not covered by the general scheme set out above and have a different term-time structure, which students must observe with regards to working. These are:

#### 1. Brunel Medical School Students (BMS)

Although the MBBS Medicine Degree is technically a postgraduate programme, it follows a largely undergraduate term-time structure with teaching/assessment scheduled until the end of July (into part of Semester 3 (Summer)). Therefore, students enrolled on the MBBS Medicine Degree are considered 'in term' following BMS' term dates.

#### 2. Students undertaking a short English courses at the Brunel Language Centre

Pre-sessional English students or students on similar short English courses are considered to always be 'in term', as the course which they are studying typically consists of a single, intensive programme with no break in term.

#### 3. Brunel Pathway College (BPC) students

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<sup>3</sup> PGT students requiring reassessment in any modules or who undertake a work placement after the submission of the dissertation would remain 'in term' until there is no longer an academic expectation for their programme of study.

<sup>4</sup> As above

BPC students are considered 'in term' based on the academic year structure of their specific course as outlined by the College.

#### **4. Students on programmes which do not follow the term structure outlined above**

Some programmes in the following areas do not follow the same pattern of the academic year as outlined in the general scheme. This is typically because the course either has an earlier start date in August, or timetabled teaching/placements extend into Semester 3 (Summer). In these cases, students remain 'in-term' during these periods.

- Physiotherapy
- MSc Physician Associate
- Social Work
- Occupational Therapy
- Community Health Nursing
- Education (Postgraduate Certificate of Education)

#### **5. January starting Postgraduate Taught programmes with academic expectations in Semester 3 (Summer)**

There are a small number of January starting PGT programmes that have a formal academic expectation i.e. teaching throughout Semester 3 (Summer). Students on these programmes are considered to be 'in term' during Semester 3 (Summer).

For the purposes of Tier 4/Student visas, guidance on the periods of 'term time' will be published on the Student Intranet and further advice can be sought from the Student Centre.

#### **Students undertaking a work placement as part of their programme**

Tier 4/sponsored students undertaking a University approved placement as an assessed and integral part of their course are considered 'in term' during their employment contract. Undergraduate students who have not yet secured a placement at the start of Semester 1 (Autumn) are considered 'in term' until a placement is secured and the employment contract is finalised.. Tier 4/sponsored students are permitted to work full time on their approved and assessed placements.

### **PART TWO: RESEARCH DEGREE PROGRAMMES**

Doctoral Researchers on Tier 4/student visas are considered 'in term' for the entire academic year and the semesters set out in this document do not apply. This includes University vacation periods, writing up periods, the period after the submission of a thesis, preparation for a *viva* and during corrections or resubmission. Doctoral Researchers are not eligible to work in excess of the hours stated on their visa until they have been formally awarded the doctoral degree qualification<sup>5</sup>.

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<sup>5</sup> For clarity, this is where the Postgraduate Researcher has been recommended for an award following the *viva* without any requirement to undertake corrections and the thesis has been submitted to the library. This also includes non-PhD doctoral programmes such as MPhil and EdD.

Where a Tier 4/sponsored student is awaiting the award of their PhD/doctoral degree after the submission of their final thesis they will be able to work up to 20 hours per week unless their visa conditions require a further restriction or prohibition of employment. However, as outlined in the paragraph above, they cannot work full-time until the formal award of the PhD/doctoral degree.

Doctoral Researchers who are not being sponsored for a Tier 4/Student visa are exceptionally permitted to work up to 35 hours per week while awaiting the award of their PhD/doctoral degree after the submission of their final thesis.

Postgraduate Researchers, as per the Code of Practice, may request annual leave (to be agreed by their supervisor). Postgraduate Researchers on annual leave are still subject to their Tier 4/Student visa working restrictions.

### **PART THREE: WORKING AFTER THE COMPLETION/WITHDRAWAL FROM PROGRAMME – TAUGHT AND RESEARCH STUDENTS**

#### **Completion of programme**

Tier 4/sponsored students who have successfully completed their course are able to work full-time during the period that they are permitted to be in the UK after their course ends.

#### **Students who withdraw**

Tier 4/sponsored students who are withdrawn or temporarily withdrawn (abeyance) from studying at the University need to be aware that once this has been processed on their student record, they may need to speak to their employer about the implications of this. UK immigration rules do not necessarily prohibit employment while the visa remains valid, but the employer should be made aware of the situation.

### **PART FOUR: WORK THAT IS PROHIBITED FOR TIER 4/SPONSORED STUDENTS**

Under current UK immigration rules, Tier 4/sponsored students are not allowed to undertake certain types of work. These are:

- Employment as a doctor or dentist in training
- Employment as a professional sportsperson, including sports coaching (further guidance on the definition of these can be found in the [Student Sponsor Guidance](#))
- Employment as an entertainer
- Any form of self-employment or business activity (further guidance on the definition of these can be found in the [Student Sponsor Guidance](#))
- To fill a full-time, permanent vacancy (excluding Student Union Sabbatical Officer)

Tier 4/sponsored students must be aware that undertaking these prohibited types of work would be regarded as a breach of visa conditions. If the University was made aware of this, we would be obliged to inform UKVI and may have to remove the student's visa sponsorship. This would lead to de-registration from the University.

### **PART FIVE: VOLUNTARY WORK AND VOLUNTEERING**

Voluntary (unpaid) work would be included in the hourly restrictions within the term time definitions outlined in this policy. Voluntary work would be classified as an activity where:

- there is typically a contractual obligation on the individual to perform the work and in return an obligation on the organisation to provide it
- the individual is rewarded for that work, through experience or benefits in kind

Volunteering is different from voluntary work. There would typically be no form of contract or any form of payment in kind (aside from reasonable travel/subsistence expenses). Although any activity clearly defined as volunteering would not be subject to hourly restrictions in line with term-time, students must be very careful to ensure the activity they are undertaking would not breach their visa restrictions and should seek advice from Brunel Volunteers if necessary. It is not recommended that students undertake any more than 20 hours per week of volunteering during term-time so that appropriate time can be devoted to study, as with Brunel's student employment policy.

## **PART SIX: PROVING ELIGIBILITY TO WORK IN THE UK.**

All UK employers have to check that any potential employee is legally allowed to work in the UK. This is known as a 'Right to Work Check' and information about this is available at the [Home Office website](#). It is likely that the employer would request evidence of a Tier 4/sponsored student's term time structure of their course, especially if they intend to employ the student on a full-time basis. This policy can be used to act as the evidence of this, in conjunction with the University's [academic year calendar](#). The University will not issue students with letters specifically confirming when they can and cannot work – this policy forms the basis of this.

### ***Policy History***

***Applicable from September 2024 onwards for 2024/5 academic year***

***Author: Compliance and Sponsorship Manager***

***Approved by: Senate/University Education and Student Experience Committee***

***Policy review date: October 2025***