

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

Addendum to this policy December 2020

On 5 October 2020, the Tier 4 (General) Student immigration category was replaced by the new Student Immigration Route in the UK. From this point, international students will apply for and obtain a 'Student Visa' to study in the UK (incorporating nationals of the EU, EEA and Switzerland from 1 January 2021). The regulations set by UK Visas and Immigration (UKVI) regarding the rights to work of international students with Student Visas remains the same as under the previous Tier 4 system. The terminology used in this policy has therefore been amended to reflect this, although it has not changed operationally. Note that students enrolled on Tier 4 (General) visas will not be required to obtain a new Student visa. The regulations and processes outlined in this policy therefore apply to both Tier 4 (General) and Student visa holders.

All students working for Brunel University London are restricted to working 15 hours per week during term time (during study/any time pre-submission) unless their visa conditions require a further restriction or prohibition of employment.

Students studying with a Tier 4 (General), or 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 (passport vignette and/or Biometric Residence Permit) and is applicable for each week<sup>1</sup>, not an average across a longer period of time. 'Term time' is defined as anytime there is an academic expectation on a student. This can include, but is not limited to: submission of course work, assessments, examinations, writing up periods and work placements.

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

### **Application to students**

#### **PART ONE: TAUGHT PROGRAMMES**

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<sup>1</sup> For clarity, the UKVI definition of a 'week' is a period of 7 days starting on a Monday and ending on a Sunday.

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:

Type of activity	'Term time' for the purposes of Tier 4/Student visa working restrictions
<b>Undergraduate students</b>	Terms One, Two and Three (until the conclusion of the exam period in May as specified in the academic year calendar)
<b>Undergraduate students starting in January</b>	Terms Two, Three, Four (first year only)
<b>Postgraduate Taught students (Masters level) undertaking a full-time masters programme (September starters)</b>	Terms One, Two, Three, Four and until submission of dissertation <sup>2</sup>
<b>Postgraduate Taught students (Masters level) undertaking a full-time masters programme (January starters)</b>	Terms Two, Three, Four, One and until submission of dissertation <sup>3</sup>

#### 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 special rules regarding working, which students must observe. 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 Term 4). Therefore, students enrolled on the MBBS Medicine Degree are considered 'in term' following BMS' term dates.

##### 2. Students undertaking a short course

<sup>2</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>3</sup> As above

Pre-sessional English students or students on short 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**

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:

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

For the purposes of Tier 4/Student visas, guidance on the periods of 'term time' for these programmes can be sought from the Student Centre or the student's academic department.

### **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 Term 1 are considered 'in term' until a placement is secured and the employment contract is finalised at which time the start and end of placement is defined. 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 terms set out in this document do not apply. This includes summer months, University vacation periods, writing up periods, the period after the submission of a thesis and during corrections or resubmission. Postgraduate

Researchers are not eligible to work in excess of the hours stated on their visa until they have been formally awarded the doctoral qualification<sup>4</sup>.

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 awaiting the award of their PhD/doctoral degree after the submission of their final thesis will be able to work up to 35 hours per week provided there are no restrictions on their right to work or prohibition of employment (i.e., non-Tier 4/sponsored students).

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, although the UK immigration rules do not necessarily prohibit employment while the visa remains valid in this situation.

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

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<sup>4</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.

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 15 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.