

Employing International Students in the UK after their Studies

Briefing for Employers on employing International Students 2011-12: Update on the Visa Regulations

We would like to emphasise that in compiling this information we are trying to clarify the main elements of the regulations as they will apply to most recruiters. The guidelines below are offered in good faith by the University of Sheffield Careers Service but we are not experts in immigration law. It is therefore very important that you check your understanding of the legislation with the UK Border Agency and/or your own legal advisers.

The Government is in the process of changing the regulations regarding international students' right to work in the UK after their studies, and the full picture will not be clear until March 2012. Based on the information that has been released so far, the briefing note below is **our** understanding of the current and likely future position and its possible implications for graduate recruiters and students. However, the situation could change when the final Government announcements are made next year.

The main issue is that during this 'recruitment year' employers will be faced with a situation where they have to work with two different sets of legislation. The set they need to use will depend on whether the student completed their studies **before or after April 2012**.

All EEA and Swiss nationals can work in the UK without restriction. Bulgarian and Romanian students may need to apply for permission to work in the UK.

All other international students are covered by the points made below:

Students awarded their degree **before April 2012**

The existing regulations will apply and mainly relate to undergraduates who graduated in summer 2011, students who completed their taught postgraduate courses in September 2011, and PhD students completing their studies before April 2012.

The regulations state that students can make an application under the following categories:

- **Tier 1 – Post Study Work (PSW)** – holders of this visa can remain in the UK for 2 years after graduation to work or set up a business.
- **Tier 2 – Sponsored skilled workers** – this is for people who have a job offer and an employer who is willing to sponsor them. The employer has to be licensed as a sponsor. The employee also has to meet the requirements in regard to points. The 'resident labour market test' applies (i.e. employers have to show that they are unable to find a suitable UK/EU applicant before recruiting an international student) except for those jobs on the skills shortage list.
- **Other** – a person may be entitled to work in the UK for reasons that relate to ancestry, relationship, or length of time already in the UK.

University of Sheffield Careers Service @ 388 Glossop Rd | Student Jobshop, Students' Union

www.sheffield.ac.uk/careers

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Students awarded their degree after April 2012

The new regulations will apply and relate to all students awarded their degrees after April 2012.

The full details of these regulations will not be available until possibly as late as March 2012. However, it is clear that the **Post Study Work Scheme will cease** and that the main route for international students wishing to work in the UK after studies will be under a **'new' Tier 2 Scheme**.

The latest information about the new Tier 2 specifies that:-

- The student must have a job offer from an employer before their student visa expires (currently the length of their course plus 4 months).
- The job must pay specified minimum salary levels, likely to be in the region of £20,000 (or the salary specified in the Standard Occupational Code published by the UK Border Agency).
- The student must meet the individual requirements in regard to points.

Positive features are that there will **not be a cap on numbers** and recruitment will **not be subject to the 'resident labour market test'** (i.e. employers won't have to show that they are unable to find a suitable UK/EU applicant before considering international students).

Key messages for international students expecting to graduate after April 2012

- It is even more important to apply for jobs early. Students cannot afford to wait until they have completed their course before beginning job hunting.
- They need to be aware of the lengthy/multi-staged application process for UK graduate schemes, and prepare for it.
- They should use the link to the list of companies and organisations that are licensed as sponsors on the UK Border Agency website to check if the company they are interested in is a sponsor. Also to use this list to identify suitable companies for speculative applications
www.ukba.homeoffice.gov.uk/business-sponsors/points/sponsoringmigrants/registerofsponsors

Key messages for employers

- When talking to current students, employers won't find it helpful or meaningful to say "we only take international students if they already have a work permit" because extremely few will fall into that category (e.g. those that are entitled to work in the UK for reasons that relate to ancestry, relationship, or length of time already in the UK).
- In the main, employers who want to recruit international students who will graduate after April 2012 are likely to have to be registered as a Tier 2 sponsor and start their recruitment processes early.
- The positive position is that employers who are registered Tier 2 sponsors will be able to recruit 'the brightest and the best' from around the world. They will not have to show that they have tried and failed to recruit UK/EU students and will not be subject to a cap on numbers.

Sources of further information and support

- UK Border Agency website: <http://www.ukba.homeoffice.gov.uk/business-sponsors>
- UK Border Agency Employer Helpline tel: 0300 123 4699, email: sponsorshipPBSenquiries@ukba.gsi.gov.uk
- Within the University we refer students to the Student Union Advice Centre who are experts and provide individual advice and guidance for students on their own individual set of circumstances:
www.shef.ac.uk/union/student-advice-centre/immigration
- University of Sheffield Careers Service Employer Liaison Team: employers@sheffield.ac.uk
- Judy Everett, Careers Adviser (International Students and Employers): j.everett@sheffield.ac.uk