

**Guidelines for employing Student/Tier 4 visa holders**

As free movement for EU/EEA/Swiss nationals ceased with effect from 1 January 2021, the UK's Visa and Immigration Service (UKVI) has introduced [a new immigration points based system](https://staffintranet.bournemouth.ac.uk/aboutbu/policiesprocedures/people/immigration/newpointsbasedimmigrationsystem/) (PBS) which will apply to new EU/EEA/Swiss nationals as well as new and existing non-EU nationals who require a visa. The new PBS introduces a new Student Visa route which replaces Tier 4.

These guidelines summarise the eligibility of BU students on Student/Tier 4 visas to undertake paid and unpaid work within the University.

**Student/Tier 4 visa restrictions on working**

Students at undergraduate level or above, on a student visa may work;

* part-time during term-time, that is no more than 15 hours\* a week and/or as defined by the conditions of the visa. This includes paid and unpaid work. For the purposes of work, a week is defined as a period of seven days starting on a Monday and ending on a Sunday.\*\*
* full-time during holidays. This is a period when they are not required to study. (NB. Re-submission of assignments or coursework is classed as term-time.)
* full-time from the course end date. The student must provide a letter to confirm the course has ended prior to working full-time.

Students must not fill a full-time permanent vacancy unless they are beyond the programme end date **and** i) they have made a Graduate visa application or ii) they have made a Skilled Worker visa application, before the expiry date of their Student/Tier 4 visa.

\*NB. The University limits the number of working hours at the University to 15 hours per week during term-time for all Undergraduate students and those students undertaking full time studies at any level, across all contracts of employment with the University.

\*\* NB. With effect from 6 April 2017 the UKVI have confirmed that for the purposes of work, a week is defined as a period of seven days starting on a Monday and ending on a Sunday.

**When can full-time work be undertaken by Student/Tier 4 vias holders?**

**Undergraduate (UG) and Postgraduate Taught (PGT) (Masters)**

UG and PGT students may only work full-time during individual course holidays. All UG and PGT student via holders require confirmation of their term and holiday dates, this will be obtained and shared by Human Resources upon issue of their Appointment Letter. This information must be obtained and holiday dates confirmed prior to engaging them in full-time work. With effect from 1 April 2016, working hours at BU have been limited to a maximum of 15 per week outside of holidays (i.e. during term-time) for all new contracts of employment.

**Post Graduate Research (PGR)**

PGR students are classed as being in Term Time unless on annual leave. PGR students are entitled to up to 6 weeks annual leave (i.e. 30 days) as outlined in the [Code of Practice for Research Degrees.](https://intranetsp.bournemouth.ac.uk/pandptest/8a-code-of-practice-for-research-degrees.pdf) Students book this leave through their Postgraduate Research Administrator and should request a letter confirming these dates. This letter must be obtained and holiday dates confirmed prior to engaging them in full-time work. NB. Section 8.1 of Employment of Postgraduate Researchers (PGRS) for Teaching or Demonstrating duties – guidelines states: ‘In line with Research Council guidelines, full-time PGRs are limited to working **6 hours per week** (including preparation, class contact and marking).

**Contracts**

All part-time hourly paid staff, including Student/Tier 4 visa holders are subject to the Employment Procedure – Part-time Hourly Paid Staff.It is essentialthat verified, signed and dated evidence of permission to work and evidence of term dates must be obtained from all student via holders prior to engaging them in work as outlined in the [Prevention of Illegal Working: Guidance on the Immigration, Asylum and Nationality Act 2016.](https://intranetsp.bournemouth.ac.uk/documentsrep/Immigration%20Regulations%20(Guidance).pdf)

Working hours must be agreed and input into the Immigration Spreadsheet by the line manager a minimum of 24 hours in **advance** of the student undertaking work in line with the conditions of their visa and the University’s policy. The Immigration Spreadsheet is used to record all working hours offered to Student or Tier 4 visa holders across the organisation. This is to ensure, that even where there are multiple contracts, the University does not offer hours in excess of 15 per week during term time. **Line managers have a personal responsibility to follow this step of the procedure, updating the** [**Immigration Spreadsheet**](https://livebournemouthac.sharepoint.com/sites/CasualStaffCompliance/SitePages/Casual-Staff-Compliance(1).aspx)**, and failure to do so will be treated seriously by the University**.

To be granted access to the [Immigration Spreadsheet](https://livebournemouthac.sharepoint.com/:x:/s/CasualStaffCompliance/EQh-zCdrp0RKhTHRePKLkl8B_RnKDjGsSI5NAi7ExPpF0Q?e=csY8gY), line managers must complete mandatory [Part Time Hourly Paid line manager training](https://brightspace.bournemouth.ac.uk/d2l/le/lessons/25709/units/1071694). This training, alongside the Immigration Spreadsheet guidance page, provides line manager support and guidance to fulfil this responsibility.

**Timesheets**

Working hours should be agreed by the line manager in **advance** of the student undertaking work in line with the conditions of their visa and the University’s guidance as outlined above.

Once work is complete students must fill in a Student Visa Timesheet and submit this to their line manager to approve.

The line manager must check the correct timesheet has been used and that it is accurate, reflects the agreed hours of work and any work restrictions have not been exceeded. The timesheet should be fully completed with all the required information. Claims will be rejected and payment delayed if any of the essential fields are blank.

**PTHP pay claims must be checked against the immigration spreadsheet before they are approved.** **No retrospective changes to the immigration spreadsheet should be made**, however where more hours have been worked than were recorded in the immigration spreadsheet, this must be immediately reported to Humans Resources.

**Audit and Consequences of working over 20 hours during term-time**

Human Resources, in conjunction with Payroll, will undertake a regular audit of all Student Visa timesheets against the [Immigration Spreadsheet](https://livebournemouthac.sharepoint.com/sites/CasualStaffCompliance/SitePages/Casual-Staff-Compliance(1).aspx). Human Resources will also audit copies of [eligibility to work documentation](http://intranetsp.bournemouth.ac.uk/policy/Immigration%20Regulations%20(Guidance).docx), to ensure that previous copies taken are satisfactory, have been signed and dated, and that documented term dates were provided **prior** to the Student/Tier 4 visa holder commencing work.

If a Student/Tier 4 visa holder works above 20 hours per week during term-time they are in breach of the conditions of their leave under the Student/Tier 4 visa route. If a breach occurs, the University has an obligation to report this to the UKVI. For the student this could result in refusal of an immigration application, being removed from the UK and/or being barred from returning to the UK for a certain period. For the University this could result in a civil penalty up to £20,000 per illegal worker reported, criminal conviction, an audit being triggered and/or a revocation of our ability to sponsor staff who require permission to work in the UK.

In addition, Human Resources will undertake an investigation in line with the [Disciplinary Procedure](http://intranetsp.bournemouth.ac.uk/policy/disciplinary%20procedure.docx) which may result in, the termination of the part-time hourly paid contract for the Student/Tier 4 visa holder and disciplinary action against the individual who has allowed the student to work more than 20 hours per week or to undertake work without the eligibility to work check having taken place.

**If you have any questions on this guidance please contact the** [**Human Resources Team**](https://staffintranet.bournemouth.ac.uk/aboutbu/professionalservices/humanresources/hrcontacts/) **via** [**email**](mailto:hrequiries@bournemouth.ac.uk) **or +44 (0)1202 961133 (internal – 61133).**