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# **The immigration toolkit for international PhD students**



## ABOUT THIS EBOOK

This ebook explores the options for PhD students from outside the European Union who want to stay in the UK to look for work, start work or set up in business. It will cover some of the better known routes under the UK Points Based System (PBS) as well as some of the other options which may allow you to stay to work. It will highlight the importance of good planning to secure your ideal visa option and alert you to some of the key requirements of each visa type.

## THE MAIN WORK VISA ROUTES

For highly skilled/entrepreneurial applicants:

- [Tier 1 Graduate Entrepreneur Scheme](#) - maximum of 2 years
- [Tier 1 Entrepreneur](#) - maximum of 5 years (after 5 years, you can apply for permanent residence)
- [Tier 1 Exceptional Talent](#) - 5 years (after 5 years, you can apply for permanent residence)

For students with a job offer:

[Tier 2 - Sponsored skilled workers](#) - maximum of 6 years (after 5 years, you can apply for permanent residence). Salary must be a minimum of £20,800 or in accordance with the Code of Practice.

For students/people with or without a job offer:

[Tier 4 - Student/Doctorate Extension Scheme](#) - 4 months post-study/12 months post-study

For people wanting to come to the UK for a short period of time, perhaps to work as a sponsored researcher, or to do work experience or training, and if you are aged between 18-30, you may be eligible to apply for:

- [Tier 5 - Sponsored researchers](#) - maximum of 2 years
- [Tier 5 Youth Mobility](#) - maximum of 2 years
- [Tier 5 Government Authorised Exchange](#) - maximum of 12 months for work experience (supernumerary)

## WHAT ARE YOUR OBJECTIVES?

It is essential from the outset that you are clear as to how long you want to remain in the UK to work, as this may determine the best fit for you in terms of visa options. The key questions are:

- Do you want to get some UK-based work experience for a maximum of 12 months before returning home to work?
- Do you want the possibility of returning to the UK on an intermittent basis, for example, to contribute to a research project for a maximum of 6 months a year?
- Do you want to develop a career here in the UK for at least the next 5 years?
- Do you want to live permanently in the UK and to be able to apply for settlement and, ultimately, British citizenship?

### *Case study: The short-term option*

Xiaomei is a Chinese PhD student in the UK who is planning to return to China on graduation to resume work as a lecturer at her home university. Her supervisor wants her to work on a research project for 8 months. She is single and has no plans to stay in the UK on a long-term basis. She may be able to apply under Tier 5 if the job is supernumerary and is directly related to her degree. Alternatively, she could apply under the [Tier 4 Doctorate Extension Scheme](#) as this will give her a visa for a maximum of 12 months. She will need to apply before her PhD is awarded and be able to show she has sufficient funds in her account for 28 days before the date of application.



## DO YOU ALREADY HAVE A JOB OFFER?

If you have a job offer it is essential to consider:

- What is the level of the job? Does it require a degree (NQF6) or is it below degree level?
- Is the job an advertised vacancy or is it supernumerary (additional to normal staffing requirements)?
- Is it full-time or part-time?
- What is the duration of the job contract?
- What is the salary?
- Does the employer hold a Tier 2 sponsor licence?
- Have you completed at least 12 months of your PhD?
- Are you sponsored or have you been sponsored by your government, university or international sponsor within the last 12 months?
- What is the proposed start date of the job?
- What is your current visa and when does it expire?

Again, depending on the answers to these questions, there will be a range of options for you to consider.

### *Case study: the sponsored skilled worker*

Ramon is a Mexican sponsored PhD student. He has a job offer to work with an engineering company beginning in two months. He is about to submit his thesis and expects to be awarded his PhD in about five months. Ramon has a number of possible options: [Tier 4 DES](#) or [Tier 2](#) but will need to get unconditional consent from his sponsor in order to apply.



## DO YOU WANT TO SET UP IN BUSINESS?

It is strictly prohibited to set up a business while on a Tier 4 student visa. It is essential you get advice if you are considering starting a business. The key questions to consider are:

- Do you have a genuine and credible business idea?
- Do you have the funds to support yourself during the business start-up phase?
- Will you need take to take paid employment during the start-up phase?
- Do you have access to investment funds of £50,000 if you want to stay long-term in the UK as an entrepreneur?

### *Case study: the student entrepreneur*

Farhad is a PhD sponsored student from Iraq. He is about to submit his thesis and wants to set up a business with another student from the UK. If Farhad can get unconditional consent from his sponsor he may be able to apply under the [Tier 4 DES](#) visa which will allow him to set up his business. He may then be able to apply for a further extension for a maximum of 2 years under the [Tier 1 GES](#) route.

## OTHER ROUTES?

Additionally, when looking at your options it may be helpful to look at some of the following alternative routes:

- Do you have family with you in the UK and what is their status?
- Are you in a relationship with anyone in the UK and what are your plans?
- How long have you been in the UK?
- Do you have dual nationality?
- Do you have UK Ancestry (grandparent born in the UK)?

### *Case study: the family member*

Nadia is a PhD student from Chile who wants to remain in the UK to work after her studies. Last year, she got married to James who is a British Citizen and is also a student. The couple want to stay together in the UK as they both want to pursue academic careers. Nadia may be able to apply under the [Partner visas Appendix Fm](#) rules but will need advice on her options as meeting the income requirements is very complex. If granted a Partner visa she will be able to work (and study) without any restrictions.

## GETTING ADVICE AND SUPPORT

Immigration rules and options are liable to frequent and rapid changes. It is very important that you get advice from an authorised adviser or solicitor to help you identify the best option for you and to advise you on the requirements and application process. A useful source of information is UK Council for International Student Affairs ([UKCISA](#)).

Immigration advice within UK universities is regulated by the Office of the Immigration Services Commissioner ([OISC](#)). You should check with your International/Immigration Support Services to find out if you can get advice and support on any of these matters free of charge.

## About the author



Jo Holliday is an award winning immigration adviser with over 25 years' experience of supporting international students in the Higher Education sector. Her main areas of expertise are work and family immigration as well as applications under EU law. She has a 100% success rate in Partner applications under the complex FM rules. Her understanding of the interaction of the Points Based System and other immigration routes is particularly valued by clients. She is now working with Parker Rhodes Hickmotts Solicitors and is a member of the Immigration Law Practitioners Association.

## Recommended reading:



### How to pursue an academic career in China

Have you always dreamed of taking your career abroad? Consult jobs.ac.uk's two-part guide primarily aimed at those seeking to pursue an academic career opportunity in China. If you are a Chinese citizen who studied overseas and are now contemplating returning to China to work as an academic, this ebook is also for you. [Part One](#) explores the pathways to China while [Part Two](#) helps you learn about adapting to the country's universities and higher education system once you're there, including teaching strategies and tips.



### The Global Academic Careers Guide

Essential advice and tips for academics looking to expand their horizons overseas. This ebook will tell you more about the scale of the new global market, help you consider the pros and cons of seeking employment outside your nation of origin, and give you important information that will improve your success rate if you do decide to give working abroad a try.

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