Post-study options: Life after Tier 4

Charlotte Ashton
MLP Law
Tier 4 overview

- Student visa
- For the purposes of studying
- Need a sponsor
- Generally can work 20 hours term time, full time outside of term time
- Max. 5 years in total, unless studying specific courses
- To extend need to show:
  - courses are related
  - course fits in with your plans to further your career
  - or academic progression
Options overview

• Tier 1
  o Graduate Entrepreneur
  o Exceptional Talent
  o Entrepreneur
• Tier 2 General
• Tier 4 Doctorate Extension Scheme
• Tier 5
  o Government Authorised Exchange
• Other options
Tier 2 General overview

- Visa for workers with a skilled job
- Employer must have a sponsor licence – list of sponsors online
- Can switch from Tier 4

Points required – 70
- CoS – 30
- Salary – 20
- English language skills- 10
- Maintenance - 10
• List of jobs and codes – code required for CoS
• Look for the tasks, not just the title
• Check minimum salary levels AND hours to be worked
• Check new entrant rate and experienced rate
Certificate of Sponsorship

• Assigned to an individual by the employer
• Restricted vs Unrestricted
• RLMT
  o Not required where have completed degree and sponsored by a UK HEI
• Gives unique number to be used in visa application
• Required for initial application and a new CoS for an extension – beware the salary requirements
English language skills
• Degree can be used as evidence

Maintenance
• A rated sponsor can certify maintenance
• If not, must show you have funds to maintain you and any dependants in your account for 90 days in your account before apply for visa:
  o £945 for yourself
  o £630 for each dependant
Other visa information

Visa costs
- Initial fee - £704 for up to 3 years in non-shortage role
- NHS surcharge:
  - currently £200 per year of visa
  - rising to £400 per year from December 2018

Dependants
- Spouse or partner
- Your child under 18
- Your child over 18 if they’re currently in the UK as a dependant
- Fees for each dependant plus NHS surcharge
Issues which may arise

• During employment
  o Promotions
  o Extending your visa
  o Changing employer
• Leaving employment
• “Cooling off” period
Switching back to Tier 4

- Can switch in country from Tier 2
- Related/ career/ academic progression rule
- Need further CAS
• Endorsed as having a genuine credible business idea
• Endorsed by DTI or UK HEI
• Initial stay of 1 year
• Can be extended for a further year – requires new endorsement
• Further information:
  • [http://www.careers.manchester.ac.uk/international/ukworkafterstudy/gradentrepreneur/](http://www.careers.manchester.ac.uk/international/ukworkafterstudy/gradentrepreneur/)

• New start up visa – announced in June, very few details – will replace Graduate Entrepreneur visa but will still be available for people endorsed by UK HEI as well as other business sponsors, including accelerators. – Available from Spring 2019
• Recognised leaders or emerging leaders in field of science, humanities, engineering, medicine, digital technology or the arts
• Requires endorsement from specified body
• Allowed to work, set up business, be self-employed
• Initial term of up to 5 years
• Can extend for a further 5 years (if have shorter initial term)
• Can apply to settle after 5 years
To set up business in the UK
Requires £50,000 funding from:
  - UK seed funding competition endorsed by the DTI
  - UK government department making funds available for the purpose of setting up or expanding a UK business
Initial term of 3 years
Can extend and can lead to settlement
Cannot be employed by another business
• Currently following a course leading to the award of a PhD
• Extension of 1 year to gain further experience in chosen field, seek skilled work, or develop plans to set up as an entrepreneur
• Must apply before end of PhD and no more than 60 days before end date of current CAS
• Need a new CAS
• Maintenance requirements
• How to apply:
  o http://www.studentsupport.manchester.ac.uk/immigration-and-visas/during-your-studies/des/
Alternative Option – Tier 5

- Government Authorised Exchanged
- Overarching sponsor
- Fixed period programmes to carry out research or internship
- Cannot switch back to Tier 4 or switch into Tier 2 – would have to make a new application from home country
- See: https://www.accesstier5.com/
• Ancestry visa
  • Commonwealth citizen
  • Apply from outside the UK
  • Able to prove grandparent born in the UK
  • Able and planning to work in the UK
  • Maintenance requirement
  • Can stay for 5 years
  • Can lead to settlement
• Spouse/Partner visa
  • Partner is:
    • British Citizen
    • Settled in UK
    • Refugee status/humanitarian protection in UK
  • Married/Civil partnership, or show you have been living together in relationship for 2 years
  • Knowledge of English
  • Able to support yourself – combined income of at least £18,600 (more if have children)
  • Initial stay of 2.5 years. Can be extended and lead to settlement
• 5 year route
  o 5 years under one type of visa
  o Tier 2 (and some Tier 1) can lead to this
  o Tier 4 cannot
• 10 year route
  o 10 years lawful stay in the UK under any route
  o Tier 4 time could count
• ILR means you can stay and work in the UK
• Can be lost through prolonged stay outside the UK
Citizenship

- Indefinite leave to remain for 12 months
- Good character
- Will continue to live in the UK
- Knowledge of English and Life in the UK tests – potential future overhaul
- Residency requirement
Any Questions?

Contact details
Charlotte Ashton
Tel: 0161 926 1592
Email: charlottea@mlplaw.co.uk
Website: www.mlplaw.co.uk
LinkedIn and Twitter