



## Recruiting International Graduates - A Guide for Employers

This guide has been prepared by the Internationalisation Task Group of the [Association of Graduate Careers Advisory Services \(AGCAS\)](#) to help employers consider recruiting international graduates from UK universities. Its aim is to provide an overview of the key schemes in place in April 2016. This does not, of course, replace the need for employers to seek their own legal advice in these matters but we hope this guide goes some way to demystifying the immigration options available to international graduates and the employers who wish to recruit them.

### Myth busting

- ***"Is it true that it is now too difficult to sponsor a graduate and not worth the effort?"***

No, it is relatively straightforward to sponsor international students. Changes introduced in 2012 mean that it is much easier for an employer to recruit candidates from outside the European Economic Area (EEA) who may require work permission sponsorship. There are also routes for PhD students to get a 12-month visa to work in the UK without the need for employer sponsorship.

- ***"If we sponsor a student under Tier 2 will we have to apply the Resident Labour Market Test (RLMT)?"***

The RLMT requires employers to show there is no suitable EEA (including British) candidate who can take the proposed role. The good news is that if you sponsor a student under Tier 2 you will not have to meet the RLMT providing the student applies from within the UK. The recruitment requirements are waived so you can proceed directly to supporting the candidate's visa application. If the candidate is outside the UK you will have to undertake the RLMT.

- ***"Surely this will affect the number of Certificates of Sponsorship (CoS) we will be able to issue?"***

A certificate of sponsorship is an electronic reference number which contains information about the candidate you have sponsored. There is no cap on the number of CoS you can issue. Unrestricted certificates, for candidates applying from within the UK, can be obtained from the Home Office at any time, on an ad hoc basis, if more certificates are needed than the number requested via the annual certificate allotment process. Restricted certificates, for candidates located mainly outside the UK, are granted on a monthly basis from a Home Office panel and subject to an annual cap of 20,700 places.

- ***"An international student can get their own work permit."***

This isn't the case. With the introduction of the Points Based System in 2008, it has been necessary for employers to obtain a sponsorship licence in order to support students seeking work permission. The employer effectively "sponsors" the student, who then seeks immigration permission from the Home Office. Without this sponsorship, the student would not gain work permission. There are immigration categories which allow students to work without the employer's sponsorship, for example the Doctorate Extension Scheme or as a family member of a UK or EEA national. See the 'Main schemes' section.

- ***"We don't currently have a licence to sponsor foreign nationals under Tier 2. We've heard it takes a long time to get a licence."***

Current processing times are around one to three months, and obtaining a licence is a straightforward application process where the sponsor submits documents evidencing its UK base and commitment to required HR practices.

- ***"Is there a way that we can employ a non-EEA graduate for a short period without having to apply for Tier 2 sponsorship?"***

There may be. If the opportunity you are offering fits the requirements of Tier 5 (Temporary Worker - Government Authorised Exchange) you may be able to employ a graduate for a period of time while they are sponsored by one of the government-recognised sponsors. UK Visa and Immigration (UKVI) have created a list of these organisations and their particular schemes, which is available [here](#). (See more information below under 'Main schemes: Tier 5 Internships/work placements'.)

- ***"It's OK for a student to start work with us once they have finished their course."***

Not exactly. Tier 4 students at undergraduate or postgraduate level have the right to work full time once they have completed their course. This only gives them permission to work provided it is NOT a permanent full-time role, work as a professional sports person or sports coach, an entertainer or as a doctor or dentist in training. However, if they qualify for sponsorship from you under Tier 2 and have submitted their application to the Home Office, in most cases they are eligible to start the graduate role immediately. If you want a graduate to start earlier than this they could either work safely up to 20 hours per week or you may want to seek further legal guidance to explore other alternatives, such as short-term full-time contracts, until they have applied for Tier 2 status.

There are particular provisions for PhD students to switch to Tier 2 status before they have completed their studies (see section on *When can graduates apply for their Tier 2 visas?*).

- ***"It's OK for us to put a statement on our company website stating all applicants must have permission to work in the UK."***

No, this is because whilst the law requires employers to only employ individuals with a right to work in the UK, it is also unlawful not to employ someone on the basis of their nationality. It is recommended that you avoid possible claims of indirect race discrimination by using statements such as: *"the successful candidate must by the start of their employment have permission to work in the UK"* and by only seeking evidence that someone has the right to work in the final stages of the recruitment process, rather than at the initial application stage.

## **Main schemes**

### **1. Tier 2 Sponsored Skilled Workers (student route)**

This category enables employers to sponsor UK-trained graduates. After five years continuous employment the individual would be able to apply for settlement or permanent residence, provided they earned the minimum salary required or were in a job that requires a PhD or was deemed a shortage occupation, allowing you to retain their services indefinitely. Otherwise, work permission is capped at six years.

As the employer you would need to ensure that you have a licence under Tier 2 to sponsor migrants. Further information on the process to obtain a licence is on the [GOV.UK - UK visa sponsorship for employers](#) webpage. However, it is advisable to seek legal advice to fully understand the Tier 2 sponsorship process. It is essential that you offer a job with a salary/skill

level in line with the relevant [Codes of Practice](#). The "new entrant" salary rate applies to students switching into Tier 2 from within the UK; however, there is an overall Tier 2 salary minimum - currently £20,800. (Look for the information in the Codes on salary levels for New Entrants.) It is important you choose a code that contains the job description that best matches the role you want to recruit for, even if the job title you use is different from the one in the Codes of Practice. Once you have the right code, it is possible to assign the CoS, enabling the graduate to lodge a Tier 2 visa application.

### ***When can graduates apply for their Tier 2 visas?***

The majority of graduates can only apply after they have been awarded their degrees and you have assigned them a CoS. The date of award is the date on which the university formally notifies a student they have been successful, and is not to be confused with provisional results, which may be released earlier. These dates will vary between universities so it is important that you check this individually with the student. Often there is overlap between the graduation date and the student's visa expiry date, allowing time for the student to apply for Tier 2 permission from within the UK.

You can sponsor a PhD student before they have completed their degree as long as they have done at least 12 months of their course.

### ***Can the graduate start the graduate job before they get their Tier 2 visa?***

Yes, provided they have submitted their Tier 2 visa application to the Home Office and had a Tier 4 visa that was issued after 6 April 2012. If, for any reason, their visa was refused then they would have to stop work. If you want a graduate before they have submitted their Tier 2 application, they could either work safely up to 20 hours per week or you may want to seek further legal guidance to explore other alternatives, such as short-term full-time contracts, until they have applied for Tier 2 status, but they must not fill a full-time permanent role until the Tier 2 visa application is lodged.

## **2. Doctorate Extension Scheme (DES)**

This is a scheme to allow PhD students to remain in the UK for 12 months to look for work or start work without needing an employer to sponsor them. Instead, they are sponsored by the Tier 4 university where they studied their degree. PhD students can only apply for the DES once they are very close to completing their degrees. They will be able to start working full time with you in a graduate role as soon as their degree has been awarded, provided they have submitted their DES application to the Home Office. If you want to employ a PhD student earlier than this you would need to look at sponsoring them under Tier 2 (see above).

If you want to retain an employee holding a DES visa you can then sponsor them under Tier 2, as described above, with all the benefits of no RLMT or cap, providing they meet all the requirements. Most universities provide some form of support to their international students who wish to apply under this category.

## **3. Tier 5 Internships/work placements**

Employers may be able to recruit an international student under a Tier 5 (Temporary Worker - Government Authorised Exchange) visa for a stay of up to two years in the UK for work. The government states that the aim of this scheme is to *"share knowledge, experience and best practice, and to experience the social and cultural life of the UK"*. Sponsorship under this route is mainly for internships, training or supernumerary roles. In these cases, the overarching Tier 5 sponsor, rather than the employer, sponsors the graduate and the employer simply ensures that the graduate works in line with the terms of their sponsorship. See the full list of [approved sponsor schemes](#). One of the advantages of employing a graduate under Tier 5 (Temporary Worker - Government Authorised Exchange) is that you do not have to meet the minimum salary/skill requirements stipulated under the Tier 2 visa. The employer, however, must pay above the

National Minimum Wage or the National Living Wage (for individuals over 25 years old). Some of the organisations with whom employers have arranged successful sponsorship for non-EEA graduates include [Access Tier 5](#) (which is a part of AIESEC UK Ltd), the [International Student Internship Scheme](#) (who work with Chinese nationals), [BUNAC – Intern in Britain](#) and the [Tier 5 Intern](#) scheme (which is managed by GTI Recruiting Solutions). Contact the organisations directly to see how they work with employers and potential employees.

There are also other Tier 5 routes, such as the Tier 5 Youth Mobility Scheme, which may be applicable to the graduate you are looking to employ. For further information on these, check [GOV.UK- Tier 5 \(Youth Mobility Scheme\) visa](#).

It is also worth remembering that graduates with UK/EEA ties may be able to work in the UK due to these connections.

## Useful sources of information and support

### 1. Home Office

The Home Office UK Visas and Immigration (UKVI) provides a specialist support service for employers who want to check whether a person is allowed to work legally in the UK:

[www.gov.uk/contact-ukvi/sponsors-employers-and-education](http://www.gov.uk/contact-ukvi/sponsors-employers-and-education)

### 2. Legal advisors

Immigration advice is generally provided by solicitors and advisors accredited by the Office of the Immigration Services Commissioner (OISC). Immigration advisors can be located on the following websites: England and Wales: <http://solicitors.lawsociety.org.uk>; Scotland:

[www.lawscot.org.uk/find-a-solicitor/](http://www.lawscot.org.uk/find-a-solicitor/); and

OISC: [http://home.oisc.gov.uk/register\\_of\\_regulated\\_immigration\\_advisers/register.aspx](http://home.oisc.gov.uk/register_of_regulated_immigration_advisers/register.aspx)

### 3. UK Council for International Student Affairs (UKCISA)

Most universities are members of UKCISA, which provides information on immigration routes for international students and graduates to remain in the UK to work. The public pages of their website are a useful starting point for information: [www.ukcisa.org.uk](http://www.ukcisa.org.uk)

### 4. University careers services and international student services

The majority of universities provide some form of specialist information services to their international students who want to explore their options to remain in the UK. In some cases they may also provide more specialist help in preparing their immigration applications to the Home Office. It is always worth checking with your potential recruit what level of support they can access as it is, of course, in everyone's interests that their application is not rejected for an avoidable reason.

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