

Guidelines - Student/Tier 4 Visa Breach in Working Hours

Introduction

The Home Office applies strict working restrictions on Student visa holders (including Tier 4 visa holders) in line with the UK's immigration rules which the University of Southampton is responsible for implementing as the sponsor of a visa for study. This guidance outlines the responsibilities, process and action to be undertaken in the event where a breach has occurred for a University of Southampton sponsored student.

Work Conditions

Any work conditions are listed on the visa and are shown to the University, as the employer, when a right to work check is undertaken.

Work restrictions differ per level and programme of study. Current work restrictions are available via [Visa Conditions | The Student Hub | University of Southampton](#). Both paid and unpaid work (voluntary) count towards the amount of work a Student/Tier 4 is allowed to do during the relevant 'term-time' period. Volunteering is not counted provided the work meets the definition of volunteering, you can find more information about the difference between volunteering and voluntary work here: [UKCISA - international student advice and guidance - Student work](#)

If a Student/Tier 4 visa holder works more hours than is permitted under their visa conditions and is not during a relevant 'vacation' period, this is a breach of their visa conditions. Breaches of working hours will not be tolerated and in accordance with Student/Tier 4 visa sponsor duties, the University must take the appropriate compliance action.

Working hours are declared by the worker on timesheets which are signed off by the line manager before being sent to Payroll for processing.

Responsibilities

- The student is responsible for working within their Student/Tier 4 visa conditions.
- The hiring/line manager is responsible for:
 - o Familiarising themselves with the regulations regarding work on a Student/Tier 4 visa;
 - o Reviewing work conditions for any student working at the University;
 - o Monitoring the number of hours worked;
 - o Reporting to the VISAS team if it is suspected that an individual may have worked in breach of their conditions.

Process

- The Student/Tier 4 visa holder completes a timesheet to claim for the hours worked. They must declare any hours that they have worked elsewhere, including at the University or at another employer. If the hours exceed 20 in a week a warning message will appear.
- The hiring/line manager must check the claim for working hours compliance and will send it to UniWorkforce for clarification if necessary.
- Upon receipt of a timesheet, Payroll will check for any warning messages for working hours and send these to UniWorkforce for investigation.

- UniWorkforce will check the visa conditions, term dates and annual leave records (for postgraduate students) and upload relevant evidence to their HR record where work is being undertaken during a relevant vacation period.

Actions

A review of any evidence of working in breach of visa conditions will be undertaken by the VISAS team in coordination with UniWorkforce and the hiring manager. If it is found a Student/Tier 4 visa holder has breached their work conditions, the University will take appropriate action in line with the [Student Regulations](#) and Home Office Sponsor Duties. If it is found that the sponsored student has worked in breach of their conditions, the student:

- Will not be paid for the hours worked.
- Will have their UniWorkforce worker status changed with immediate effect to confirm no work permitted and their HR record will be closed.
- Will not be able to work for the University in any capacity.
- Will be reported to the UKVI as breaching the conditions of their visa (which may result in the cancellation of their visa and/or fine)

Document version control

Policy/Governance	Government legislation: Immigration Rules - Immigration Rules: Appendix Student - Guidance - GOV.UK (www.gov.uk)		
Consulted	<ul style="list-style-type: none"> • Student Visas and Immigration Advice Service (VISAS) – Global Recruitment and Admissions • Associate Director – Admissions and VISAS • Head of HR Operations 		
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Document History		
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