

## Visa guidance: Student, temporary worker or visitor visa?

It can often be difficult to determine which visa route a student or academic should use to come to the UK for a period of time outside of the normal sponsored work routes. This is especially the case post-Brexit as individuals from EU institutions used to be able to come and go freely but now are required to use the same visa routes as all other countries. The amendment to the Erasmus funding post 2020 has also had an impact.

There are a number of options, but **eligibility requirements must be met** for one of the visa routes or they simply cannot come. If you have already made an offer to someone you may need to retract it if there is not a suitable visa type. The main routes we consider are:

- Temporary Worker Government Authorised Exchange (GAE)
- Permitted Paid Engagement (PPE)
- Academic visitor
- Student visa
- Visiting student

In order to establish what type of visa an individual needs to apply for, the Student visa and Staff Immigration teams may need to collaborate and need to have a full understanding of what the individual is coming to the UK to do. Full responses to the following questions are required to be completed via a form linked to below.

- ✚ What is the main purpose of their time here?
- ✚ How long will they be here for?
- ✚ What activities will they be undertaking when they are here? e.g. attending lectures, teaching, conducting research, running training, etc.
- ✚ What type of course are they doing in their home country? Is it a full-time equivalent to a UK higher education degree?
- ✚ Will they remain registered at their home institution?
- ✚ Does the research or elective form part of, or is it relevant to the course? (If so the applicant must provide confirmation of this from their overseas education provider)
- ✚ Are they being paid? If so, how are they receiving it (e.g. stipend, hourly rate) and how much?
- ✚ Are they paying a bench fee?
- ✚ Who is benefiting most from the time they are here? i.e. is it for their own research or to work on something for UoB?
- ✚ How have they been selected to come to UoB?
- ✚ Is this part of an ongoing programme within the school or is this an individual situation?
- ✚ Would they need to be registered as a student when they are here or would they need honorary staff status?

**ACTION:** Please complete this [form](#) and the Staff Immigration Team will review and respond, or forward on the details to the Student Visa Team to respond.

**\*\*Please note\*\*** there may be an **ATAS requirement**. Depending on the field of research/study and the nationality of the applicant this may be required for the following routes:

- Temporary Worker Government Authorised Exchange (GAE)
- Academic visitor
- Student visa
- Visiting student

### **IF ATAS IS REQUIRED:**

- If an individual is applying for a Student visa they will need to have an ATAS clearance certificate before they can make their visa application, and in order to register on their course on arrival at the University. If they do not hold a valid ATAS certificate and it is required for their study, they will not be permitted to register at the University.

- If someone is coming to the UK as a visiting student or academic visitor, they will need to have an ATAS clearance certificate to show on arrival at the University.
- If an individual is applying for a Temporary Worker Government Authorised Exchange (GAE) visa they will need an ATAS certificate before we can issue a certificate of sponsorship.

The UK's Electronic Travel Authorisation (ETA) scheme is being rolled out to all countries throughout 2024. All overseas nationals coming to the UK should check if they need to apply for an ETA.

[Apply for an electronic travel authorisation \(ETA\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

## Assessment criteria explained:

### *What is the main purpose of their visit?*

Establishing if they are coming to study, research or work will help determine which category they fall into.

### *How long will they be here?*

The length of the visit may determine their eligibility for visa types as listed below:

PPE Visa - Maximum length 30 days

Student visa - Unlikely to be offered if the stay less than 6 months

Temporary Worker GAE - Can be used for placements from 1 month to 2 years

Visitor visa (business activities) or Visitor visa (student) - Can be used for visits 0 to 6 months

Visitor visa (academic) – Can be used for visits 0 to 12 months

### *Activities*

Certain activities are excluded from the visitor routes. Work activities are not allowed, regardless of whether the individual is being paid for them or not.

### *Home institution course*

A student or visiting student visa can only be considered if they are remaining registered at their home institution, and if what they are doing whilst forms part of this course. [Further information](#) on this is available on the student pages.

### *Pay*

Visitors cannot be paid although living expenses may be considered.

Those on a Student visa can work up to 20 hours per week but this must be in addition to their study, therefore they cannot be paid for what they are undertaking in relation to their course.

The TW GAE route has a national minimum wage requirement unless they are covered by ERASMUS funding. [Further guidance can be found here](#).

### *Beneficiaries*

This can help determine between a visiting academic and a TW GAE, if the individual is benefitting it should be a visitor visa, if UoB is benefitting it should be TW GAE visa and minimum wage requirements should be met.

### *Selection*

It is important that we understand how the individual has been selected to come, and if they have applied directly to be a visiting student.

### *Ongoing Programmes*

If this is an ongoing local programme it is important to include details of what has been done previously. Please note that the visa rules change regularly so there is still a need to assess what type of visa is needed and eligibility requirements and visa advice may change.