

**Migrants'
Rights
Network**

Know Your Rights Guide -Education

**For International
Students**



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Introduction

This guide is a tool for international students who are thinking about studying in the UK, or who are already studying the UK. It was produced in response to common experiences and issues identified by international students who participated in our international student survey, as part of our wider Hostile Office campaign. While this resource is not legal advice, it lists things to look out for that international students commonly come across. You can find out more about the topics mentioned here on the [UK Council for International Student Affairs \(UKICISA\) website](#), or by contacting universities directly.

The guide was produced and coordinated by Migrants' Rights Network, with contributions by NUS (National Union of Students). We would like to thank all of the students who participated in our International Student Survey and shared your experiences; your time and insights have been essential to the production of this guide.



If you are an international student and would like to share any feedback on the guide, or get involved in our international student or wider Hostile Office campaigns, please fill in our survey [here](#) or contact MRN on info@migrantsrights.org.uk.



Agents and recruitment

- **What to expect from them:**
 - Assistance with liaising with universities
 - Assistance with applying to university, and, potentially accommodation and visas
- **Look out for:**
 - Getting asked to pay - universities already pay a fee to recruiters
 - Mention of scholarships - check this on the university's or other grant body's website
 - Any incentives, like a new laptop or phone - this might be because they have incentives to direct students towards a certain course, which may not be in a student's best interest
 - Agents writing submission materials for you - they often use a template to write prospective students' personal statements, cover letters, emails, or other required submission materials which can affect the outcome of an application
 - Claims that agents make about universities - sometimes universities are advertised as world-leading, but they are not featured in rankings. To avoid this poor advertising, check university rankings and reviews online before making a decision. You can find this for UK universities only [here](#) and for universities globally, including UK universities, [here](#).

- While there is no formal regulation or register of education agents, the British Council does hold a register, with training and an ethical code of practice. This is optional, but can provide proof of an agent's trustworthiness.
 - There is also a voluntary Agent Quality Framework (AQF) for higher education agents. The Government has accepted the Migration Advisory Committee's (MAC) recommendation to make it mandatory, but this is yet to be implemented.
- What to do if you have issues with an agent:
 - There is currently no reporting mechanism, although if the AQF is made compulsory there will be greater opportunities to do so
 - If you are concerned about the behaviour of an agent, you should contact the university you are applying to. This could be the Vice Chancellor for International Students, if the university has this position, the International or Visa and Compliance Office, or the Admissions Office.
 - Your agent may also be registered within the country you are in, so there may be a reporting or regulatory framework that you are able to report them to.



Enrolment

Visas

- You need to be studying at a recognised student sponsor institution (this will be those with “Student” under the “Route” column)
- You must have an unconditional offer and a Confirmation of Acceptance for Studies (CAS)
 - English language qualification isn’t necessarily required for courses, so many international students have unconditional offers, but their place is STILL conditional on IELTS scores. Without your IELTS results, you won’t be able to get your CAS number. You can find more information on the required IELTS tests and scores [here](#).
 - It is also important to get your IELTS as soon as possible, in order to prevent any delays should you have to take it again
- Usually, you will have to apply from outside the UK (this doesn’t necessarily have to be your country of origin). You can only apply from inside the UK if you meet certain criteria (usually if you are extending or switching from another visa).
 - For your first student visa, you can apply from either inside or outside of the UK
 - If outside the UK, the earliest you can apply for a visa is 6 months before you start your course.

- **If inside the UK, the earliest you can apply for a visa is 3 months before the start of your course. You must apply before your current visa expires. Your new course must begin within 28 days of your current visa expiring.**
- **If re-applying for a student visa (e.g. going from undergraduate to postgraduate study), this application must happen from outside the UK**
- **You can extend your student visa instead of re-applying if you are continuing your studies in the UK (e.g. going from undergraduate to postgraduate study, or from a Master's course to a PhD programme), but this is subject to conditions. This includes the academic progression requirement, a maximum of 28 days between your current course end date and your new course start date, and the five-year time limit for study on the same student visa (some courses are exempt from this. You can find more information on the [government website](#) or [from UKCISA](#)**

What if my visa is late?

- Check whether you have received your CAS and, if you are enrolling on another course in the UK, whether your previous institution has sent your confirmation of results to the Home Office
- Contact your prospective university's visa team. They should be able to contact the Home Office on your behalf.
 - Your university should inform the Home Office via the Sponsor Management System (SMS) or adding a sponsor note to your CAS
- If your department allows for late registration, they have an obligation to support you

What if I was given the wrong date to arrive?

- Contact your Students' Union
- You may need legal advice - contact an organisation like UKCISA, Citizens Advice, or your Students' Union, or look on ILPA's directory.
- If your course is over 6 months, you can only arrive up to a month before your course start date. This is 1 week if your course is 6 months or less

What if there's incorrect information on my visa?

- Contact UKVI within 90 days of issue
- If your course finishes in 2025 or later but your visa BRP has an expiry date of 31st December 2024, this is because BRPs are transitioning to e-visas for everyone from 2025

Housing

Guarantors

- A landlord/estate agent may ask you to use a guarantor, someone who agrees to pay your rent if you don't/can't.
- Some universities can act as a guarantor if you do not know someone personally who can do this, for example, Imperial College London.
- Unfortunately this is the agent/landlord's decision. Some people do get asked or you can offer to pay multiple month's rent up front as an alternative.

Discrimination

- Please see the housing guide linked below to understand your rights. If you know or think you have been discriminated against you can contact a renters' union (e.g. London Renters Union (if in London), CATU (if in Ireland, including the North), ACORN), a housing charity (e.g. Shelter), your Students' Union, or a general advice service (e.g. Citizens Advice)

Housing standards

- Your deposit must be held securely with an approved tenancy deposit protection scheme. The scheme will be the Deposit Protection Service (DPS), mydeposits, or the Tenancy Deposit Scheme (TDS).

- You must be provided with a contract
- You must be provided with a Gas Safety Certificate, How to Rent guide, and Energy Performance Certificate
- Make sure you view the rental property before you sign a contract. This can help ensure that your housing is fit for human habitation
 - If your housing is not fit for human habitation you can contact your council, renters' unions (e.g. London Renters Union), or Citizens' Advice
- You should never be asked to pay to view a property
- Landlords are not permitted to increase rent during the tenancy
- Landlords must give 24 hours notice before visiting the property you live in

Renters' Rights Bill

- *At the time of writing the Renters' Rights Bill is currently going through Parliament. This means that renters will have some additional rights and protections, although we do not yet know at what point they may come into force or even if all of these points will be passed.*
- *Some of the proposals are:*
 - *A ban on Section 21 "no fault" evictions*
 - *The right to request a pet, which landlords can't "unreasonably refuse"*

- ***A ban on discrimination against prospective tenants who are in receipt of benefits and/or have children***
- ***A limit on landlords increasing rent - they will only be able to do so once per year during the tenancy to the market rate, which requires 2 months notice to the tenant. Tenants will also be able to challenge the amount of the increase.***
- ***A full list of proposals can be found on the government website***

For more information on housing as an international student, check out our Guide to Private Renting for International Students produced with London Renters Union



Working

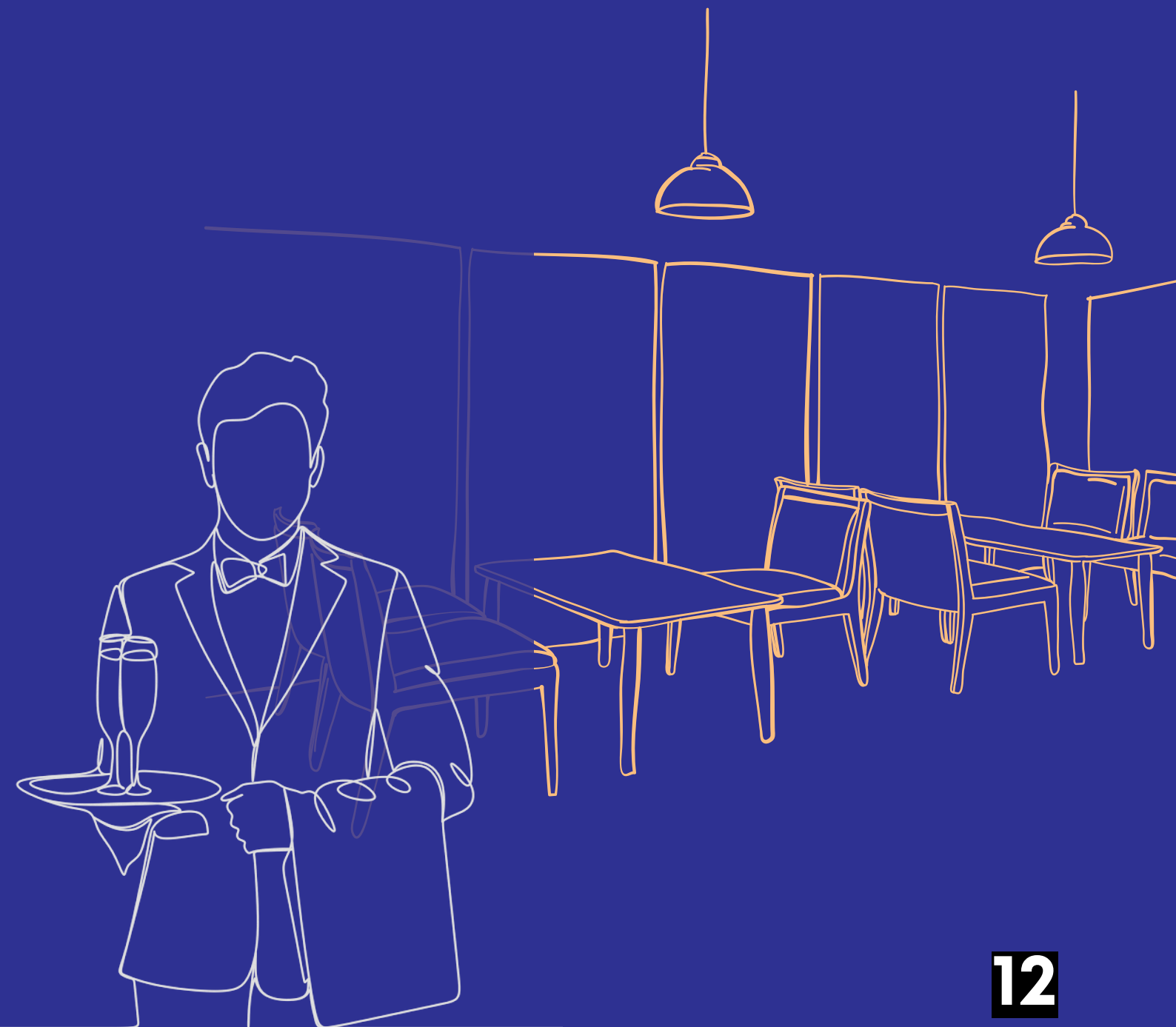
Working hours

- As someone on a Student visa, you will have conditions attached that limit your working hours to a maximum of 20 hours per week.
- This limit includes both paid and unpaid work (i.e. you would not be able to work 20 hours and volunteer for 5 hours in one week)
- Working beyond these hours may result in you being unable to get a Graduate visa or an extension of your Student visa, particularly if this has been consistent
- You are able to work full-time in the summer period as an undergraduate student

Working conditions

- You are entitled to the same rights as a worker with permanent status or British citizenship. This includes being given a contract of employment, having breaks (at least one 20 minute break for a shift over 6 hours), a minimum period of rest between shifts (11 hours), and the right to join a trade union
- With regard to length of shifts and time between shifts, you may be asked in your contract to agree to refuse your rights under the Working Time Regulations 1998, however you have a right to revoke that refusal at any time

If you are concerned about how you are being treated, you should contact a union that covers your area of work - they may be able to help you even if you are not a member. Some unions organise migrant workers in particular, such as the Independent Workers Union of Great Britain (IWGB) and United Voices of the World (UVW), but you are able to join any union.



Differential treatment and support

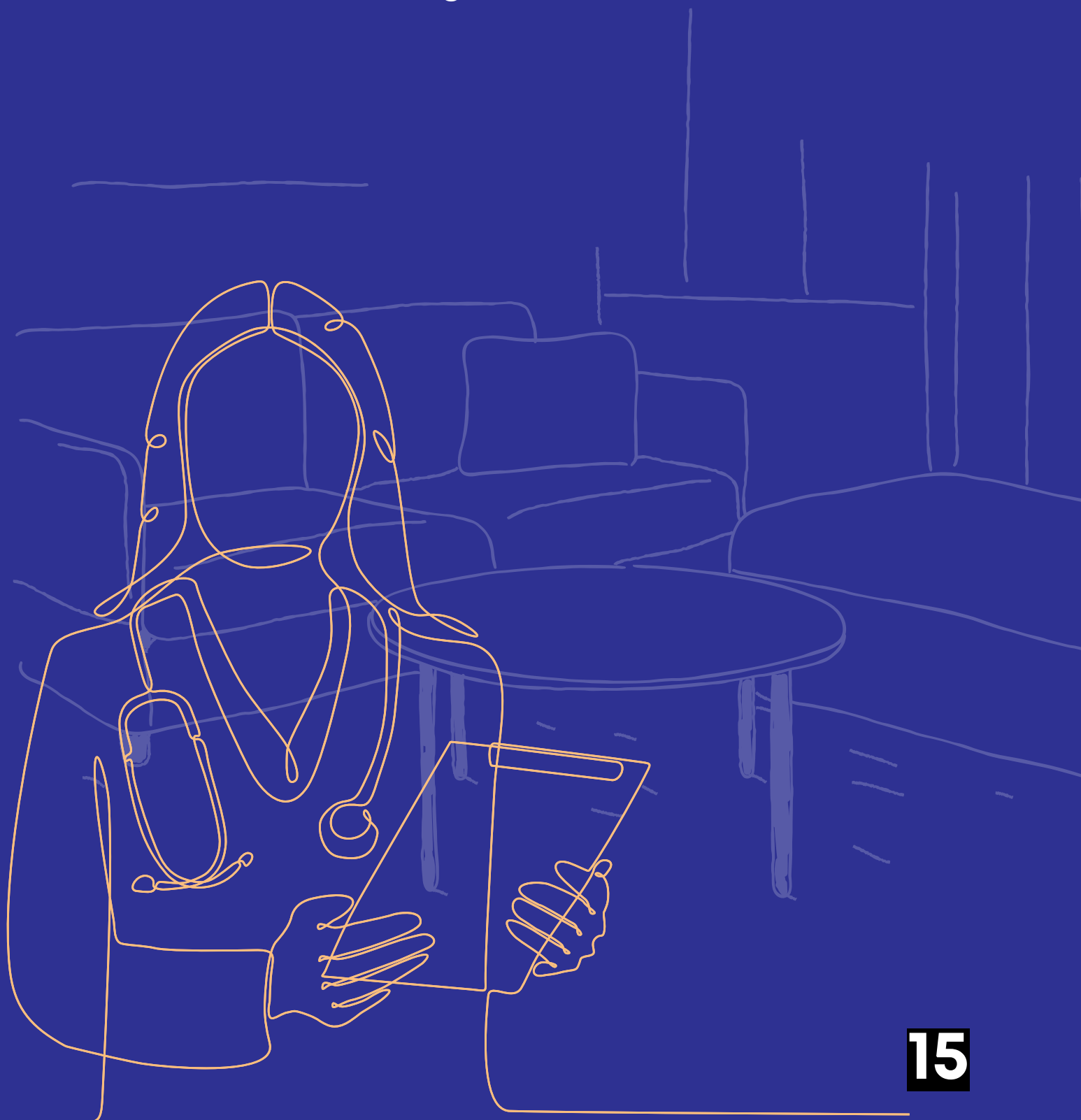
- As your visa sponsor, your university has certain obligations and responsibilities to you as a student. They will be responsible for you from the beginning to the end of your studies and must guarantee you equal access to anything related to completing your course, including attending graduation and applying for the Graduate visa. They must offer specific support for international students, although they may not be legally allowed to give migration advice, unless staff are OISC certified.
- Your Students' Union will usually have advisors that you are able to reach out to support
- You can also seek support from general advice services like Citizens Advice or from more specific organisations, like us (MRN) or, for housing matters in London, LRU
- If you have a complaint against your university and are seeking advice on escalation, you can contact a charity, focusing on students or migrants (like MRN), seek legal counsel, or write to local political representatives, such as your councillor or MP



- **Your university also has duties to you, which should include an anti-discrimination or EDI framework and EDI team that you can contact in cases of discrimination. Your university will also have a complaints system. Students Unions can also be helpful to approach, particularly in trying to change the culture of treatment of international students.**

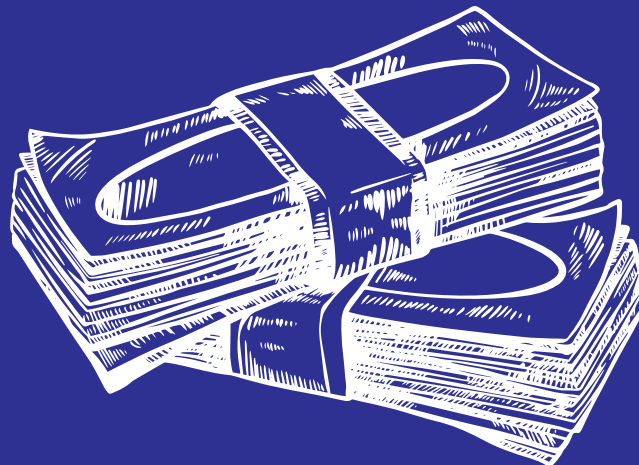
- **Mental health support**
 - **You can find our Know Your Rights guide on mental health here**
 - **There are a number of ways to access mental healthcare through the NHS, which you are entitled to free of charge, because of the IHS. You can speak to your GP, who may refer you to counselling. Depending on the borough or NHS trust you live in and that your GP is in, you may be able to self-refer to therapy. You can also self-refer to talking therapies, which may take place over the phone or in person.**
 - **Below are helplines for emergency mental health assistance:**
 - **Mind: 0300 102 1234.**
 - **Samaritans: 116 123**
 - **SANEline: 0300 304 7000**
 - **National Suicide Prevention Helpline UK: 0800 689 5652**
 - **Nightline (specifically for students)**

- **If you are concerned that your mental health will prevent you from handing in work on time to progress to next year or to graduate, you can approach your personal tutor, Students Union advisers, student services or other wellbeing services.**



- **Financial support**

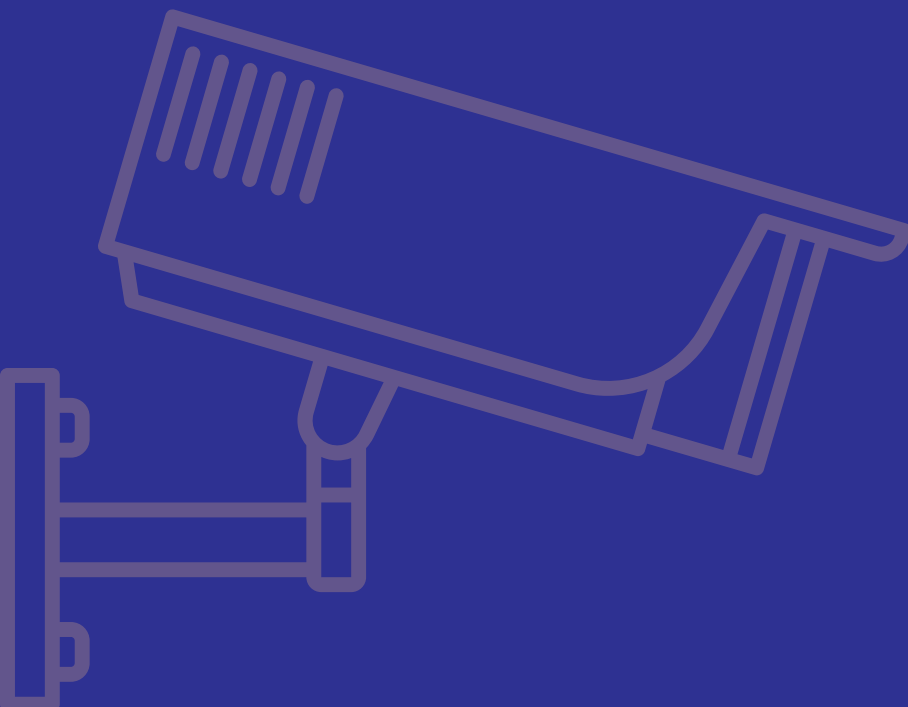
- As an international student (as well as when you are on a Graduate visa), you will most likely have no recourse to public funds (NPRF status). However, you are able to apply for a change in circumstances, which would enable you to gain access to public funds (i.e. benefits, including universal credit, housing benefit)
 - This is something that charities like The Unity Project can help you with
 - There can be future consequences for this, though, as getting NPRF conditions removed could result in your permission to stay being removed or otherwise affect future visa applications
- You should check your university's website (usually under fees and funding or student support sections) to see if there are any hardship funds that you as an international student are eligible to access
- You should also check your Students' Union, which might have a different hardship fund with different eligibility criteria



Monitoring and surveillance

Attendance reporting

- Lecturers have a statutory duty to report on attendance when it falls below a certain level. This level will vary between universities, so it is best to check university policy (e.g. for some universities this is 3 weeks of non-attendance, for others it's when attendance falls below 50%)
- Universities will contact the Home Office within 10 working days from being notified of absence (i.e. 10 working days from when your lecturer(s) have told the university you haven't been attending)
- Challenging reporting
 - When a check has gone wrong
 - Disputing incorrect reporting info
 - Formal complaint to visas and compliance team?
 - Contact student or migrant charity/org?



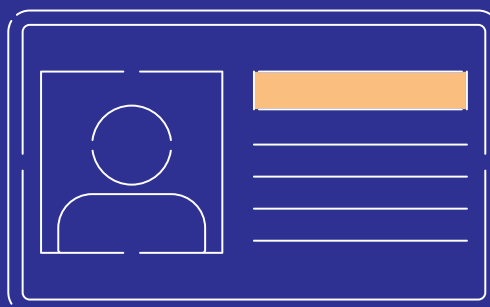
Visa reporting

• **What to expect from visa checks**

- *There will be multiple points throughout your studies when you are required to attend a visa check-in on campus. Frequency may vary, but this can be once per semester. If you are a postgraduate, you will likely have additional, more frequent check-ins over the summer.*
- *If you are going to miss this check-in, you will likely be sent a reminder. You may have to provide evidence to register an absence if it is over a certain time period and you cannot make the check-in, e.g. a medical note*
- *You will usually be required to bring your Student ID, your BRP (or your phone/device if you have an eVisa) and your passport*

• **What to do when a visa check goes wrong**

- *You can find official guidance from the Home Office on the government website*
- *You should contact the visas and compliance team at your university*
- *You may also wish to contact the advice service at your Students' Union, and potentially a migration or students charity, if the issue needs to be escalated further*



- **What to do when information reported at a check-in is incorrect**
 - *You can first contact the member of staff responsible for reporting this information and then your university's visa and compliance team, potentially escalating to a formal complaint*
 - *If you are unable to solve the issue internally within your university, you can contact UKVI (UK Visas and Immigration) or a regulator, like the university ombudsman or the Parliamentary and Health Services Ombudsman (PHSO)*
 - *You can also contact a migration charity, which can support you from a casework perspective and/or campaigning approach, if necessary, and an immigration solicitor, which you can find via ILPA's directory*



Student activism

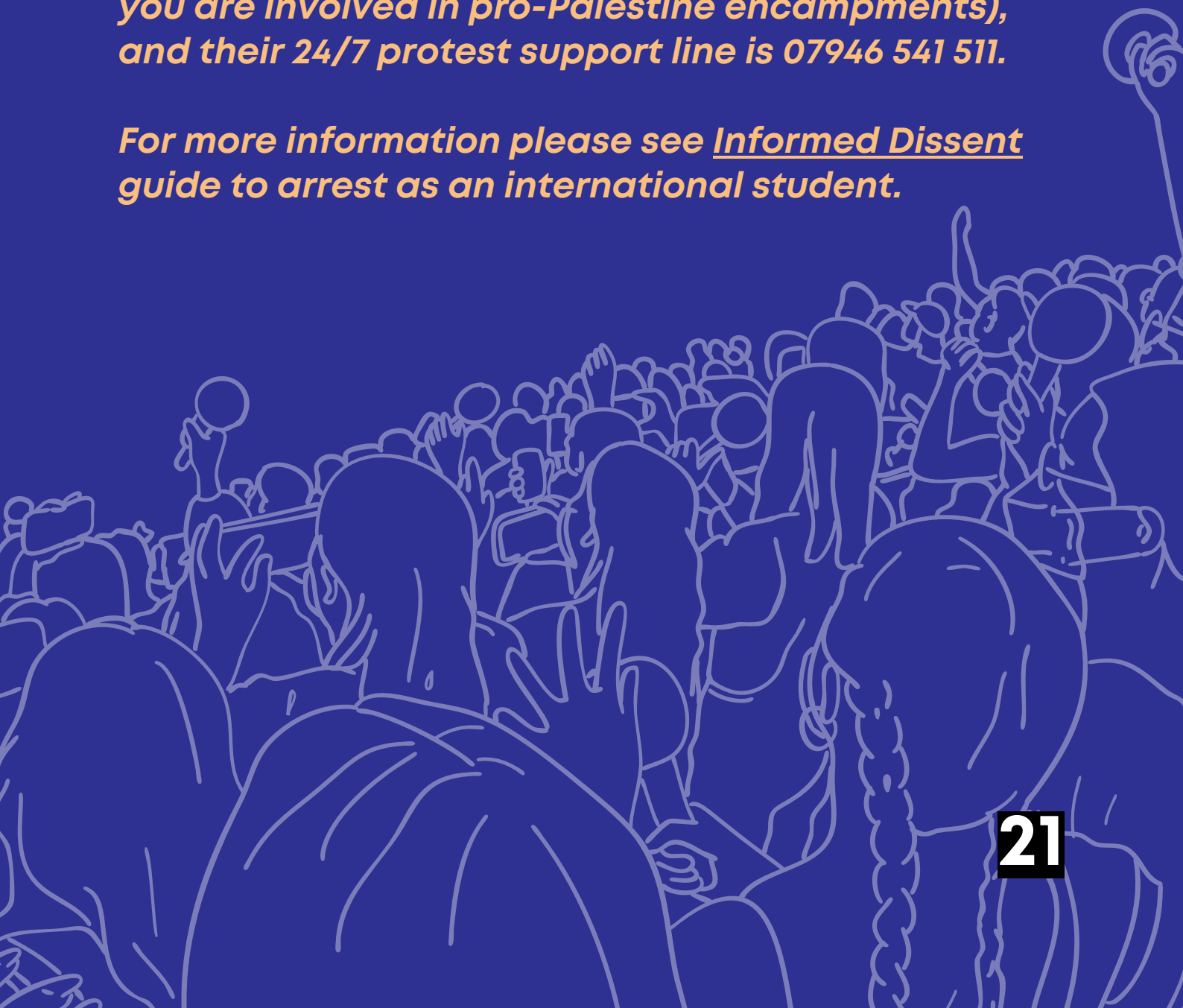
- You have a (limited) legal right to protest, but there are increasing restrictions on this. This includes student politics and activism. For international students, there are ways that this can affect your immigration status, for example if they expel or suspend you this can have consequences for your immigration status. Any arrests could also impact future immigration applications, for example after the expiry of your student or graduate visa, even if they did not result in a charge or conviction.
- There is no legal requirement for you to share your nationality or immigration status with the police, even if you are arrested. If you are arrested, though, police may carry out immigration checks
- The likelihood of arrest will vary with the type of action you plan to partake in. Attending a teach-out during a strike, a rally on campus, or a march in the area you live and/or study in is less likely to result in an arrest, compared to an occupation of a company. But this again is dependent on the circumstances of the protest.



- You will also almost always have the ability to appeal any decisions made against you in terms of a conviction, deportation order and suspension and expulsion.
- You have a right to participate in student politics, including standing for election in a student society or as a sabbatical officer in your Students' Union

Other protests rights will also apply to you, regardless of your immigration status. See Green and Black Cross's guides [here](#) (general) and [here](#) (if you are involved in pro-Palestine encampments), and their 24/7 protest support line is 07946 541 511.

For more information please see [Informed Dissent](#) guide to arrest as an international student.



Migrants' Rights Network

**Pelican House, 138-148 Cambridge Heath Road,
London E1 5QJ**

Tel: 07534 488696

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www.migrantsrights.org.uk



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