



# United Kingdom: Obtaining a Work Permit as a Spouse of a Student

September 2002

LL File No. 2002-13723  
LRA-D-PUB-000203

This report is provided for reference purposes only.  
It does not constitute legal advice and does not represent the official  
opinion of the United States Government. The information provided  
reflects research undertaken as of the date of writing.  
It has not been updated.

## LAW LIBRARY OF CONGRESS

## UNITED KINGDOM

## OBTAINING A WORK PERMIT AS A SPOUSE OF A STUDENT

In the United Kingdom, legislation relating to immigration is contained in the Immigration Act 1971.<sup>1</sup> The Act sets forth a number of requirements that foreign nationals must fulfill before they can be granted leave to enter the UK.<sup>2</sup> Such leave can be subject to a number of conditions, such as a prohibition on employment.<sup>3</sup>

The Act also grants the Secretary of State the power to create rules regarding the practices to be followed in its administration.<sup>4</sup> The Secretary of State has used this power to create the Immigration Rules.<sup>5</sup> In accordance with the Act, the rules regulate the stay and entry into the UK of persons who are required to obtain leave to enter. These rules govern the circumstances in which the spouse of a student can obtain permission to work in the UK.

The rules regarding whether a student's spouse can obtain a work in the UK differ according to which country the individual is from. For nationals of the European Economic Area<sup>6</sup>, the spouse of a student can work in the UK without any restrictions or special permission. For other countries, the spouse of a student cannot work in the UK unless he/she has been granted specific permission to do so. The rules permit a student's spouse to work without a permit if the spouse has been granted leave to stay in the UK for more than 12 months.<sup>7</sup> Such permission is given in the spouse's passport, either in the form of a stamp or sticker, upon his/her arrival in the UK. The government is currently considering proposals to update this requirement, linking the students period of stay with their spouses. The result of the proposals would be that in situations where a student has been granted leave to enter for more than 12 months, his/her spouse will be granted permission to work, regardless of whether the spouse has been granted leave to enter for more than 12 months.<sup>8</sup>

---

<sup>1</sup> Ch. 33.

<sup>2</sup> *Supra* note 1, §3(1) and §4(1).

<sup>3</sup> *Id.* §3(1)(c).

<sup>4</sup> *Id.* §3(2).

<sup>5</sup> The Immigration Rules, HC395.

<sup>6</sup> The EEA consists of Member States of the European Union plus Iceland, Liechtenstein, and Norway.

<sup>7</sup> *Supra* note 6, ¶177.

<sup>8</sup> The Department for Education and Skills, at <http://www.dfes.gov.uk/international-students/wituk.shtml>.

Prepared by Clare Feikert  
Legal Specialist  
Western Law Division  
Law Library of Congress  
September 2002