

## IMMIGRATION/

### Immigration Status &

### Strike Action:

## FAQs

**Question:**

I am working on a visa, does that affect my right to strike?

**Answer:**

No, you have the legal right to strike irrespective of your visa status. Please see the general [FAQs](#) for information on your legal rights to take industrial action and action short of strike.

### Staff sponsored under Tier 2 & strike action

**Question:**

Will Kent have to report a reduction in my salary or absence which is a result of lawful strike action? Will this affect my sponsorship?

**Answer:**

No. A change in the Immigration Rules saw UKVI recognise that Tier 2 sponsored workers may have periods of absence and a reduction in their salary when participating in legal strike action. The University is not required to report this.

**Question:**

Will absence due to strike action count as unauthorised absence?

**Answer:**

No. UKVI confirmed last year that it is not deemed to be unauthorised absence.

**Question:**

Do I need to inform the University that I will be absent due to strike action?

**Answer:**

Information on reporting participation in strike action can be found [here](#).

However, as your sponsor we do have a duty to hold details of your absence and report unauthorised absence. In order to determine that absence is a result of strike action, and therefore does not need to be reported to UKVI, we will need to be notified of your participation.

UCU have confirmed that in the interests of compliance, staff who are sponsored under Tier 2 are encouraged to report absence due to strike action.

## **Indefinite Leave to Remain & strike action**

### **Question:**

Will taking lawful strike or other industrial action impact upon applications made for Indefinite Leave to Remain (ILR)?

### **Answer:**

The Immigration Rules announced in September 2019 state that absence or a reduction in salary, as a result of legal strike action, will not affect ILR applications.

### **Question:**

Will the University include absence due to strike action in the employers supporting letter if I apply for ILR?

### **Answer:**

The University will provide an employer's letter to support your ILR application, and all the required information will be included. We are required to confirm if you are absent, or returned from such absence, if this occurs within the calendar month immediately preceding the date of your ILR application.

### **Question:**

What can I do if my ILR application has been refused for reasons related to industrial action?

### **Answer:**

Formal legal advice is recommended, although you may wish to obtain guidance from the HR Immigration Team in the first instance.

## **Tier 4 student workers & strike action**

### **Question:**

I hold a Tier 4 visa and I am employed by Kent. What are my rights to strike?

### **Answer:**

There are no restrictions on Tier 4 students taking part in industrial action nor the requirement for a sponsor to withdraw sponsorship on that basis.

Immigration Rules related to absence and salary requirement for Tier 2 visa holders are not applicable for Tier 4 students, even though employed. Visa requirements for Tier 4 (General) should however be observed.

## **Further information**

[University of Kent industrial action – information for staff](#)

[University of Kent industrial action – information for students](#)

[UCU – Migrant workers and taking action](#)