

## **Visa & Immigration and funding guidance for non Scottish-domiciled students**

*\*Please note that this guidance was last updated in January 2025. Furthermore, this is a complex and ever-changing area of law. We strongly encourage you check the UK Government website for any updates to the information below and that all students proactively understand their own eligibility position when it comes to studying or qualifying as a solicitor in Scotland. We also recommend that you seek independent legal advice prior to making any form of UK immigration application.\**

This information is designed to give you an overview of the funding, salary and visa-related considerations you may need to make if you are interested in qualifying as a solicitor in Scotland but are not sure if your immigration status permits you to do so.

### **Guidance for ‘international’ students**

For the purpose of this guidance, “international student/s” refers to anyone who studies or wishes to study in the UK and who does not already have:

- a. UK citizenship;
- b. Indefinite Leave to Remain in the UK (which is also known as “settled status”); or
- c. Any other form of UK immigration status (excluding student visas) which confers an automatic entitlement to work or study full-time in the UK. (For example, permission to remain as a refugee, as a partner, or as a parent all tend to confer automatic permission to do these things. Some other types of immigration status also do so. If in any doubt about this we recommend that you check the [UK government website](#) and/or seek independent legal advice).

If you are an international student wishing to study law and to qualify as a solicitor in Scotland it is essential you are aware of any visa requirements throughout your legal education journey. If you wish to qualify as a Scottish solicitor, you will almost certainly need to change visas at various stages of the process.

### **International students studying law**

Any international student aiming to study either an undergraduate or postgraduate degree will need to apply for a Student visa.

The courses which form part of the route to qualification as a solicitor in Scotland are:

- the [LLB in Scots Law](#), and
- the postgraduate [Diploma in Professional Legal Practice](#)

These are both mandatory courses. Please note that no Masters programmes form part of the route to qualification as a solicitor in Scotland.

Please visit the [UK government website to find out more about Student visas](#).

### **International students wishing to undertake a traineeship and qualify as a Scottish solicitor**

If you hope to qualify as a Scottish solicitor, please ensure you understand the [full route to qualifying](#) and the mandatory phases of training, all as governed by the Law Society of Scotland.

After the LLB in Scots Law and Diploma in Professional Legal Practice, you would need to undertake [a traineeship](#), which is a two-year period of paid employment, working under the supervision of a Scottish solicitor.

As this is a period of work-based learning, you would need to switch from a Student visa to a different visa. Specifically, you would need a visa that permits you to work full-time for a minimum period of 2 years or more.

Student visas for courses of 12 months or more are usually valid for four months after the end of the course (for courses of 6 months or longer, but less than 12 months, it is usually two months after). There may therefore be some flexibility in the timing of your Graduate visa application (subject to you meeting the requirements of this route). Having completed a degree and postgraduate study in Scotland, you may be eligible to apply for a Graduate visa. If you are not eligible, you may be able to apply for a Skilled Worker visa.

#### Factors to consider in relation to the Graduate visa:

- You can either look for work or be employed if you are on a Graduate visa, so you can either look for a traineeship, or commence a traineeship with a Graduate visa.
- If you are on a Graduate visa you are allowed to change jobs and employers without further permission from the UK government.
- There is no salary threshold for any employment you undertake whilst on a Graduate visa.
- There is a strict time restriction on the Graduate visa. It lasts exactly two years from the date it is granted.
- Because the traineeship is also two years, it is possible (in theory) to complete an entire traineeship with a Graduate visa. However, in order to do this, you would need to commence the traineeship no later than the start date of your Graduate visa. If starting the traineeship *before* your Graduate visa commences you would need to check that your current visa permits you to undertake full-time work<sup>1</sup>.
- If you have a Graduate visa but start a traineeship *after* the start date of the Graduate visa you would not then be able to complete the traineeship before the expiry of your visa. In order to finish your traineeship in these circumstances you would need to “switch” to a different type of visa (eg. Skilled Worker visa) before your Graduate visa expires. The visa you “switch” to in this way would need to be one which permits you to continue working full-time in the UK. A Skilled Worker visa *might* be appropriate for this. However, legal trainees in Scotland are likely to face significant practical difficulties in trying to obtain this type of visa – as explained further below.

#### Factors to consider in relation to the Skilled Worker visa:

- Before applying for a Skilled Worker visa your prospective employer (“Sponsor”) would first need to meet various administrative and legal requirements, including obtaining a Sponsor Licence (permitting them to employ non-UK nationals in general) and a Certificate of Sponsorship (permitting them to employ you specifically).
- You would also need to meet various other eligibility criteria for a skilled worker visa, including that the salary for your prospective job would meet or exceed a “minimum salary threshold”.

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<sup>1</sup> At the time of writing most UK student visas permit the visa-holder to work part-time during term-time and full-time outside of term-time.

- This “minimum salary threshold” is categorised as the “going rate” for the occupation in question. For “solicitor” the minimum salary threshold is currently £52,300 per annum and for a trainee solicitor it is likely that, in most cases, the minimum salary threshold would be reduced to 70% of this (ie. £36,610 per annum)<sup>2</sup>. However even if the minimum salary threshold is lowered to £36,610, this is still higher than the annual salaries currently being offered for the great majority of trainee solicitors in Scotland. Regrettably, therefore, in the great majority of cases, trainee solicitors in Scotland would **not** be eligible for a UK Skilled Worker visa.
- Furthermore it should also be noted that, generally speaking, a Skilled Worker visa only permits you to work in the same role for one, named employer. If you wish to change roles or employer you would need to obtain a new Skilled Worker visa before being permitted to start such a new role.

Alternatively, if you are already a qualified solicitor in a different jurisdiction and wish to re-qualify in Scotland, and then obtain work in Scotland, you would need to obtain a Skilled Worker visa and meet the points-based thresholds. In these circumstances, that would include a minimum salary threshold which, at the time of writing, is set at £52,300 per annum (unless you qualify for a lower salary threshold on account of your own personal attributes).

For more information, please visit the [UK Government Visa and Immigration website](#).

### **Funding for Further Education in Scotland**

Please note that although the immigration law and policy for international students in Scotland is governed by the UK (Westminster) Government, education itself is a matter devolved to the Scottish (Holyrood) Parliament. As a result the rules on eligibility for student funding in Scotland are completely different than the immigration rules and policies that apply to international students (as discussed above). The rules on eligibility for funding are different for students who are ordinarily resident in (a) Scotland, (b) elsewhere in the UK, (c) elsewhere in the EEA, or (d) in a non-EEA country.

The funding regime is administered by Students Awards Agency for Scotland (“SAAS”), which is an Executive Agency of the Scottish Government. As a very general rule, international students in Scotland are not eligible for SAAS funding. However some non-UK citizens who reside in Scotland and who wish to study in Scotland *might* be eligible for SAAS funding. This depends on an individual’s own immigration status and also other criteria such as length of residence in Scotland. The rules on this are complex and if you seek further information then we recommend that you seek this from the [SAAS website](#) or else by [contacting SAAS directly](#).

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<sup>2</sup> However please note that the 70% reduction only applies if various other criteria are met.