

Dear Colleague

## WORK PERMIT CATEGORIES AND RECRUITMENT TO TRAINING POSTS WITHIN NHSSCOTLAND

### Purpose

This paper has been prepared by Health Workforce Directorate in response to requests for guidance from NHS Boards regarding immigration rules for post graduate doctors.

NHS employers should note that the following is an interpretation of the UK Border Agency guidance only. Details of further contacts within the UK Border Agency are included within this paper; and the following link takes you to the employer section of the Home Office website where further guidance can be found:

<http://www.ukba.homeoffice.gov.uk/employers/resourcesandtools/>

**We would strongly advise that check each individual case with the UK Border Agency and Central Legal Office where appropriate.**

### Immigration Rule Changes

On [29 February 2008](#) the transition to the new [points-based system](#) for migration to the UK began. Once completed this transition will combine more than 80 pre-existing work and study routes in to the United Kingdom into five tiers. Tier 1 of the points-based system covers [highly skilled workers](#) and replaces 8 previously existing immigration categories, including the Highly Skilled Migrants Programme (HSMP). The roll out of Tier 1 was completed on [30 June 2008](#).

It should be noted that a key condition has been included within the [Tier 1](#) arrangements, this stipulates that most migrants qualifying for Tier 1 status will be prohibited from taking a post as a doctor in training. In effect this means that most new doctors from outside the European Economic Area (EEA) will not be able to enter the UK and compete for training posts on equal footing with EEA applicants.

### Addresses

#### For action

#### For information

HR Directors  
Medical Directors  
Employee Directors  
NES  
Regional Workforce Directors  
BIDA

### Enquires to:

Point of contact in Division  
St Andrew's House  
Regent Road  
Edinburgh EH1 3DG

Tel: 0131-244 3438

Fax: 0131-244 2837

Point of contact

[jenny.simons@scotland.gsi.gov.uk](mailto:jenny.simons@scotland.gsi.gov.uk)

<http://www.scotland.gov.uk>



However, it remains that doctors from outside the EEA will be able to apply for service posts, and post graduate doctors will still be able to take up a training post, subject to the employer satisfying the labour market test rule, i.e. that there are no suitable EEA applicants for the post. Doctors who currently hold HSMP status however are still able to apply for training and service posts on an equal basis to EEA applicants.

## **Current Work Permit Options**

Within the work permit arrangements the following are categories of work permits through which International Medical Graduates (IMGs) may be recruited to training posts within NHSScotland:

### [Postgraduate Doctors and Dentists Work Permit Category](#)

The [Business and Commercial work permit arrangements](#) allow employers to recruit people from outside the EEA who are going to be filling a vacancy that may otherwise be filled by a 'resident worker'. Postgraduate Doctors and Dentists are a category included within the Business and Commercial arrangements.

This category of work permits is for postgraduate doctors and dentists to undertake further/continuing training in the UK in the NHS, and covers Foundation Programme, Foundation Officer 2, General Practice Registrar and Speciality Registrar level posts.

Under this category of work permits, the applicant will be given permission to enter and stay in the United Kingdom for a maximum of 5 Years. Applications to extend the period of stay may be submitted. Applications are submitted to UK Border Agency using the PD1 form and applications are subject to a charge of £190.

### [An Applicant holding HSMP Status](#)

The HSMP allowed individuals with exceptional skills to seek entry or stay in the UK without having a prior offer of employment. Leave to remain was granted for a period of up to 2 years, with extensions granted for up to a further 3 years. The introduction of Tier 1 of the points-based system has since replaced the Highly Skilled Migrants Programme (HSMP), however Boards may still appoint IMGs to training posts if the applicant holds leave to remain under HSMP.

Within NHSScotland, the position has consistently remained that applicants with limited leave to remain, e.g. from the HSMP, had the right to be considered alongside applicants from the EEA when applying to posts in NHSScotland. Doctors who currently hold HSMP status are therefore still able to apply for training and service posts alongside EEA applicants.

Anyone currently in the United Kingdom under this category who wishes to extend their leave to remain will need to apply under the appropriate Tier 1 category when their existing permission to stay ends. Categories within Tier 1 include Highly Skilled Workers, Entrepreneurs, Investors and Post Study Workers and extensions will be granted for a period of up to 3 years.

Boards may also wish to be aware of the following within the work permit arrangements:

- (i) Current Immigration rules allow for two years of permit free training for non-EEA nationals, who have trained in a UK medical school, to enable them to acquire full registration with the General Medical Council. Under this category, the applicant will be given permission to enter and stay in the United Kingdom for a maximum of 26 months. Applications to extend the period of stay may be submitted up to a maximum of 3 years in total.

### **Medical Training Initiatives**

The [Training and Work Experience arrangements](#) enable people from outside the EEA to undertake work-based training for a professional or specialist qualification, or a period of work experience.

Medical Training Initiatives (MTI) are a category of work permit within the Training and Work Experience category which accommodate overseas postgraduate medical specialists to undertake further/continuing training in the UK, normally within the NHS. Once the training is completed however the intention is for the individual to return overseas.

### **Transition Arrangements for HSMP**

Additional information has been provided regarding the [transition arrangements](#) for people who are part-way through the process of applying to the HSMP, or who have leave to remain and want to extend their stay. This information may also provide a helpful reference for employers in assessing the status of an applicant who holds or who has already applied to HSMP.

### **Contacts for Further Information**

For ease of reference a number of links have been included within the text to key sections of the Home Office website.

Further information on work permits is available online from the [UKBorder Agency](#). They may also be contacted by email at [wpcustomers@ind.homeoffice.gsi.gov.uk](mailto:wpcustomers@ind.homeoffice.gsi.gov.uk) or phone the Customer Contact Centre on 0114 207 4074.

In addition the UK Border Agency has a Stakeholder Strategy Unit which can assist if you having difficulty making contact with other parts of the Agency. The Unit can be contacted by email [stakeholders@homeoffice.gsi.gov.uk](mailto:stakeholders@homeoffice.gsi.gov.uk) or phone 020 7035 6525.

**Jenny Simons**

**Scottish Government  
Health Workforce Directorate**  
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