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NHS Management Executive
St. Andrew's House
Edinburgh EH1 3DG

22nd July 1997

Dear Colleague

**IMMIGRATION AND EMPLOYMENT OF OVERSEAS
MEDICAL AND DENTAL STUDENTS, DOCTORS AND
DENTISTS IN THE UNITED KINGDOM**

Summary

This Circular, and the Guide¹ to which it refers, give detailed information and guidance to Health Boards, Trusts, postgraduate deans and general medical and dental practitioners on the immigration and employment of overseas² medical and dental students, doctors and dentists within the National Health Service. They are also relevant to those who wish to assist them with their education and training.

Action

Employing authorities and postgraduate deans are asked:

- i. to ensure that the contents of this Circular and the Guide are brought to the attention of staff dealing with the appointment of doctors and dentists and to those who may be in a position to give advice to them; and
- ii. to review their procedures for recruitment and ensure that consideration of an applicant for a specialist registrar appointment is not conditioned by the duration of permit-free time available to the applicant.

¹ *A Guide to Immigration and Employment of Overseas Medical and Dental Students, Doctors and Dentists in the United Kingdom, April 1997, issued by the Departments of Health.*

² A student, doctor or dentist who, regardless of where he or she may have obtained their primary qualification, does not have a right of residence or is not settled in the United Kingdom (as determined by immigration and nationality law) or who does not benefit from European Community Rights.

KMA05805

* ORGnl Dirct From
MR W B McQUEEN

Addressees

For action:

Chief Executives, NHS Trusts

General Managers, Health Boards

Executive Director, Scottish Council
for Postgraduate Medical and Dental
Education

Postgraduate Deans and Director

General Manager, Common Services
Agency

General Manager, State Hospitals
Board for Scotland

For information:

General Manager, Health Education
Board for Scotland

Deans of Faculties of Medicine

Deans of Dental Schools

Enquiries to:

Mr W B McQueen
Directorate of Human Resources
Department of Health
Room 62
St Andrew's House
EDINBURGH EH1 3DG

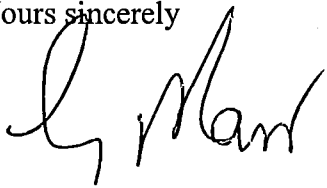
Tel: 0131-244 2515

Fax: 0131-244 2837

COMMON SERVICES AGENCY	
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19 JUL 1997	
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Health Boards are asked to send copies of this Circular without the Guide to all general medical and general dental practitioners in their area.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gerry Marr'. The signature is written in a cursive style with a large initial 'G' and 'M'.

GERRY MARR
Director of Human Resources

IMMIGRATION AND EMPLOYMENT OF OVERSEAS MEDICAL AND DENTAL STUDENTS, DOCTORS AND DENTISTS IN THE UK

Background

A review of the immigration arrangements for overseas doctors was one of the recommendations of the working group convened by the Chief Medical Officer (England) to consider the implications for the training of overseas doctors in *Hospital Doctors: Training for the Future* (The Calman Report). The working group published a report of its findings and recommendations in May 1995.

Under the previous arrangements, doctors wishing to come to the United Kingdom to pursue postgraduate training in a hospital or the Community Health Services were admitted without being required to possess a work permit - this was known as *permit-free training*. Doctors were eligible for up to 4 years *permit-free training* which had to be re-applied for annually.

The working group recognised that the Implementation of the Calman report would result in the introduction of planned and structured specialist training and that the existing immigration arrangements would not provide sufficient time for overseas doctors to benefit from the revised training arrangements. Following careful consideration Parliament approved amendments to the Immigration Rules effective from 1 April 1997.

New arrangements for postgraduate training in the Hospital and Community Health Services

Essentially, the Immigration Rule changes apply to the duration of the period of *permit-free* training and enable a range of training appointments to be determined by the type of training being undertaken (including eligibility for the award of a Certificate of Completion of Specialist Training CCST if appropriate) and the needs of the individual doctor or dentist:

- doctors pursuing **general clinical training** in PRHO appointments are eligible for an initial grant of up to 12 months with provision for extension should there be a break in employment. Where, exceptionally, there is a need for a doctor to spend more than 12 months as a PRHO, the Home Office should be approached and exceptional permission for an extension sought. *Permit-free* time spent as a PRHO will not count towards any limitation of the period of *permit-free* training;
- doctors or dentists undertaking **basic specialist or general professional training** in SHO and equivalent appointments are eligible for up to 4 years *permit-free* training as in the past. There is an initial grant of up to 3 years and provision for extension(s) of this period to the maximum of 4 years. The number of reapplications each doctor will need to make should therefore be reduced;
- for doctors or dentists who hold **higher specialist training appointments** (specialist registrar (SpR) and equivalent) the amount of *permit-free* training time will be directly related to the time required to achieve their training goal. There is an initial grant of up to 3 years for doctors who have not previously held *permit-free* training and/or provision for further extension(s) of stay, each not exceeding 3 years, dependent on the requirements of the doctor's training programme - for example, a Type I programme which may lead to a CCST or a Type II programme (Fixed Term Training Appointment) of shorter duration tailored to meet an individual doctor's needs but

ANNEX

which does not lead to a CCST. Doctors who compete for and are successful in entering higher specialist training after a period of basic specialist/general professional training in the United Kingdom as an SHO are eligible for such extension(s) once their current grant of *permit-free* time comes to an end.

The amended Immigration Rules apply equally to doctors or dentists entering training after 1 April 1997 directly from abroad *or* who are already in the UK with *permit-free* status which extends beyond that date. Time already spent in *permit-free* training in the United Kingdom prior to the introduction of changes to the Immigration Rules will be taken into account when determining any aggregate limits which apply. **The concession, introduced in 1993, which provided for postgraduate deans to recommend an exceptional extension to permit-free time outside the Immigration Rules is withdrawn.** For doctors holding existing visiting registrar appointments, additional *permit-free* training time may be granted, provided the doctor does not spend more than an aggregated maximum of four years in the United Kingdom as a postgraduate doctor. They may wish to apply for appointments within the specialist registrar grade.

Under the amended Immigration Rules, doctors or dentists applying to the Home Office for an extension to their *permit-free status* will be required to "show evidence of satisfactory progress in [their] postgraduate training including the passing of any relevant examinations". Responsibility for providing advice to the Home Office on doctors' progress will rest with the Postgraduate Deans. Deans will need to consult with other colleagues ie, supervising consultants, college regional advisers and/or specialty tutors, programme directors, sponsors or representatives in order to provide advice. Applications for extension may be refused by the Home Office if, subject to the advice from the Postgraduate Dean, it appears that the applicant is not or has not been pursuing postgraduate training.

General Medical and Dental Practice

The immigration arrangements as they apply to general medical and dental practice remain substantially unchanged. Overseas doctors and dentists who intend to undertake vocational training or work experience in the United Kingdom before returning to work overseas are usually required to hold a work permit issued under the training provisions of the Training and Work Experience Scheme (TWES) by the Overseas Labour Service of the Department for Education and Employment. Other than in certain limited circumstances where a TWES certificate is not required, there is no funding available for salaries, expenses or the trainer's grant through the NHS Trainees Practitioner (GP Registrar) Scheme. Information on the availability of funding through the GP Registrar Scheme in respect of arrangements for overseas doctors training in general medical practice was issued on 20 May, NHS PCA(M)(1997)15. A letter, NHS 1997 PCA(D)6, addressing the same issue in respect of overseas dentists was sent to Health Boards on 30 April and the Memorandum to the letter was distributed to all dentists on Health Board lists.

The arrangements for work permits and self-employment

The provisions for *work permits* and *self-employment* under the Immigration Rules, as they apply in the HCHS, GMS and GDS, remain substantially unchanged.

Establishing eligibility to work in the United Kingdom

In order to ensure employers consider applicants' eligibility to work in the United Kingdom a new criminal offence has been created in the Asylum and Immigration Act 1996. Specific Home Office guidance, *Prevention of illegal working - Guidance for employers* explains the implications of this offence for employers and has been circulated separately by the Home Office to employers. When checking an overseas national's eligibility to work, employing authorities, postgraduate deans and practitioners should refer both to the Home Office guidance and to that issued by the Departments of Health.

Cancellation of Previous Guidance

NHS Circulars 1985(GEN)26 and MEL(1994)52 are hereby cancelled.

Further information

The information in this Circular and the associated Guide is a broad statement of the effect of the Immigration Rules including recent changes. Enquiries about the content of this Circular and the Guide should be addressed to: Bill McQueen, Directorate of Human Resources, Department of Health, Room 62, St Andrew's House, Edinburgh EH1 3DG.

Neither this Circular nor the Guide can be used as a definitive document for determining the immigration and employment status of an individual medical or dental student, doctor or dentist. If needed, employers, practitioners and postgraduate deans may seek guidance on the status of any individual overseas national from the Home Office and the Department for Education and Employment (Overseas Labour Service) which will also clarify the status of individual students, doctors or dentists. Information on how to contact the Home Office and the Department for Education and Employment is provided within the Guide.

How to obtain initial or further copies of the Guide

Initial or further copies of *A Guide to Immigration and Employment of Overseas Medical and Dental Students, Doctors and Dentists in the United Kingdom, April 1997* may be obtained by writing to:

Department of Health Distributions
PO Box 410
Wetherby
LS3 7LL
Fax: 01937 845 381



THE SCOTTISH OFFICE

Department of Health

Chief Executives, NHS Trusts
General Managers, Health Boards
Executive Director, SCPMDE
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NHS Management Executive
St. Andrew's House
Edinburgh EH1 3DG 2515

Telephone 0131-244
Fax 0131-244 2683

17 July 1997

Dear Colleague

IMMIGRATION AND EMPLOYMENT OF OVERSEAS MEDICAL AND DENTAL STUDENTS, DOCTORS AND DENTISTS IN THE UK

I enclose a copy(s) of the guide to the new arrangements relating to the immigration and employment of overseas medical and dental students, doctors and dentists in the UK. The guide has been issued by the Departments of Health.

A Circular, produced by the Scottish Office Department of Health and giving information on the new arrangements, will be sent to you shortly.

Health Boards are asked to send copies of the Circular **without the Guide** to all general medical and general dental practitioners in their area.

Yours faithfully
W B McQueen

DR W B McQUEEN
Directorate of Human Resources