



Department
of Health

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Dear Sarah,

RE: Visa restrictions for non-EU Doctors

Thank you for your letter about provisions for non-EEA nationals to work as GPs in the UK.

To address the specific concerns highlighted in your letter, I would like to offer assurance that we highly value the enormous contribution of all the staff working in health and social care from across the European Union and the rest of the world. We're continuing to work with colleagues in the Home Office to ensure the health and care system has access to the right number of appropriately trained and qualified staff, with the right qualities, when and where they are needed.

The process and requirements you have stated for Indefinite Leave to Remain (ILR) are correct. The qualifying periods for ILR are intended to ensure migrants have built sufficient ties and contributions to the UK and we have no current plans to reduce them. In most cases, a GP completing a five-year medical degree, two-year Foundation Programme and three years GP training will qualify for ILR on the basis of Long Residence. It is not necessary, however, for an individual to obtain ILR in order to work as a GP in the UK.

Tier 2 is the main immigration route for non-EEA nationals to apply to work in the UK. The Tier 2 (General) route is designed to fill skilled vacancies for which no suitable resident workers are available. Applicants must have an offer of a graduate level job, paying an appropriate salary, from an employer which has been licensed by the Home Office to sponsor migrant workers. There is no reason why GPs cannot be sponsored under Tier 2 where they are needed to fill vacancies. If they are applying within the UK, they are not subject to the annual limit which applies to overseas Tier 2 applications.

While a local GP practice may not have the same level of administrative resources as an NHS Trust, this should not be a barrier. Over 27,000 UK employers hold a Tier 2 sponsor licence, most of which are small organisations. Sponsorship is straightforward and employers can apply for a sponsor licence online in thirty minutes. There is a reduced application fee of £536 for small employers and most applications are decided within 8 weeks. The Sponsor Management System is also online and the Business Helpdesk is available to provide support.

Once a licence is obtained, sponsoring an individual non-EEA national is again straightforward and can be submitted online. A Tier 2 sponsor should use the guidance which can be found here:

<https://www.gov.uk/government/collections/sponsorship-information-for-employers-and-educators>. The guidance is presented in a step by step format. Tier 2 applications are decided quickly and the processes are designed to enable applicants to continue working seamlessly.

For trainees seeking to gain Tier 2 sponsorship from Health Education England (HEE) the process is as follows:

- The applicant is recruited onto a training programme and contacts HEE if they require sponsorship for their Tier 2 visa (every applicant needing a Tier 2 visa must apply for sponsorship)
- HEE issues a Certificate of Sponsorship (CoS) to each applicant that requires Tier 2 sponsorship within 3 months of their start date. This can take up to 2 weeks but may be longer depending on the time of year. The CoS is sent to the applicant
- The applicant uses this CoS to apply to the Home Office for their Tier 2 visa
- They then have to submit their biometric details at the Post Office (finger print and photo) and this is sent to the Home Office
- The Home Office processes their application once they have received the biometric details. The processing time depends on the method the applicant applies but a decision can take up to 8 weeks for a standard route application
- Once the Home Office have approved the application, it can take up to 10 days for the visa card to be issued and sent to the applicant
- Once the applicant has their visa card, they can commence training.

It would be unusual for an applicant to be asked to leave the country however specific circumstances which may result in this are listed below:

- The applicant was previously working on a dependant visa (similar to a partner/spouse visa) and needed to switch to Tier 2. They would need to make an out-of-country application for their Tier 2 visa due to the Home Office rules
- The applicant's visa had expired and they did not submit an in-time application, meaning they did not apply for a new visa before their previous one expired. Without a valid immigration status, they would be asked to leave the UK
- They mistakenly left the country to apply for their visa, their application was refused and they were not allowed back into the UK because their previous visa had expired

- They left the UK and their Tier 2 visa expired whilst they were outside the UK. They would then need to meet the Tier 2 cooling off period meaning they could not re-apply for Tier 2 until at least 12 months have passed
- They did not meet the Home Office requirements for the Tier 2 visa application process and were not eligible for any other visa status.

Tier 2 rules also state that we must recruit applicants within the Resident Labour Market Test (RLMT) guidelines. This means that recruiters must consider UK/EU/EEA/settled applicants before non-EU workers, unless the EU applicants are exempt from the RLMT. If the applicants are subject to the RLMT, the sponsor would need to issue their CoS within 6 months of the advertisement for the post going live online. If the 6 months passes, the sponsor would not be able to sponsor any applicants that had not yet applied for their CoS.

Employers who are able to satisfy the RLMT are able to recruit from outside the UK (and EEA) under the Tier 2 immigration route. Whilst there is a limit on this route of 20,700 places in any year this limit has never been breached and no employer has been prevented from recruiting healthcare workers from abroad.

My Department continues to work closely with both the Home Office and NHS England to ensure a smooth facilitation process for the International GP Recruitment Programme being delivered by NHS England, as part of the General Practice Forward View.

As you know, the Government will be reviewing our immigration policy as part of the Brexit process, so if you have further evidence to suggest that any of what I have set out above is not working as planned, then please do share details and I will ask my officials to look into it.

Yes

Jeremy

JEREMY HUNT

Secretary of State for Health

