

Changes to the immigration rules FAQs

What changes have been made to the immigration rules?

On 6th February the Home Office announced that Tier 1 of the new Points Based System would be introduced from the 29th February. Tier 1 will be introduced in the UK on the 29th February and in India from 1 April. Tier 1 will replace the Highly Skilled Migrant Programme (HSMP).

You can find out more about the Points Based System on the Border and Immigration Agency website

<http://www.bia.homeoffice.gov.uk/sitecontent/documents/managingourborders/pbsdocs/>.

On 6th February, the Home Office also announced some changes to the HSMP for applicants in those countries where it is still operating until Tier 1 replaces it. New applicants to the HSMP or the Tier 1 Points Based System may be restricted from employment as a doctor in training. This will be made clear to you when you apply to the HSMP or Tier 1 Points Based System.

Is there an easy way for me to identify whether I can take up employment in specialty training posts?

Yes. If you are restricted from taking employment as a doctor in training, this will be marked on your passport and the letter you receive confirming your Tier 1 or HSMP approval. You will need to provide both documents when you apply for a specialty training post.

I am a UK national/citizen who completed my undergraduate medical training outside of the UK. Can I be considered for specialty training posts?

Yes. UK nationals/citizens are able to take up employment in the UK without restriction, so your application will be considered.

I am the spouse/civil partner of a UK citizen. Can I be considered for specialty training posts?

People who have been granted leave to remain in the UK as the spouse/civil partner of a UK citizen are able to take employment as a doctor in training, so your application will be considered.

I am interested in working in a service or trust grade post. Do the changes to the immigration rules affect me?

No. The changes to the immigration rules do not affect service or trust grade posts. If you have the right to take up employment in the UK, you can continue to be considered for these posts. If you require a work permit to work in the UK, your application may only be considered if there are no suitable applicants who can take up the post without a work permit.

I have got leave to remain in the UK as a Postgraduate Doctor (through the permit free training route which allows me to work as a Foundation doctor). I plan to apply for Tier 1 (formerly HSMP) when that leave expires. Can I be considered for specialty training posts?

Doctors who have, or last had, leave as a Postgraduate Doctor will not be restricted from taking employment as a doctor in training if they are granted leave under Tier 1. If you don't have this restriction placed on you by the Home Office, your application to specialty training will be considered.

I have leave to enter/remain under the Highly Skilled Migrant Programme that was granted before 29th February. Can I be considered for specialty training posts?

People who were granted leave under the HSMP before the rules changed on 29th February are able to take employment as a doctor in training, so your applications to the current recruitment round will be considered.

I plan to apply for Tier 1. Can I be considered for specialty training posts?

People who are granted leave under Tier 1 will be restricted from taking employment as a doctor in training unless they:

- Have (or last had) leave under the HSMP
- Have (or last had) leave as a Postgraduate Doctor (permit-free training)
- Have (or last had) leave under Tier 1 that had no such restriction
- Have an HSMP approval letter for an application to the HSMP that was made on or before the 6th February, and have applied for leave under Tier 1 within 6 months of the date of that letter.

If you fall into one of the exempted categories above, your specialty training application will be considered. If you are not covered by one of the exemptions, your application may only be considered if there are no suitable applicants who are able to take up employment as a doctor in training. If you are subsequently offered a training place, that offer will be subject to a work permit being granted to allow you to take up the post.

Are LATs posts covered by the restriction that prevents doctors from taking up employment as a doctor in training?

Yes. LATs are gaps in a training programme that has been approved by PMETB therefore the restriction applies to these posts too.

I made my first application to the HSMP after the 5th February. How do these changes affect me?

If you were granted entry clearance or leave to remain in the UK before 29th February, you will be able to take employment in a specialty training post. If your leave was granted on or after 29th February, you will not be able to take employment as a doctor in training and your application may only be considered if there are no suitable applicants who are able to take up employment as a doctor in training.

I require a work permit to take up employment in the UK. Can I be considered for specialty training posts?

Your application will be considered if there are no suitable applicants who can take up the programme.

Are any further changes planned?

The Department of Health published a consultation document on 6 February seeking views on the management of applications to foundation and specialty training from medical graduates from outside the European Economic Area. Following the House of Lords Appeal into similar guidance issued in 2006 and the outcome of the consultation, the Department of Health may introduce guidance to give priority to UK trained doctors. These FAQs will be updated if such guidance is issued.

Please [click here](#) for further information and the consultation document published on 6 February 2008.