

Postgraduate Doctors and Dentists

Policy Index

Below is a list of items of guidance on the policy relating to Postgraduate Doctors and Dentists. Caseworkers **must** refer to **all** relevant parts of this guidance, including the Immigration Rules, when considering applications.

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If you have read the above guidance and you still have a question please contact your senior caseworker, your manager or BCPI (if you are in I.S).

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Postgraduate Doctors and Dentists

Background

There have been longstanding provisions within the Immigration Rules which enable overseas doctors and dentists to come to the UK to continue their training. They enabled overseas doctors and dentists to train in the UK for long periods before returning abroad, although they could also switch into an employment or self employment category and work in the UK. These provisions have been substantially changed with effect from 3 April 2006.

Both the needs and the structure of the health service and medical training programmes have changed considerably since this category was introduced, as have the immigration provisions for overseas nationals who want to work in the UK. In addition, the number of places in UK medical and dental schools has increased, meaning that there are now more UK graduates seeking relevant training posts.

There is therefore no longer a need for a specific category in the Immigration Rules to enable doctors and dentists to train in the UK for many years, prior to either leaving the UK or switching into an employment or self employment category.

With effect from 3 April 2006, the category for Postgraduate Doctors and Dentists only provides for those doctors and dentists who have completed their medical / dental studies in the UK to take their Foundation Programme here. They are still considered as trainees for this period, and expected to leave the UK at the end of their training (although they can switch into other categories of leave as set out in the Rules and in this guidance). Consequently, this category does not lead to settlement.

These changes were announced on 7 March 2006 and came into effect on 3 April 2006.

Other non-EEA doctors and dentists will still be able to come to the UK. However, those taking up a Senior House Officer or Specialist Registrar post (or equivalent grades at either level) will now be considered as in employment for immigration purposes, and will need to meet the requirements of an appropriate category of the Immigration Rules. The same applies for those wanting to undertake a Foundation Programme in the UK but who do not meet the requirements of the revised provisions for Postgraduate Doctors and Dentists.

The new arrangements apply for all posts at these grades. There has previously been confusion about which of these posts are recognised training posts (and therefore eligible for leave as a Postgraduate Doctor or Dentist), and which posts at the same grade are not recognised as training posts, even

where filled by trainee doctors or dentists (and where a work permit is therefore required). Since the changes to the provisions for Postgraduate Doctors and Dentists, there is no longer any distinction between training and non-training posts for immigration purposes.

The previous provisions for Postgraduate Doctors and Dentists covered training at the following levels:

- Foundation Programmes
- Basic Specialist Training - this refers to Senior House Officer (SHO) and equivalent grades
- Higher Specialist Training - this refers to Specialist Registrar and equivalent grades. The General Practice Vocational Training Scheme (GPVTS) is also considered as higher specialist training.

Work permits can now be issued for training posts at these grades, if all the relevant requirements are met.

Guidance on the work permit system is available on the Working in the UK website at www.workingintheuk.gov.uk.

Further information on those who had existing leave as a Postgraduate Doctor or Dentist on 3 April 2006 can be found elsewhere in this guidance.

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Grant Periods

Leave can be granted as a Postgraduate Doctor or Dentist when **all** the requirements of paragraph 70 (leave to enter) or 73 (extension of stay) of the Immigration Rules are met. The Immigration Rules and associated guidance **must** be referred to when considering applications. Providing that none of the general grounds for refusal set out in **Chapter 9** of these Instructions apply, leave may be granted as set out in the table below.

Leave should be granted on Code 1.

Foreign nationals aged 16 and over, who are required to register under the Police Registration Scheme, should be required to register with the police if they are being granted leave to enter for longer than six months or leave to remain which will mean their stay in the UK will exceed six months. Further advice on Police Registration can be found in **Chapter 10** of these Instructions.

Someone seeking to enter the UK on the basis of leave to enter previously granted as an entry clearance should be admitted unless there are grounds to cancel their leave to enter under 321 of the Immigration Rules.

The Foundation Programme lasts 24 months. Leave can be granted for a maximum of 26 months initially – this is to allow one month either side of the Foundation Programme. Applicants who need further time to complete the Programme can then be granted a further period of leave up to a maximum of 3 years in total (see guidance on Previous Periods of Leave).

In this table the category of leave for Postgraduate Doctors and Dentists is referred to as PGD. PRHO is Pre-Registration House Officer (which is now the first year of the Foundation Programme).

Stage	Previous Leave	Grant of Leave	Notes
Entry Clearance	None as a PGD	In line with the Foundation Programme, up to 26 months	This is to allow 24 months to undertake a Foundation Programme, plus one month before and after
Entry Clearance	1 year as a PGD (as a PRHO)	In line with the Foundation Programme, up to 14 months	This is to allow 12 months to complete the Foundation Programme, plus one month before and after
Entry Clearance	26 months as a PGD	In line with the Foundation Programme, up	This is for those who need further time to complete the Foundation Programme

		to 3 years in total as a PGD	
On Entry		In line with the Foundation Programme, up to a maximum of 6 months	Entry Clearance is mandatory for all except a British National (Overseas), a British overseas territories citizen, a British Overseas citizen, a British protected person or a person who under the British Nationality Act 1981 is a British subject
After Entry	None as a PGD	In line with the Foundation Programme, up to 26 months	This is to allow 24 months to undertake a Foundation Programme, plus one month before and after
After Entry	1 year as a PGD (as a PRHO)	In line with the Foundation Programme, up to 14 months	This is to allow 12 months to complete a Foundation Programme, plus one month before and after
After Entry	26 months as a PGD	In line with the Foundation Programme, up to 3 years in total as a PGD	This is for those who need further time to complete the Foundation Programme

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Refusal Guidance – Entry Clearance

The requirements to be met by a person seeking to enter the UK as a Postgraduate Doctor or Dentist are set out in paragraph 70 of HC 395. Entry clearance should be refused if **all** the requirements of paragraph 70 are not met.

Paragraph 320 of the Immigration Rules sets out the general grounds on which entry clearance can be refused. Further guidance on refusing an entry clearance can be found in Chapter 9, Section 2 of these Instructions. This guidance and the relevant Rules **must** be referred to when considering refusing entry clearance.

Refusal Wordings

The following are examples of refusal wordings. Caseworkers should note that this is **not** an exhaustive list of all possible refusal formulae.

Details of Appeal rights can be found in Chapter 12 of these Instructions.

- You have applied for entry clearance to enter to the UK as a postgraduate doctor or dentist but your application has been refused.

- **Applicant has not successfully completed a degree in medicine or dentistry**

In view of [...] the Secretary of State is not satisfied that you have successfully completed a degree in medicine or dentistry.

Paragraph 72 with reference to 70(i)

- **Applicant is not a graduate from a relevant UK medical school or dental school**

In view of [...] the Secretary of State is not satisfied that you have been awarded your medical or dental degree by a UK publicly funded institution of further or higher education or by a UK bona fide private education institution which maintains satisfactory records of enrolment and attendance.

Paragraph 72 with reference to 70(i)

- **Applicant's medical or dental degree is not UK recognised**

In view of the fact that [...] the Secretary of State is not satisfied that your medical or dental is a UK recognised degree.

Paragraph 72 with reference to 70(i)

- **Applicant was not granted leave as a student for the final academic year of their medical / dental degree**

In view of the fact that [...] the Secretary of State is not satisfied that you were granted leave in accordance with paragraphs 57 to 69L of the Immigration Rules, for the final academic year of your medical or dental degree.

Paragraph 72 with reference to 70(ii) (a)

- **Applicant was not granted leave as a student for one other academic year (in addition to the final year) of their medical / dental degree**

In view of the fact that [...] the Secretary of State is not satisfied that you were granted leave as a student, in accordance with paragraphs 57 to 62 of the Immigration Rules, for one academic year of your medical or dental degree, in addition to the final academic year.

Paragraph 72 with reference to 70(ii) (b)

- **Applicant does not hold a letter from the Postgraduate Dean**

In view of the fact that [...] the Secretary of State is not satisfied that you hold a letter from the Postgraduate Dean.

Paragraph 72 with reference to 70(iii)

- **The letter from the Postgraduate Dean does not confirm that the applicant has a full-time place on a recognised Foundation Programme**

In view of [...] the Secretary of State is not satisfied that you have a confirmed full-time place on a recognised Foundation Programme.

Paragraph 72 with reference to 70(iii)

- **Applicant does not intend to train full-time in his post on the Foundation Programme**

In view of the fact that [...] the Secretary of State is not satisfied that you intend to train full-time in your Foundation Programme.

Paragraph 72 with reference to 70(iv)

- **Applicant is not able to maintain and accommodate himself and any dependants without recourse to public funds**

In view of [...] the Secretary of State is not satisfied that you will be able to maintain and accommodate yourself and any dependants adequately without recourse to public funds.

Paragraph 72 with reference to 70(v)

- **Applicant does not intend to leave the UK at the end of their time as a Postgraduate Doctor or Dentist (unless they have switched)**

In view of [...] the Secretary of State is not satisfied that you intend to leave the UK at the end of your stay as a Postgraduate Doctor or Dentist if you are not granted leave under paragraphs 75G – 75M, 128-135, 135A-135H, 200 - 210 or 200-210H of these Rules.

Paragraph 72 with reference to 70(vi)

- **Applicant does not have the consent of their sponsor**

Your studies have been sponsored by a government or international scholarship agency. In view of the fact that [...] the Secretary of State is not satisfied that you have the consent of your sponsor to enter / remain in the UK as a Postgraduate Doctor or Dentist.

Paragraph 72 with reference to 70(vii)

- **If this is the applicant's first application for leave as a Postgraduate Doctor or Dentist, the applicant has not completed their medical or dental degree in the 12 months preceding their application**

This is your first application for leave as a Postgraduate Doctor or Dentist, but the Secretary of State is not satisfied that you completed your medical or dental degree in the last 12 months. In order to show that you completed your medical or dental degree in the last 12 months, the leave granted to you as a student to complete your medical or dental degree must have expired or be due to expire in the 12 months preceding your first application for leave in this category. In your case [...]

Paragraph 72 with reference to 70(viii)

- **Applicant is seeking leave beyond 3 years after they were first granted leave as a Postgraduate Doctor or Dentist**

In view of the fact that [...] the Secretary of State is satisfied that you are seeking leave beyond 3 years after you were first granted leave as a Postgraduate Doctor or Dentist and that therefore there is no provision in the Immigration Rules to grant you further leave in this category.

Paragraph 72 with reference to 70(ix)

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Refusal Guidance – On Entry

The requirements to be met by a person seeking to enter the UK as a Postgraduate Doctor or Dentist are set out in paragraph 70 of HC 395. Entry clearance should be refused if **all** the requirements of paragraph 70 are not met.

Where a passenger seeking entry in this capacity does not hold a valid United Kingdom entry clearance or visa, he should be refused entry because he does not meet the requirement of paragraph 70(x) of HC395.

Where a passenger seeking entry in this capacity has leave to enter for this purpose, cancellation may only be considered under paragraph 321A of HC395. This includes cases where leave to enter was obtained as a result of false information or failure to disclose material facts, or circumstances have changed since the leave was granted. It also includes cases where refusal is justified on medical grounds or on the ground that exclusion would be conducive to the public good. Where cancellation of leave is being considered, the relevant paragraphs of the Immigration Rules and **Chapter 9 Section 3A** of these Instructions **must** be referred to.

In the case of a person returning to the United Kingdom from a temporary absence abroad, within a period for which he was previously given leave, reference **must** be made, before refusal, to **Chapter 1, Section 9**, "Persons returning to resume previous leave".

Refusal Wording

The following is an example of a refusal wording. Caseworkers should note that this is **not** an exhaustive list of all possible refusal formulae.

Details of Appeal rights can be found in Chapter 12 of these Instructions.

- You have applied for leave to enter the UK as a postgraduate doctor or dentist....

- **No entry clearance**

... but under the Immigration Rules you are required to have a valid entry clearance for this purpose and you have no such entry clearance.

Paragraph 72 with reference to 70(x)

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Refusal Guidance – Extension of Stay

The requirements to be met by a person seeking an extension of stay as a Postgraduate Doctor or Dentist are set out in paragraph 73 of HC 395.

Paragraph 322 of the Immigration Rules sets out general grounds for refusing any application for leave to remain. This includes cases where the applicant has made false declarations to obtain their previous period of leave or has failed to comply with the conditions of their previous period of leave. Where refusal is being considered for any of these reasons, **paragraph 322** of the Immigration Rules and **Chapter 9, Section 4** of these Instructions **must** be referred to.

Chapter 9, Section 1 “Adverse decisions – General guidance” provides important advice about the decision making process and should be consulted whenever an application falls to be refused.

Refusal Wordings

The following are examples of refusal wordings. Caseworkers should note that this is **not** an exhaustive list of all possible refusal formulae.

Details of Appeal rights can be found in Chapter 12 of these Instructions.

- You have applied for an extension of stay in the UK as a postgraduate doctor or dentist but your application has been refused.
 - **Applicant has not successfully completed a degree in medicine or dentistry**

In view of [...] the Secretary of State is not satisfied that you have successfully completed a degree in medicine or dentistry.
Paragraph 75 with reference to 73(i) and 70(i)
 - **Applicant is not a graduate from a relevant UK medical school or dental school**

In view of [...] the Secretary of State is not satisfied that you have been awarded your medical or dental degree by a UK publicly funded institution of further or higher education or by a UK bona fide private education institution which maintains satisfactory records of enrolment and attendance.
Paragraph 75 with reference to 73(i) and 70(i)
 - **Applicant’s medical or dental degree is not UK recognised**

In view of the fact that [...] the Secretary of State is not satisfied that your medical or dental is a UK recognised degree.

Paragraph 75 with reference to 73(i) and 70(i)

- **Applicant was not granted leave as a student for the final academic year of their medical / dental degree**

In view of the fact that [...] the Secretary of State is not satisfied that you were granted leave in accordance with paragraphs 57 to 69L of the Immigration Rules, for the final academic year of your medical or dental degree.

Paragraph 75 with reference to 73(i) and 70(ii) (a)

- **Applicant was not granted leave as a student for one other academic year (in addition to the final year) of their medical / dental degree**

In view of the fact that [...] the Secretary of State is not satisfied that you were granted leave as a student, in accordance with paragraphs 57 to 62 of the Immigration Rules, for one academic year of your medical or dental degree, in addition to the final academic year.

Paragraph 75 with reference to 73(i) and 70(ii) (b)

- **Applicant does not hold a letter from the Postgraduate Dean**

In view of the fact that [...] the Secretary of State is not satisfied that you hold a letter from the Postgraduate Dean.

Paragraph 75 with reference to 73(i) and 70(iii)

- **The letter from the Postgraduate Dean does not confirm that the applicant has a full-time place on a recognised Foundation Programme**

In view of [...] the Secretary of State is not satisfied that you have a confirmed full-time place on a recognised Foundation Programme.

Paragraph 75 with reference to 73(i) and 70(iii)

- **Applicant does not intend to train full-time in his post on the Foundation Programme**

In view of the fact that [...] the Secretary of State is not satisfied that you intend to train full-time in your Foundation Programme.

Paragraph 75 with reference to 73(i) and 70(iv)

- **Applicant is not able to maintain and accommodate himself and any dependants without recourse to public funds**

In view of [...] the Secretary of State is not satisfied that you will be able to maintain and accommodate yourself and any dependants adequately without recourse to public funds.

Paragraph 75 with reference to 73(i) and 70(v)

- **Applicant does not intend to leave the UK at the end of their time as a Postgraduate Doctor or Dentist (unless they have switched)**

In view of [...] the Secretary of State is not satisfied that you intend to leave the UK at the end of your stay as a Postgraduate Doctor or Dentist if you are not granted leave under paragraphs 75G – 75M, 128-135, 135A-135H, 200 - 210 or 200-210H of these Rules.

Paragraph 75 with reference to 73(i) and 70(vi)

- **Applicant does not have the consent of their sponsor**

Your studies have been sponsored by a government or international scholarship agency. In view of the fact that [...] the Secretary of State is not satisfied that you have the consent of your sponsor to enter / remain in the UK as a Postgraduate Doctor or Dentist.

Paragraph 75 with reference to 73(i) and 70(vii)

- **Applicant does not have leave as a student, Postgraduate Doctor or Dentist or to undertake a period of clinical attachment or a dental observer post**

In view of the fact that [...] the Secretary of State is not satisfied that you have limited leave to enter or remain in the UK as a student in accordance with paragraphs 57-69L of these Rules **or** as a Postgraduate Doctor or Dentist in accordance with paragraphs 70-75 of these Rules **or** as a doctor or dentist undertaking a period of clinical attachment or a dental observer post in accordance with paragraphs 75G-75M of these Rules.

Paragraph 75 with reference to 73(ii)

- **If this is the applicant's first application for leave as a Postgraduate Doctor or Dentist, the applicant has not completed their medical or dental degree in the 12 months preceding their application**

This is your first application for leave as a Postgraduate Doctor or Dentist but the Secretary of State is not satisfied that you completed your medical or dental degree in the last 12 months. In order to show that you completed your medical or dental degree in the last 12 months, the leave granted to you as a student to complete your medical or dental degree must have expired or be due to expire in the 12 months preceding your first application for leave in this category. In your case [...]

Paragraph 75 with reference to 73(iii)

- **Applicant is seeking leave beyond 3 years after they were first granted leave as a Postgraduate Doctor or Dentist**

In view of the fact that [...] the Secretary of State is satisfied that you are seeking leave beyond 3 years after you were first granted leave as a Postgraduate Doctor or Dentist and that therefore there is no provision in the Immigration Rules to grant you further leave in this category.

Paragraph 75 with reference to 73 (iv)

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Academic Qualification

Below is guidance on the academic qualification necessary to qualify as a Postgraduate Doctor or Dentist (refer to paragraph 70 (i) of HC395). Please click on the point you are interested in:

- [General Requirements](#)
- [Recognised Qualifications](#)

General Requirements

- In order to qualify for leave as a Postgraduate Doctor or Dentist, applicants must have graduated from a UK recognised medical or dental school.
- Where available, the applicant should submit a genuine degree certificate confirming that they have been awarded the relevant qualification. However, where an applicant wishes to apply from within the UK, they may instead include a letter from their personal tutor at the awarding institution. This must be an original letter (not a photocopy), bear the official stamp of the institution, and confirm that the applicant has successfully completed their medical / dental degree.
- In **all** cases the applicant should provide the contact details of their personal tutor, so that his academic record can be verified as necessary
- The qualification must have been awarded by a UK educational institution. Degrees awarded by overseas institutions, even those with a campus in the UK, will not meet the requirements of these Rules.

Recognised Qualifications

Applicants applying for leave as a Postgraduate Doctor or Dentist must have been awarded a UK recognised qualification. A recognised UK degree means that the awarding body is recognised by the UK authorities.

The UK recognises undergraduate degrees, Master's degrees and PhD qualifications when they have been awarded by an institution which has been granted degree awarding powers by either a Royal Charter or an Act of Parliament. These are known as **recognised bodies**. All UK universities and some higher education colleges are recognised bodies. Other institutions, which do not have the power to award their own degrees, may provide courses which lead to a degree of a recognised body. These are known as **listed bodies**. Caseworkers should check that the institution which issued the qualification is either a recognised body or a listed body.

Further information on both recognised bodies and listed bodies can be found on the DfES website at:

<http://www.dfes.gov.uk/recognisedukdegrees/wcoukd.shtml>

The list of **recognised bodies** is available here:

<http://www.dfes.gov.uk/recognisedukdegrees/annex4.shtml>

Details of the **listed bodies** are available here:

<http://www.dfes.gov.uk/recognisedukdegrees/annex5.shtml>

Note that the recognised bodies and listed bodies listed on the DfES website are also set out in Statutory Instruments (SIs). The SIs on the DfES website include the recognised and listed bodies for other parts of the UK, although the SI itself relates to England only.

For caseworkers to be certain that a degree course isn't recognised in the UK (having checked that the institution providing the course is not listed in either the Recognised or the Listed Bodies Orders), they will need to make further enquiries with the institution providing such a degree / degree course. Successful applicants for leave as a Postgraduate Doctor or Dentist must have been awarded their qualification by a relevant UK institution. Therefore the awarding institution should be either a recognised body or a listed body in the UK. If it appears that a UK institution is awarding the qualification, but that most of the study takes place at a non-UK institution, caseworkers are recommended to confirm with the UK institution that they are awarding the qualification and also to check that they are listed in the relevant Statutory Instrument as a recognised body.

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Leave as a Student to Complete Medical / Dental Degree

Below is guidance on the requirement that Postgraduate Doctors and Dentists have been granted leave as a student for at least two years of their studies at medical / dental school (refer to paragraph 70 (ii) of HC395).

- Applicants must have studied in the UK, with leave as a student, in order to qualify for leave as a Postgraduate Doctor or Dentist.
- They do not have to have been in the UK for the entire duration of their medical / dental degree – they can complete some of their studies abroad (although they do have to be awarded a UK recognised qualification – see the guidance on the academic qualification).
- Applicants must have been granted at least two academic years of leave as a student to complete their medical / dental degree. This must be:
 - leave as a student **for the final academic year** under paragraphs 57 – 69L of the Immigration Rules (this includes leave as a student, student nurse, to re-sit examinations or write up a thesis) **and**
 - leave as a student **for one year other than the final academic year** under paragraphs 57 – 62 of the Immigration Rules (this is leave as a student, and does **not** include leave as a student nurse, to re-sit examinations or write up a thesis)
- This ensures that applicants have spent some time studying in the UK as a student, but reflects that their last period of leave during their medical or dental degree may have been leave as a student nurse, to re-sit examinations or write up a thesis and not straight leave as a student.

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Letter from the Postgraduate Dean – place on a Foundation Programme

Below is guidance on the requirement that Postgraduate Doctors and Dentists have a confirmed full-time place on a recognised Foundation Programme (refer to paragraph 70 (iii) of HC395).

- In order to qualify for leave as a Postgraduate Doctor or Dentist, the applicant must submit a letter from the relevant Postgraduate Dean responsible for their training.
- This letter must confirm that:
 - The applicant has been offered a place on a Foundation Programme.
 - That the Foundation Programme is recognised by the medical community.
 - That the place on the Foundation Programme is full time.
- Applicants who do not submit a letter from the relevant Postgraduate Dean are not eligible for leave as a Postgraduate Doctor or Dentist, even if they submit an offer letter for a place on a Foundation Programme. This is to ensure that all Postgraduate Doctors and Dentists are on Foundation Programmes recognised by the medical community.
- The Postgraduate Dean will know whether the Foundation Programme is recognised. If their letter confirms that the programme is recognised, then no further evidence is required.
- The applicant must intend to train full time in the Foundation Programme. The Postgraduate Dean will not be able to confirm the applicant's intentions, but will be able to confirm that the Foundation Programme on offer is a full time one. Therefore the requirement that the applicant intends to study full time is a separate one within the Immigration Rules (**paragraph 70 (iv)**).

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Maintenance and Accommodation

Below is guidance on the requirement that Postgraduate Doctors and Dentists can maintain and accommodate themselves and any dependants without recourse to public funds (refer to paragraph 70 (v) of HC395).

- Applicants are required to show that they can maintain and accommodate themselves and any dependants without recourse to public funds.
- As all successful applicants will have their Foundation Programme arranged when they apply for leave, and this will indicate the level of funds available to them during their leave.
- If the applicant is applying to bring any dependent family with them to the UK, the applicant must demonstrate that they are able to maintain and accommodate themselves and all their dependants in the UK. Accommodation must be adequate. Further information on maintenance and accommodation of dependants, including legal occupation and overcrowding, can be found in **Chapter 8 Section 1 Annex F** of these Instructions.

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Intention to Leave the UK

Below is guidance on the requirement that Postgraduate Doctors and Dentists should intend to leave the UK at the end of their Foundation Programme, if they have not switched into a relevant category of leave (refer to paragraph 70 (vi) of HC395).

- Non-EEA doctors and dentists are only eligible for leave as a Postgraduate Doctor or Dentist while they are completing their Foundation Programme. They must intend to leave the UK at the end of their time as a Postgraduate Doctor or Dentist unless they switch into one of the following categories of leave:
 - As a doctor or dentist undertaking a period of clinical attachment or a dental observer post in accordance with paragraphs 75G – 75M of the Immigration Rules
 - As a work permit holder in accordance with paragraphs 128 – 135 of the Immigration Rules, where the work permit is for employment as a doctor or dentist
 - As a highly skilled migrant in accordance with paragraphs 135A – 135H of the Immigration Rules
 - As a person intending to establish themselves in business in accordance with paragraphs 200 – 210 of the Immigration Rules
 - As an innovator in accordance with paragraphs 210A – 210H of the Immigration Rules
- Postgraduate Doctors and Dentists may apply to switch into one of these categories of leave while they are in the UK with leave as a Postgraduate Doctor or Dentist. They will need to meet the relevant requirements of the category they are switching into.
- If those in the UK as a Postgraduate Doctor or Dentist do not switch into one of these categories of leave, they must intend to leave the UK upon expiry of their leave as a Postgraduate Doctor or Dentist.

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Consent of Sponsor

Below is guidance on the requirement that Postgraduate Doctors and Dentists have the consent of their sponsor to switch into leave in this category (refer to paragraph 70 (vii) of HC395).

- If the applicant's studies at medical school or dental school, or any subsequent studies, have been sponsored by a government or an international scholarship agency then consent of that sponsor **must** be submitted for the applicant to be given leave as a Postgraduate Doctor or Dentist.
- If a relevant sponsor consents to the applicant being given leave as a Postgraduate Doctor or Dentist, but only for a limited time, then leave should be granted in line with the consent, if this is less than the period needed to complete the Foundation Programme. Fresh consent should be submitted if the applicant subsequently applies for an extension of stay in this category.
- This is to ensure that leave is granted in line with the consent of the relevant sponsor. The sponsor may be content for the applicant to continue their training in the UK for a limited period only, as the studies may have been sponsored with the express purpose that the individual gains skills which they can then use overseas, (which is also the purpose of leave granted as a Postgraduate Doctor or Dentist). A fresh consent letter will not be necessary for extension applications where the relevant sponsor has initially given their express consent for the applicant to switch into leave as a Postgraduate Doctor or Dentist and for any subsequent applications to remain in the UK.

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Date of completion of Studies

Below is guidance on the date of completion of studies (refer to paragraph 70 (viii) and 73 (iii) of HC395).

- Paragraph 70 (viii) of HC395 specifies that a successful applicant must, at the time of his first grant of leave in this category, have completed his medical or dental degree in the last 12 months.
- **This will be shown by the date of expiry of the leave granted as a student to complete his medical or dental degree.**
- This means that students who wish to be granted leave as a Postgraduate Doctor or Dentist have a year from the date that their leave as a student expires, providing that leave was granted to complete their medical or dental studies.
- Students and are normally granted sufficient leave as a student for this work to complete their course, including submitting any relevant project or piece of research. In these cases, the date of completion of studies will be the date student leave expires. In exceptional circumstances they may be granted further leave to remain in order to write-up their projects (under paragraph 69G – 69L of HC395). The date of their ‘completion of studies’ is taken as the date that their leave as a student/leave to write up a project expires. Expiry of any leave granted to re-sit examinations (under paragraphs 69A – 69F of HC395) can also count as ‘completion of studies’ for the purposes of this paragraph.
- If an applicant has completed their medical or dental studies in the UK, but subsequently takes another course or period of study, then any leave granted to take this subsequent period of study will not count as leave granted for “to complete his medical or dental degree” for the purposes of this paragraph.

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Postgraduate Doctors and Dentists

Previous Periods of Leave

Below is guidance on previous periods of leave as a Postgraduate Doctor or Dentist (refer to paragraph 70 (ix) and 73 (iv) of HC395).

- Foundation Programmes last for 24 months. However, the initial grant of leave can be for a maximum of 26 months. This is to enable migrants to apply one month before the Foundation Programme starts and to be granted leave until one month after they complete the Foundation Programme.
- Some migrants may need extra time to complete their Foundation Programme, for example because they have been ill or need to re-take part of it. In this case they can be granted further leave in this category. The maximum total amount of leave they can be granted as a Postgraduate Doctor or Dentist is 3 years.
- The maximum period of leave is 3 years from the date of the first grant of leave as a Postgraduate Doctor or Dentist. If a doctor or dentist leaves the UK during their leave, or otherwise spends time not in training, this period will still count towards the maximum period of leave available.
- The Foundation Programme consists of one year at Pre-Registration House Officer level and one year at Senior House Officer level and was introduced on 2 August 2005 for doctors (although it will not be made compulsory until August 2007). Therefore caseworkers may see some applicants who have previously been granted leave as a Postgraduate Doctor or Dentist to undertake their Pre-Registration House Officer year. This should be treated in the same way as leave granted as a Postgraduate Doctor or Dentist to take the Foundation Programme, and they are still eligible for further leave up to a maximum of 3 years in total (if they meet the remaining revised requirements, including having studied at a UK medical / dental school).

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Postgraduate Doctors and Dentists

Switching into leave as a Postgraduate Doctor or Dentist

Below is guidance on who is eligible to switch into leave as a Postgraduate Doctor or Dentist from within the UK (refer to paragraph 73 (ii) of HC395).

- Since 3 April 2006, this category has specifically provided solely for those who have studied at a UK medical / dental school to undertake their Foundation Programme here. Therefore the normal entry clearance requirement is waived for those in the UK as students.
- In addition, some applicants may have undertaken a short period of clinical attachment or dental observer post after their studies but before the Foundation Programme starts.
- Therefore, those with current and valid leave in one of the following categories are eligible to switch:
 - as a student (paragraphs 62 – 69L). This includes those with valid leave:
 - as a student (paragraphs 57 – 62)
 - as a student nurse (paragraphs 63 – 69)
 - to re-sit examinations (paragraphs 69A – 69F)
 - to write up a thesis (paragraphs 69G – 69L)
 - as a doctor or dentist undertaking a period of clinical attachment or a dental observer post (paragraphs 75G – 75M)
- Applicants who are in the UK with any other category of leave (including those who are in the UK as the dependant of another migrant) will not qualify to switch into leave as a Postgraduate Doctor or Dentist whilst they are in the UK. Any application from such a person should be refused on no-switching grounds as the requirements of paragraph 73 are not met.
- The entry clearance requirement for Postgraduate Doctors and Dentists was introduced on 19 July 2005. Anyone who entered the UK as a Postgraduate Doctor or Dentist before this date did not require an entry clearance, but should have valid leave in this category. Caseworkers may see some applicants who studied at a UK medical or dental school but subsequently left the UK and re-entered before 19 July 2005 to undertake their Pre-Registration House Officer year (now part of the Foundation Programme). These applicants may not have a valid entry clearance but will have leave in this category.

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Postgraduate Doctors and Dentists

Settlement

- As stated in the Background to this guidance, Postgraduate Doctors and Dentists are essentially trainees and are not considered to be in employment in the UK for immigration purposes. There are no provisions for those with leave in this category to be granted settlement on the basis of their leave in this category, although it may of course be granted if they qualify under another category of the Rules or under a concession.
- Those with leave as a Postgraduate Doctor or Dentist can switch into other categories of leave at the end of the Foundation Programme, as stated in the Immigration Rules. If someone with leave as a Postgraduate Doctor or Dentist subsequently switches into leave in a category which does lead to settlement, then the period of leave spent as a Postgraduate Doctor or Dentist will **not** count towards the qualifying period for settlement in that category.

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Postgraduate Doctors and Dentists

Those granted leave as a Postgraduate Doctor or Dentist prior to 3 April 2006

Below is guidance about the effects of these changes on those who were granted leave as a Postgraduate Doctor or Dentist prior to 3 April 2006. There is guidance on:

- [The effect of the changes](#)
- [Those granted leave as a Postgraduate Doctor or Dentist prior to 3 April 2006 who will not meet the new requirements](#)
- [Transitional Arrangements – Senior House Officer and equivalent grades and Foundation Programme / Pre-Registration House Officer Year](#)
- [Transitional Arrangements – Specialist Registrars and equivalent Grades](#)

The effect of the changes

Prior to 3 April 2006, the category for Postgraduate Doctors and Dentists enabled non-EEA doctors and dentists to train in the UK at the following levels:

- Foundation Programmes
- Basic Specialist Training - this refers to Senior House Officer (SHO) and equivalent grades
- Higher Specialist Training - this refers to Specialist Registrar and equivalent grades. The General Practice Vocational Training Scheme (GPVTS) is also considered as higher specialist training.

Since 3 April 2006, only those who have studied in the UK and are taking a Foundation Programme will meet the requirements. Those in Senior House Officer or Specialist Registrar posts (or posts at the equivalent grades of either of these) will no longer be eligible for a grant of leave as a Postgraduate Doctor or Dentist, and those undertaking a Foundation Programme (or Pre-Registration House Officer year) will only be eligible if they studied in the UK and meet all the other requirements.

These doctors and dentists can continue to come to the UK, but need to meet the requirements of the relevant part of the Immigration Rules, such as the work permit system. Work permits can now be granted for posts at all three levels.

Those granted leave as a Postgraduate Doctor or Dentist prior to 3 April 2006 who will not meet the new requirements

- **Any leave granted as a Postgraduate Doctor or Dentist prior to 3 April 2006 will continue on the same conditions.** The leave remains valid and the conditions of leave remain the same.
- This means that they can continue to train in relevant posts, including completing ongoing posts and taking any relevant new posts, while their leave remains current and valid.
- However, an extension of stay as a Postgraduate Doctor or Dentist can only be granted if the new requirements are met.
- The switching provisions remain effective – therefore those with leave as a Postgraduate Doctor or Dentist who want to work in the UK can switch into leave as a work permit holder, highly skilled migrant, business person or innovator, if they meet the relevant requirements. They can also switch into leave to undertake a period of clinical attachment or dental observer post, if they have the relevant observation post arranged and meet the remaining requirements.
- Anyone who does not qualify under the new Rules for leave as a Postgraduate Doctor or Dentist, and who does not switch into an appropriate alternative category, will have to leave the UK when their leave expires.
- Transitional arrangements are in place for doctors and dentists offered a recognised training post before 7 March 2006 who do not have sufficient leave to complete the post. These relate to the employer obtaining a work permit without having to go through the resident labour market test. All the other normal requirements remain, including all the other work permit requirements and the normal restrictions on switching.

Transitional Arrangements – Senior House Officer and equivalent grades and Foundation Programme / Pre-Registration House Officer Year

- These transitional arrangements apply to applicants:
 - who were offered a place on a Foundation Programme or a recognised training post as a Senior House Officer (or equivalent grades) prior to **7 March 2006**; and
 - whose post is due to commence on or before **4 August 2006**; and
 - who, because of the changes to the Rules which took effect on 3 April, no longer meet the requirements of the Immigration Rules for Postgraduate Doctors and Dentists; and

- who do not have sufficient existing leave to complete the post on offer (whether or not they currently have leave as a Postgraduate Doctor or Dentist – they may be abroad, or in the UK with leave in another category).
- If these requirements are met, then the employer can apply for a work permit for the post on behalf of the migrant and will not have to show that they have advertised the post to the resident labour market. All the other normal requirements remain in effect. If the work permit is granted, the migrant will need to apply to switch into leave as a work permit holder and meet the relevant requirements of the Immigration Rules for that category.
- Therefore, the transitional arrangements are of interest to employers who have gone through the recruitment process and offered a training post to a non-EEA national before 7 March 2006 without carrying out a resident labour market search.
- As stated above, the transitional arrangements apply to any non-EEA doctor or dentist who has been offered a place either on a Foundation Programme or a recognised training post at a Senior House Officer or equivalent grade. This applies both to those in the country and those overseas, as long as they have been offered a relevant training post before 7 March 2006 and meet the other requirements.
- The changes to the provisions for Postgraduate Doctors and Dentists were announced on 7 March 2006. Therefore any migrant who has been offered such a post on or after 7 March 2006 should have been fully aware when they were offered the post that they would not qualify for leave as a Postgraduate Doctor or Dentist to take up that post. Employers should equally have been aware of the new requirements.
- The transitional arrangements only apply to recognised training posts. Any other posts (including Trust Doctor posts, which are not recognised training posts) will not benefit from this concession and the normal work permit provisions apply.
- The transitional arrangements only apply where the posts on offer commence on or before 4 August 2006 - which is the start of the next rotation period.
- We have set up these transitional arrangements to enable the employer of any doctor or dentist who was offered a relevant place prior to 7 March 2006 to be granted a work permit without needing to advertise the job to EEA nationals first (the resident labour market test). All the other requirements of the work permit system must be met, and further details of the work permit provisions are available on the Working in the UK website. Once a work permit has been granted, the doctor or dentist will need to apply to switch into leave as a work permit holder.

- If the applicant does not fall within these transitional provisions, then they can still come to or remain in the UK as a work permit holder. However, the employer will need to show that all the normal work permit requirements are met (including that the post has first been advertised to the resident labour market).
- **Please note:** there is no exemption to the normal switching provisions. Therefore a doctor or dentist who is already in the UK with leave in a category which does not allow switching into leave as a work permit holder, but who wants to benefit from these transitional arrangements, will have to leave the UK and apply for entry clearance in the normal manner. This includes those in the UK with leave as a Visitor or leave as the dependant of another migrant, where there is no provision for them to switch into leave as a work permit holder.
- Further information on the work permit process is available on the Working in the UK website at www.workingintheuk.gov.uk.

Transitional Arrangements – Specialist Registrars and Equivalent Grades

- **Those with existing leave as a Postgraduate Doctor or Dentist**
- Many Specialist Registrar programmes last for five years. Under the previous provisions, leave as a Postgraduate Doctor or Dentist could be granted for a maximum of three years at one time. Any non-EEA national in a Specialist Registrar programme would therefore need more than one period of leave as a Postgraduate Doctor or Dentist in order to complete their programme.
- In recognition of this, there is a concession for anyone who has existing leave as a Postgraduate Doctor or Dentist to take up posts at Specialist Registrar or equivalent grades to switch into the work permit system without their employer needing to advertise the job to EEA nationals first (the resident labour market test). All other work permit requirements will still apply.
- This concession will only apply to applications made before or on 31 December 2006. As the work permit system involves a two stage process, this means that the employer of an eligible migrant will need to apply for a work permit before 31 December 2006 in order to benefit from this concession.
- Employers can apply for a work permit after 31 December 2006, but the application will not be considered under the concession and the resident labour market test will apply where relevant.

- Further information on the work permit process is available on the Working in the UK website at www.workingintheuk.gov.uk.
- **Those who have been offered a recognised training post as a Specialist Registrar, but who do not have leave as a Postgraduate Doctor or Dentist**
- We recognise that the changes to the provisions for Postgraduate Doctors and Dentists also affect employers, who may have gone through their normal recruitment procedure and offered a training post to a non-EEA national as a Specialist Registrar without testing the resident labour market.
- Therefore the same transitional arrangements apply to those who have been offered a recognised training post as a Specialist Registrar before 7 March 2006 as to those who have been offered a place on a Foundation Programme or a recognised training post as a Senior House Officer (or equivalent grade).
- Further details are available above ([Transitional Arrangements – Senior House Officer and equivalent grades and Foundation Programme / Pre-Registration House Officer Year](#)) but **to summarise**, this concession applies to those:
 - who were offered a recognised training place / post as a Specialist Registrar prior to **7 March 2006**; and
 - whose post is due to commence on or before **4 August 2006**; and
 - who, because of the changes to the Rules which took effect on 3 April, no longer meet the requirements of the Immigration Rules for Postgraduate Doctors and Dentists; and
 - do not have sufficient existing leave to complete the post on offer (whether or not they currently have leave as a Postgraduate Doctor or Dentist – they may be abroad, or in the UK with leave in another category).

If these requirements are met, then the employer can apply for a work permit for the post on behalf of the migrant and will not have to show that they have advertised the post to the resident labour market. All the other normal requirements remain in effect. If the work permit is granted, the migrant will need to apply to switch into leave as a work permit holder and meet the relevant requirements of the Immigration Rules.

- If the applicant does not fall within these transitional provisions, then they can still come to or remain in the UK as a work permit holder. However, the employer will need to show that all the normal work

permit requirements are met (including that the post has first been advertised to the resident labour market).

- **Please note:** there is no exemption to the normal switching provisions. Therefore a doctor or dentist who is already in the UK with leave in a category which does not allow switching into leave as a work permit holder, but who wants to benefit from these transitional arrangements, will have to leave the UK and apply for entry clearance in the normal manner. This includes those in the UK with leave as a Visitor or leave as the dependant of another migrant, where there is no provision for them to switch into leave as a work permit holder.
- Further information on the work permit process is available on the Working in the UK website at www.workingintheuk.gov.uk.

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