

IMMIGRATION DIRECTORATE INSTRUCTIONS

CHAPTER 3

SECTION 5 - STUDENT NURSES AND MIDWIVES

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5.1 STUDENT NURSES & MIDWIVES

This section relates to persons who have been accepted for training as student nurses or midwives leading to a registered nursing qualification. Overseas nurses or midwives who have been accepted on adaptation courses leading to registration as a nurse with the Nursing and Midwifery Council (NMC) are, from 1 September 2005, to be dealt with as a separate employment category under the Immigration Rules (see Chapter 4, section 7).

5.2 GRANTING LEAVE TO ENTER AS A STUDENT NURSE/MIDWIFE

The requirements to be met by a person seeking leave to enter the United Kingdom as a student nurse or midwife are set out at Paragraph 64 in Part 3 of HC 395 and **must** be referred to when reading the following guidance.

Leave to enter can only be granted at port of entry by an Immigration Officer for a maximum of 6 months.

5.2.1 Checklist for Immigration Officer

Before reaching a final decision IO needs to be satisfied that:

- that the establishment offering nursing training and the course of study are recognised by the Nursing and Midwifery Council (NMC)
- that the passenger has been accepted for study at such an establishment and has not gained acceptance by misrepresentation;
- that the passenger is able and intends to follow the course and does not intend to engage in business or take employment **except** in connection with the training course;
- that the passenger intends leaving the United Kingdom at the end of the course if unsuccessful in gaining NMC registration and PIN.
- **Intentions to Leave - Switching into work permit employment**
Student nurses may be eligible to switch to work permit employment once they have qualified and subject to meeting the requirements of the Rules. Intention to leave the UK should not, therefore, be a consideration in their entry clearance applications. All student nurses who gain NMC registration and a NMC PIN number on completion of their degree may switch from student nurse to work permit status whether they are to be employed by the NHS or by a private healthcare provider.
- that funding is adequate in accordance with the requirements of the Rules.

5.3 CODES FOR IMMIGRATION SERVICE–CASE INFORMATION DATABASE (IS-CID)

STS Studies of up to 12 months
STL Studies exceeding 12 months

5.4 REFUSAL OF LEAVE TO ENTER

Where no entry clearance is held and the requirements of Paragraph 64 are not met, the passenger should be refused leave to enter under Paragraph 66.

A visa national seeking entry without a valid United Kingdom visa falls to be refused under Paragraph 320(5). See **Chapter 9, Section 2** to these instructions.

Where a passenger seeking entry in this capacity holds an entry clearance for this purpose, refusal may only be considered under Paragraph 321 (See **IDI Chapter 9, Section 3** to the instructions). It should be noted, however, that if the student application is made **after** the entry clearance has been set aside, it **may** be refused under Paragraph 66.

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, "Person returning to resume previous leave"**.

5.4.1 On entry refusal code

A4 Unsatisfactory or unacceptable arrangements for proposed study
A5 Intention to study not genuine or realistic

5.4.2 Right of appeal and corresponding refusal form

- A passenger without entry clearance, refused entry as a student nurse, has only residual appeal rights if seeking entry for **more than six months**.

Refusal form IS 82A should therefore be used.

- A passenger without entry clearance, refused entry as a student nurse, has a right of appeal from abroad if seeking entry for **less than six months**.

Refusal form IS 82B should therefore be used.

5.5 GRANTING LEAVE TO REMAIN AS A STUDENT NURSE/MIDWIFE

The requirements to be met by a person seeking to remain in the United Kingdom as a student nurse/midwife are set out at Paragraph 67 in Part 3 of HC 395 and **must** be referred to when reading the following caseworking advice.

Provided that all the requirements of Paragraph 64 of HC395 are met, leave to remain may be granted on Code 2 for the duration of the course plus 4 months or to 31 October after the end of the course depending on whether the course follows the normal academic year.

Normal police registration procedures apply.

5.5.1 Checklist for Caseworkers

Caseworkers must be satisfied, in all cases, that the requirements set out in Paragraph 64 (i)-(vii) of HC 395 (relating to the entry into the United Kingdom of student nurses) are met and, in particular, that there are no problems in respect of the following:

- **visa nationals** - if the applicant is a visa national, that he was admitted to the United Kingdom with a valid student entry clearance;
- **enrolment at a recognised nursing educational establishment** - that the evidence produced is satisfactory and that the school supports the application;
- **attendance** - that evidence produced of regular attendance during any course which the applicant has already begun, or for which he has been enrolled in the past, is satisfactory.
- **maximum period of stay** - that the applicant would not, as a result of an extension of stay, spend more than 4 years in obtaining the relevant qualification

5.5.2 CODES FOR GENERAL – CASE INFORMATION DATABASE (G-CID)

- S3 Student extension – to end of course
- S4 Student extension - other than to end of course

5.6 EMPLOYMENT PRIOR TO AND DURING TRAINING

Persons admitted to the United Kingdom as student nurses and midwives are permitted to take employment for a maximum of 8 weeks prior to the commencement of their courses, at the hospitals where they are to be trained. Once their course has commenced, student nurses may take employment in excess of the 20 hours per week normally permitted during term time if such employment is a necessary part of the course and has the agreement of the education institution concerned. In these circumstances no further approval is required.

5.7 PROSPECTIVE STUDENT NURSES

The Rules relating to "Prospective students" are fully applicable to prospective student nurses arriving in the United Kingdom or to persons already here who are trying to find a hospital which will offer them a place. See **Section 2 "Prospective students"** in this chapter.

5.8 SWITCHING

5.8.1 Switching to student status

Non-visa nationals who come to the United Kingdom in another capacity and then decide to stay for nurse training may apply for their leave to be varied to enable them to do so. **A visa national** who was admitted in a capacity other than as a student or prospective student will **not** be allowed to switch subsequently to student status for the purpose of training as a nurse.

5.8.2 Switching to employment

Under paragraph 131A-B of the Immigration Rules graduates, student nurses and postgraduate doctors and dentists are now permitted to obtain work permits without first having to leave the country.

Applications to switch from a student nurse to work permit holder status will normally be accepted where a student nurse:

- entered the UK or was given leave to remain as a student nurse in accordance with paragraphs 63 to 69 of the Immigration Rules;
- holds a valid Home Office immigration employment documents for employment as a nurse;
- has the written consent of his official sponsor to such employment if he is a member of a government or international scholarship agency sponsorship and that sponsorship is either ongoing or has recently come to an end at the time of the requested extension, and
- meets each of the requirements of paragraph 128(ii) to (vi).

An application from a nurse to switch to employment on completion of their training is dealt with by WP(UK).

5.9 TRAINING

5.9.1 Student nurses

Training undertaken in NHS hospitals and nursing educational establishments lasts 3 years. Courses lead to the qualifications of Registered General Nurse (RGN), Registered Mental Nurse (RMN), Registered Nurse for Learning Disabilities (RNLD) (formerly RMHN) or Registered Sick Children's Nurse (RSCN). Trainees are called student nurses.

5.9.2 Midwifery

There are 2 types of midwifery courses: a 3 year course for direct entrants and an 18 month course for Registered General Nurses. Both courses lead to qualifications as a Registered Midwife (RM).

5.10 COURSES

5.10.1 Student Nurse Courses

The majority of nurses are now trained under the new model of nurse pre-registration education. This form of nursing was first introduced in September 2000 and will be standard across England by Autumn 2002.

There are two types of courses available to qualify as a nurse: Diploma of Higher Education in Nursing, or Degree in Nursing. Study is for a minimum of 3 years, half of which is theory and half supervised nursing practice. The student will be based at a college or university where the theory and knowledge elements of the course are taught. These periods will be matched in time in hospitals and other environments where the student will start to develop practical skills and experience under supervision from a qualified nurse.

The course consists of a Common Foundation programme (CFP) and a Specialist Branch Programme - adult nursing, children's nursing, midwifery, mental health or learning disability. The duration of the CFP component is 1 year. The duration of the Branch Programme component of a course is 2 years.

5.10.2 Post-registration courses

Post-registered Nurses who wish to pursue a full-time postgraduate nursing course will need to switch into the student category as long as they meet all the student requirements.

Qualified nurses wishing to pursue post-registration specialised work-based training must qualify under Work Permits (UK)'s Training and Work Experience Scheme (TWES). However they must have an intention to leave the United Kingdom on completion of the training, as any training under TWES should be in preparation for a career abroad.

Switching to TWES is appropriate for nurses who have completed their student nurse training. Those who have taken up work permit employment cannot switch into TWES.

5.11 FUNDS

Previously, students on diploma level nursing courses have been eligible for a non-means tested bursary through the NHS irrespective of place of residence. However, these students have now been brought into line with all other students in higher education. As a result therefore, current guidelines state that in order to be eligible for a NHS bursary, all students (regardless of nationality) must, on the first day of the first academic year of the course:

- have been ordinarily resident in the British Islands i.e. the UK, the Channel Islands and the Isle of Man throughout the preceding 3 years; and
- have settled in the UK i.e. England, Wales, Scotland and Northern Ireland within the meaning of the Immigration Act 1971; and
- be ordinarily resident in any UK country.

Careful checks should now be made therefore to ensure that all student nurses have sufficient means to support and accommodate themselves and any dependants, where no bursary is held. The Immigration Rules will be amended to reflect this.

5.12 REFUSAL OF LEAVE TO REMAIN

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.

5.12.1 After Entry Refusal G-CID category codes

- S5 Refusal – not enrolled for acceptable course of study
- S6 Refusal - lack of funds.
- S7 Refusal - intention to leave.
- SA Refusal - no switching by visa national.
- SB Refusal - inability to pursue course.
- S9 Refusal - other reasons, including general grounds for refusal.

5.13 REFUSAL FORMULAE

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

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

5.13.1 ON ENTRY

You have asked for leave to enter the United Kingdom as a student nurse but your application has been refused.

- **Not within definition of student nurse**

As you have not been accepted for training as a student nurse or midwife leading to a registered nursing qualification, I am not satisfied that you come within the definition of a student nurse as set out in the Immigration Rules.

Paragraph 66 with reference to 64(i) and 63

{Refusal Code: A4}

- **Not a recognised nursing educational establishment**

I am not satisfied that you have been accepted for a course of study in a recognised nursing educational establishment offering nursing training which meets the requirements of the Nursing and Midwifery Council.

Paragraph 66 with reference to 64(ii)

{Refusal Code: A4}

- **Misrepresentation**

I am not satisfied that you did not obtain acceptance for the training course by misrepresentation.

Paragraph 66 with reference to 64(iii)

{Refusal Code: A5}

- **Ability**

I am not satisfied that you will be able to follow your proposed training course.

Paragraph 66 with reference to 64(iv)

{Refusal Code: A5}

- **Intention to follow course**

I am not satisfied that you intend to follow the training course.

Paragraph 66 with reference to 64(iv)

{Refusal Code: A5}

- **Intention to engage in unauthorised business/employment**

I am not satisfied that you do not intend to engage in business or take employment except in connection with the training course.

Paragraph 66 with reference to 64(v)

{Refusal Code: A5}

- **Intention to leave**

I am not satisfied that you intend to leave the United Kingdom at the end of the course.

Paragraph 66 with reference to 64(vi)

{Refusal Code: A5}

- **Funds**

I am not satisfied that you have sufficient funds available for accommodation and maintenance for yourself and any dependants without engaging in business or taking employment (except in connection with the training course) or having recourse to public funds.

Paragraph 66 with reference to 64(vii)

{Refusal Code: A4}

5.13.2 AFTER ENTRY

You have applied for further leave to remain in the United Kingdom as a student nurse but your application has been refused.

- **No switching**

You are a person specified in Appendix 1 to the Immigration Rules [? who entered the United Kingdom with entry clearance as a ...] and the Secretary of State is not satisfied that you were admitted to the United Kingdom with a valid student entry clearance.

Paragraph 69 with reference to 67(i)

{G-CID stats category: SA}

- **Not within definition of student nurse**

As you have not been accepted for training as a student nurse or midwife leading to a registered nursing qualification, the Secretary of State is not satisfied that you come within the definition of a student nurse as set out in the Immigration Rules.

Paragraph 69 with reference to 67(ii), 64(i) and 63

{G-CID stats category: S9}

- **Not a recognised nursing educational establishment**

In view of [.....] the Secretary of State is not satisfied that you have been accepted for a course of study in a recognised nursing educational establishment offering nursing training which meets the requirements of the Nursing and Midwifery Council.

Paragraph 69 with reference to 67(ii) and 64(ii)

{G-CID stats category: S5}

- **Misrepresentation**

In view of [.....] the Secretary of State is not satisfied that you did not obtain acceptance for the training course by misrepresentation.

Paragraph 69 with reference to 67(ii) and 64(iii)

{G-CID stats category: S9}

- **Ability**

In view of [.....] the Secretary of State is not satisfied that you [are/will be] able to follow your proposed training course.

Paragraph 69 with reference to 67(ii) and 64(iv)

{G-CID stats category: SB}

- **Intention to follow course**

In view of [.....] the Secretary of State is not satisfied that you intend to follow the training course.

Paragraph 69 with reference to 67(ii) and 64(iv)

{G-CID stats category: S9}

- **Intention to engage in unauthorised business/employment**

In view of [.....] the Secretary of State is not satisfied that you do not intend to engage in business or take employment except in connection with the training course.

Paragraph 69 with reference to 67(ii) and 64(v)

{G-CID stats category: S9}

- **Intention to leave**

In view of [.....] the Secretary of State is not satisfied that you intend to leave the United Kingdom at the end of the training course.

Paragraph 69 with reference to 67(ii) and 64(vi)

{G-CID stats category: S7}

- **Insufficient funds**

In view of [.....] the Secretary of State is not satisfied that you have sufficient funds available for accommodation and maintenance for yourself [and your dependants] without engaging in business or taking employment (except in connection with the training course) or having recourse to public funds.

Paragraph 69 with reference to 67(ii) and 64(vii)

{G-CID stats category: S6}

- **No evidence of enrolment at a recognised nursing educational establishment**

In view of [...] the Secretary of State is not satisfied that you have produced evidence of your enrolment at a recognised nursing educational establishment.

Paragraph 69 with reference to 67(iii)

{G-CID stats category: S5}

- **Failure to produce evidence of regular attendance**

In view of [...] the Secretary of State is not satisfied that you can provide satisfactory evidence of regular attendance during [the course you have already begun/a course for which you have been enrolled in the past].

Paragraph 69 with reference to 67(iv)

{G-CID stats category: S9}

- **Progress**

You have been training as a nurse in the United Kingdom since ... and the Secretary of State is not satisfied that you would not, as a result of an extension of stay, spend more than 4 years in obtaining the relevant qualification.

Paragraph 69 with reference to 67(v)

{G-CID stats category: S7}

- **Sponsored student - end of sponsorship**

You have been sponsored by ... and [? in view of ...] the Secretary of State is not satisfied that you have not come to the end of a period of [government/international scholarship agency] sponsorship.

Paragraph 69 with reference to 67(vi)

{G-CID stats category: S8}

- **Sponsored student - no written consent**

You have been sponsored by ... and [? in view of ...] the Secretary of State is not satisfied that you have the written consent of your original sponsor for a further period of sponsored study in the United Kingdom.

Paragraph 69 with reference to 67(vi)

{G-CID stats category: S8}

5.13.3 ENTRY CLEARANCE

You have applied for entry clearance to the United Kingdom as a student nurse but your application has been refused.

- **Not within definition of student nurse**

As you have not been accepted for training as a student nurse or midwife leading to a registered nursing qualification, the Secretary of State is not satisfied that you come within the definition of a student nurse as set out in the Immigration Rules.

Paragraph 66 with reference to 64(i) and 63

- **Not a recognised nursing educational establishment**

In view of [.....] the Secretary of State is not satisfied that you have been accepted for a course of study in a recognised nursing educational establishment offering nursing training which meets the requirements of the Nursing and Midwifery Council.

Paragraph 66 with reference to 64(ii)

- **Misrepresentation**

In view of [.....] the Secretary of State is not satisfied that you did not obtain acceptance for the training course by misrepresentation.

Paragraph 66 with reference to 64(iii)

- **Ability**

In view of [.....] the Secretary of State is not satisfied that you will be able to follow your proposed training course.

Paragraph 66 with reference to 64(iv)

- **Intention to follow course**

In view of [.....] the Secretary of State is not satisfied that you intend to follow the training course.

Paragraph 66 with reference to 64(iv)

- **Intention to engage in unauthorised business/employment**

In view of [.....] the Secretary of State is not satisfied that you do not intend to engage in business or take employment except in connection with the training course.

Paragraph 66 with reference to 64(v)

- **Intention to leave**

In view of [.....] the Secretary of State is not satisfied that you intend to leave the United Kingdom at the end of the course.

Paragraph 66 with reference to 64(vi)

- **Funds**

In view of [.....] the Secretary of State is not satisfied that you have sufficient funds available for accommodation and maintenance for yourself and any dependants without engaging in business or taking employment (except in connection with the training course) or having recourse to public funds.

Paragraph 66 with reference to 64(vii)