

IMMIGRATION DIRECTORATES INSTRUCTIONS

CHAPTER 3 SECTION 8

DOCTORS UNDERTAKING CLINICAL ATTACHMENTS DENTISTS UNDERTAKING CLINICAL OBSERVER POSTS

1. INTRODUCTION

Overseas doctors or dentists who wish to work in the UK may undertake periods of clinical attachments or dental observation posts in order to familiarise themselves with UK working practices. These clinical attachments and dental observation posts are unpaid and involve observation only and not treatment of patients.

Overseas doctors and dentists can apply for leave to enter to undertake clinical attachment or dental observation posts. However, doctors or dentists who are already in the UK on leave to take the PLAB test, or on leave as postgraduate doctors, dentists and trainee general practitioners, can undertake clinical attachments or dental observation posts under their existing leave. They will only have to apply separately under the specific rules on clinical attachments or dental observation posts where their period of existing leave (to take the PLAB Test or as a postgraduate doctor/dentist/trainee general practitioner) is due to expire before the end of the clinical attachment or dental observation post.

1.2. TRANSITIONAL ARRANGEMENTS

This category was incorporated into the Immigration Rules on 15 March 2005, having previously operated as a concession outside the Rules. As the main conditions of entry have not changed, any doctors or dentists who have valid leave as a visitor, where this was specifically granted to undertake a clinical attachment or dental observer post, should be treated in line with doctors and dentists granted leave under paragraphs 75G-75M of the Immigration Rules. A similar transitional arrangement applies to doctors granted leave as a visitor to take the PLAB Test (see Chapter 3, Section 7 of these Instructions for further details).

This means that doctors or dentists who have valid leave as a visitor, granted before 15 March 2005, either to take the PLAB Test or to undertake a clinical attachment or dental observer post are eligible for an extension of stay to undertake a clinical attachment or dental observer post under paragraph 75K of the Immigration Rules. They would have to meet all the requirements of paragraph 75K (ii) – (v).

This transitional arrangement only applies to those doctors and dentists who have been granted leave as a visitor ***specifically to undertake a clinical attachment or dental observer post***. It does not apply to doctors granted any other leave, including standard leave as a visitor, whether or not they have chosen to undertake a clinical attachment or dental observer post during this leave.

2. ENTRY CLEARANCE

Entry clearance is not mandatory for individuals seeking to enter the UK undertake a clinical attachment or dental observer post, but it is available.

3. LEAVE TO ENTER

The requirements to be met by a person seeking leave to enter the UK to undertake a clinical attachment or dental observer post are set out in paragraph 75G. All these requirements **must** be met and **must** be referred to when reading the following advice.

3.1 Key Points

Although **all** the requirements of paragraph 75A **must** be met, the main points on which the immigration officer needs to be satisfied are that the passenger:

- is a graduate from a bona fide medical or dental school; and
- can provide documentary evidence of a clinical attachment or dental observer post which:
 - (a) Will involve observation only and not treatment of patients
 - (b) Will be unpaid; and
- meets the relevant requirements of the Rules relating to visitors (paragraph 41 (iii) – (vii) of these Rules), including:
 - that they will be able to maintain and accommodate himself and any dependants adequately without recourse to public funds; and
 - that they do not intend to take up employment during leave under this paragraph.

3.2 Granting Leave to Enter

Leave to enter should be granted as a person coming to undertake a clinical attachment or dental observer post on Code 4 for the duration of the clinical attachment or dental observer post up to a maximum of 12 months.

3.3 CID Code

STS Short term student

3.4 Refusal of Leave to Enter

Leave to enter should be refused if all the requirements of paragraph 75G are not met.

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 **Chapter 9 Section 3** to these instructions.

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"**.

3.5 On Entry Refusal Codes

- A4 Unsatisfactory or unacceptable arrangements for proposed study
- A5 Not a genuine student
- E4 Lack of required visa or entry clearance
- S5 Not enrolled on course

4. LEAVE TO REMAIN

The requirements to be met by a person seeking entry clearance to undertake a clinical attachment or dental observer post are set out in paragraph 75K. All these requirements **must** be met and **must** be referred to when reading the following advice.

4.1 Granting Leave to Remain

If the requirements of paragraph 75K are met, the applicant should normally be granted leave to remain in line with the clinical attachment or dental observation post on offer.

This category is designed to allow trainee doctors and dentists to broaden their knowledge of practices in the UK. It is **not** designed to allow individuals to remain in the UK for long periods without taking up a training post under the rules for postgraduate doctors/dentists/trainee general practitioners, or without switching into employment as a doctor or dentist with a work permit, or as a General Practitioner under the Highly Skilled Migrant Programme. Therefore applicants should not normally be granted more than 12 months of consecutive periods of leave in this category or 24 months in total. Any application for an extension over this time should be looked at carefully to ensure that the applicant is likely to be able to switch into one of these categories. A letter from the relevant postgraduate dean or other suitable body should confirm that the clinical attachment or dental observation post will lead onto a relevant post under one of these other categories.

4.2 Delay in Commencing the Clinical Attachment or Dental Observer Post

This category is not designed to allow overseas doctors and dentists to remain in the UK for long periods without undertaking a suitable clinical attachment or dental observer post. Applications for leave should only be granted where the clinical attachment or dental observer post is due to start within one month of the date the application is submitted.

4.3 Switching

Clinical attachments and dental observation posts help familiarise overseas doctors and dentists with UK medical or dental practice. They can be undertaken at any stage of the doctor or dentist's career and so applicants can switch into this category from leave to take the PLAB Test or leave as a postgraduate doctor, dentist or trainee general practitioner or leave as a work permit holder (for employment in the UK as a doctor or dentist) or leave as a highly-skilled migrant (for employment in the UK as a General Practitioner). Applicants must meet the requirements of the Rules as set out above and should not be using this category purely to extend their stay in the UK rather than to familiarise themselves with UK practices.

4.4 CID Code

V1X Visitor Extension (Other)

4.5 Refusal of Leave to Remain

Leave to remain should be refused if any of the requirements of paragraph 75K are not met.

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.

4.6 CID Code

V9