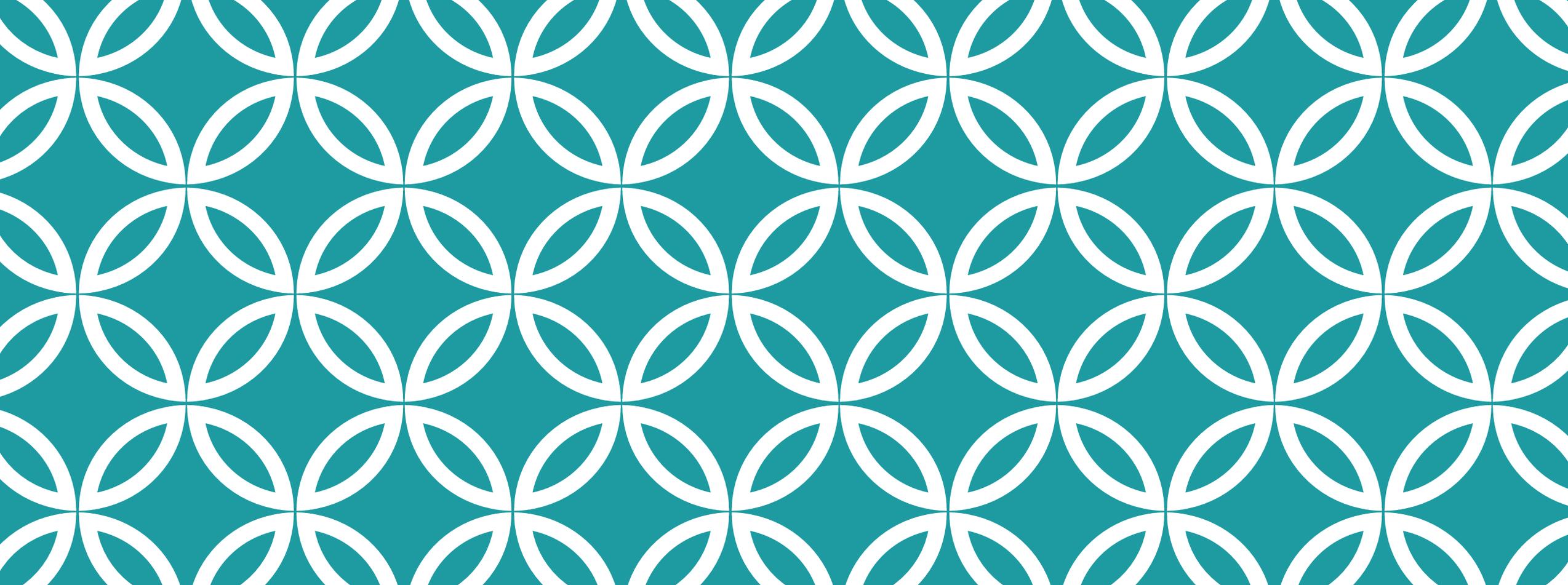


EMPLOYING A GP ON A TIER 2 VISA

A few notes of guidance from
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Prepared for Northamptonshire
LMC November 2017



DISCLAIMER — I AM NOT AN EXPERT

Please consult the appropriate documentation.

This document is a good place to start

[Guidance for Sponsors](#)

These slides contain considerable paraphrasing of the regulations – please refer to the guidance before making any decisions

WHY EMPLOY A DOCTOR WHO NEEDS A TIER 2 VISA?

Many practices have been carrying vacancies for a considerable time. A proportion of doctors training to be GPs locally require a Tier 2 Visa to be able to continue to live and work in the UK and are an alternative source of high quality workforce.

SO WHAT DO I NEED TO KNOW?

The process is time consuming, fiddly and also has a cost.

The next few slides outline the very basics. If you are keen you need to identify a lead practice member (probably the Practice Manager) who should read the guidance in detail.

You also need to be very aware of the various time bound elements – they need to mesh together for a seamless process.

WHAT IS A TIER 2 VISA AND HOW DO I GET ONE?

A tier 2 Visa is one of a number of ways in which non European Economic Area (non-EEA) Migrants can gain permission to live and work in the UK.

There are different subsections but a GP would need a Tier 2 (General) Visa.

The employing organisation (in this case a GP practice) needs to apply to be a Sponsoring Organisation. Becoming a sponsoring organisation allows you to issue Certificates of Sponsorship (CoS). This is a virtual document which results in the generation of a number the doctor requires as part of their “leave to remain” evidence.

Migrants *must* have a sponsor before they can be admitted to or remain in the UK.

Doctors in training are allowed to be sponsored by HEE but this relationship finishes at the end of training and, if they have lived in the UK for less than 5 years they need to move onto a different visa.

WHAT ARE THE QUALITIES A SPONSORSHIP ORGANISATION NEEDS?

The Home Office have developed this system on the basis that those who benefit the most (the employer) play their part in ensuring the system is not abused and also are responsible for ensuring the migrant is a “suitable” person. The home office consider 4 elements in possible sponsors:

- Are you a genuine business?
- Are you honest, dependable and reliable?
- Are you able to carry out your sponsorship duties i.e. have sufficiently good recruitment and HR practices?
- Will you be offering genuinely skilled work?

Clearly these conditions are not difficult for practices to comply with.

HOW DO YOU APPLY?

- On line – but before you start consider the following “time bound” elements
 - You must have a *genuine* vacancy, it must pass the “Resident Labour Market Test” (see next slides) and be within the right timescale
 - A doctor already on a visa e.g. as a GP trainee, can only apply to change it three months before it expires
 - The on line application has to be followed up within 5 days by posting copies of some documents which need to be certified – make sure you have all this in hand before starting the process

RESIDENT LABOUR MARKET TEST

You must have a genuine vacancy

It must have been advertised either:

- For a continuous single period of 28 days or
- In 2 stages each of which must be for at least 7 days and be within a minimum 28 day period and
- In two forms (e.g. on line and in a journal, or on line in two different settings) and
- If you are offering a salary of less than £73,900 p.a. one of these **must** be on the Jobcentre website

RESIDENT LABOUR MARKET TEST (2)

Beware!

- You must make sure you specify ALL the requirements of the job as you can't turn someone down for something not in the advert (*for example you interview 2 candidates, one needing a visa and one not. They are evenly matched but the visa requiring candidate is more suitable because they have paediatric experience, but you didn't specify this in the advert. Your request for a Visa could fail because this vacancy would be considered not to have passed the RLM test*)
- You must have issued a Certificate of Sponsorship (i.e. completed all the processes to become a sponsor) within 6 months of a Resident Labour Market Test

SO – BACK TO THAT ON LINE APPLICATION

Hang on – first you need to read [Appendix A](#) to make sure you have the right documents – remember you must supply originals or certified copies within 5 days of your on line application – although some items can be checked by the home office on line. In essence you will probably need :

- To say who you are and who works for you including a hierarchy chart
- Say what the job is you are filling including duties, salary, skills required and where the job sits in the hierarchy
- Say if you have identified a possible employee already. If so you will need to provide recruitment evidence including why resident labour applicants were unsuitable
- Details of your registration with any regulatory body – i.e. GMC registration of partners and practice CQC registration details– these may be checked on line
- Proof of registration with HMRC as self employed and evidence of registration with HMRC as an employer to pay PAYE & National Insurance
- And there may be more- you **MUST** check the list – at a minimum you will need to provide 4 pieces of evidence

ON LINE APPLICATION

Register on the website

Credit or debit card to pay

Takes 30 minutes and must be followed within 5 days by a signed copy plus any mandatory info that may be required

Need to have the right code for the job (2211 for medical practitioners)

Need to have identified your “Key Personnel” (see next slide)

Need to know the visa category you are applying for (Tier 2 General)

KEY PERSONNEL

4 key personnel, the first 3 of whom must be named on your application **but** these 3 roles can all be done by the same person(!)

1. Authorising officer – most senior person responsible for recruitment – e.g. senior partner, or practice manager
2. Key contact – main contact for Home Office
3. Level 1 user - carries out day to day sponsorship activities (more can be nominated once you have your licence – best to keep to small numbers – enough to cover sick leave etc). Have the ability to do all functions on the on-line Sponsorship Management System (SMS)
4. Level 2 user – more limited can only assign CoS and advise HO of missing workers

Each must be permanently employed in the UK, subject to DBS clearance and paid by you as staff (with minor exceptions)

WHAT DOES IT COST?

If 2 out of the 3 conditions below apply (which they will to most GP practices)

- Your turnover is less than 10.2 Million per year
- Your balance sheet total is less than £5.1m per year
- You employ less than 51 people

Then you are considered a small sponsor and the charges are at the lower level

- Initial application fee Tier 2 small sponsor licence £1476
- Assigning each certificate of sponsorship £199

WHAT ELSE?

Being a sponsor lasts for 4 years. You can surrender early (but no refund) if no longer required.

After 5 years living in the UK the Tier 2 doctor may be eligible to apply for Indefinite Leave to Remain. If granted they no longer need a Tier 2 sponsor. Remember that Doctors who have trained here may already have 3 or more years residency just from their GP training.

You need to check whether the Immigration Skills Charge also needs to be payed. My reading suggests that doctors transferring from other visas (e.g. just out of training) are exempt but the very most you would have to pay if they needed to do the whole 5 years on a Tier 2 visa is £1820.

They must earn a minimum of £30,000 p.a. – I believe FTE but worth double checking.

WHAT ELSE (2)?

Self-employed status possible - so can employ as partners but you need to be able to prove this.

Can do other work (supplementary) at same or higher level for others e.g. can do OOH but no more than 20 hours per week **but** if wanted to work part time for two employers both employers must be sponsors and have gone through the RLM test process.

Home Office may visit you at any time (unannounced) to check you are doing it right but they are also relying on you to be their eyes and ears so have an expectation of you reporting on things like unauthorised or prolonged absence.

A doctor who has previously worked aboard needs a criminal record certificates (equivalent of DBS) from everywhere they lived for 12 months or more in the previous 10 years).

SO IS IT WORTH IT?

It has already been done successfully in some areas.

It is a way of keeping good trainees locally.

It is complicated but if you are not getting any suitable applications from UK/EEA doctors is a way of filling vacancies with English trained doctors.

Your 4 year registration means you are ready to go if you already know you are going to have a further vacancy in the near future e.g. from planned retirement – and means you can already widen your applicant pool.

In theory you could employ someone who trained here and had to return to their country of origin because they didn't get sponsorship.

Probably not worth doing speculatively as despite the jungle drums the proportion of newly qualified doctors requiring it is relatively small (because they have often already qualified for indefinite leave to remain).