The UK Foundation Programme Office provides Tier 4 visa sponsorship for all non-EEA citizens graduating from UK medical schools who have secured a place on a Foundation Programme. The UKFPO currently sponsors 390 foundation doctors.

In order to maintain the role of sponsor, the UKFPO must keep records of the foundation doctors it sponsors, as well as report any instances where a doctor contravenes the conditions of their visa. The foundation schools have an important role as secondary sponsor in helping the UKFPO carry out their reporting duties.

Each of the four UK health departments has requested that SHAs (or deanery or foundation school representatives on their behalf) sign a Service Level Agreement with the UKFPO agreeing to report doctors contravening their visa conditions to the UKFPO. These SLAs must be signed and returned to the UKFPO in order for the UKFPO to continue sponsoring these foundation doctors.

The duties of the UKFPO as Tier 4 sponsor are detailed below:

1. The UKFPO must keep records of the following:
   - A copy of the sponsored doctor’s passport, identity card or UK immigration status documents
   - Up to date record of the sponsored doctor’s contact details
   - A copy of the medical school degree certificate

2. The UKFPO must report to the UKBA within ten working days if:
   a) the sponsored foundation doctor fails to start their Foundation Programme
   b) the sponsored doctor misses 10 expected contacts without permission
   c) the UKFPO stops being the sponsor for the doctor (for example, the student moves in to an immigration category that does not need a Tier 4 sponsor)
   d) there are any significant changes in the doctor’s circumstances (for example, if they train less than full time, resign or are dismissed)
   e) any suspicions arise that the doctor is breaking the conditions of his/her permission to stay.

**Process for Tier 4 applicants for FP 2010:**

| Mid-June | The UKFPO will email medical students who indicated that they would need a Tier 4 Visa on their FP2010 application form to complete an online form and submit relevant paperwork. |
| July/August | The UKFPO will produce either:
   - a sponsorship letter, OR
   - a Confirmation of Acceptance to Study (CAS) certificate from the UK Border Agency’s sponsorship management system (if available). |
| July – Oct | Sponsored doctors apply for a Tier 4 Visa prior to their current student visa expiring, using the letter or CAS certificate provided by the UKFPO. They must also complete the UKBA’s application form, and follow their processes. Please note that most student visas expire at the end of October 2010 and they can continue to work once they have submitted their visa application whilst the UKBA processes their application. |
Information for Foundation Doctors (Tier 4 holder)

It is important that foundation doctors are aware of what is required of them as a holder of a Tier 4 Visa.

For the duration of the Foundation Programme, foundation doctors should be conscious of the fact that if they do not fulfil the requirements below, the UKBA has the ability to withdraw their Tier 4 Visa at any time. This would result in the termination of their employment and removal from the Foundation Programme as they would no longer be eligible to work in the UK.

Behaviour that could result in the withdrawal of a Tier 4 Visa is as follows:

- **Incurring ten absences from activities they are expected to attend in relation to their Foundation Programme.** For example, if they do not attend a scheduled lecture and are not covering a ward, this would be considered an unauthorised absence.
  - Foundation doctors should anticipate any absences and have them authorised, in writing, by an appropriate person in advance of the expected absence. The person should be somebody within the employing organisation, not the UKFPO. There is no exhaustive list of what constitutes an unauthorised absence, making it essential that they gain authority for every absence, regardless of how insignificant they perceive it to be.

- **Altering their commitment from that of a full time foundation doctor to a flexible or part time foundation doctor.** The UKFPO can only sponsor full time foundation doctors, meaning that our sponsorship of the foundation doctor would become invalid should they become classified otherwise. In this instance foundation doctors would need to apply for a Tier 2 Visa and request that the employing organisation act as their sponsor.

- **Discontinuing their programme.** For example if they resign from their post or are dismissed.

- **Accepting employment which falls outside the remit of their Foundation Programme.** A Tier 4 Visa does not permit anyone to accept any employment other than that of a foundation doctor. For example, if they were to accept a part time bar job to subsidise their foundation doctor salary, this would be a contravention of their Tier 4 Visa.

**Frequently Asked Questions**

Q. I am a doctor from outside the EEA and graduated from a medical school outside of the UK. Can you act as my Tier 4 sponsor?
A. Unfortunately, we are only able to sponsor doctors who have graduated from UK medical schools.

Q. I have recently graduated from a UK medical school and will shortly be undertaking a part-time Foundation Programme in the UK. Can you act as my Tier 4 sponsor?
A. Unfortunately, we are only able to sponsor foundation doctors working full time in a Foundation Programme.

Q. Can the UKFPO act as my financial sponsor?
No. The UKFPO cannot act as your financial sponsor.
Q. Can I commence my Foundation Programme using my current student visa?
A. Yes. You can commence your Foundation Programme using your current student visa. However, you must ensure that you obtain a Tier 4 Visa before the expiry date of your current visa.

Q. My current visa is due to run out. I have applied to the UKBA for a new visa but they have not got back to me yet. Can I still work?
A. Yes, as long as the UKBA was in receipt of your application before the expiry date of your current visa you are permitted to work until the UKBA inform you of the outcome of your tier 4 application.

Q. What is a biometric card and where do I get it?
A. A biometric card will act as proof of your right to remain in the UK and will replace the passport stamp.

Q. Why does my biometric card state ‘restricted work during term time’?
A. This relates to the nature of employment that you can accept as opposed to the amount of hours that you are able to work. This statement is intended as a flag to employers that you are only allowed to accept employment as a Foundation doctor. You would not, for example, be permitted to accept a part time bar job to subsidise your Foundation Programme salary. You are permitted to work full time on a recognised two-year Foundation Programme.

Q. Why am I being advised to apply for a visa under Tier 4 as opposed to Tier 2?
A. You will only have to apply once and pay one fee for the Tier 4 Visa which will last for the duration of your Foundation Programme. If you were to apply for a Tier 2 Visa, you would need to re-apply, and pay a fee every time you change employer. The employer must also agree to be your Tier 2 Visa sponsor and pay the relevant employer fees.

Q. What are the alternatives to applying for a Tier 4 Visa?
A. You are welcome to apply for a Visa under Tiers 1, 2 and 4, if you qualify. However, the UKFPO can only act as your sponsor under Tier 4. By applying under Tier 2, you would need to request that your employer act as your sponsor. There are no guarantees that they would accept due to cost implications to the, both financial and administrative. Also, you would be required to re-apply for a visa each time you change employer.

Q. Where can I acquire a Tier 4 Visa application form?
A. You can download an application form from the UK Borders Agency website. The web address is www.ukba.homeoffice.gov.uk

Q. What is the maintenance test on UKBA’s Tier 4 application form for?
A. This is where you must prove that you have sufficient funds to support yourself during your stay in the UK. You must be able to prove that you have had £1200 pounds in your account on any of the 28 days leading up to your application. This figure rises to £1600 if you will be undertaking your Foundation Programme in London. Go to the UKBA website for further information.

Q. How do I complete the maintenance section on my Tier 4 application form?
A. Please contact the UK Borders Agency for advice on this.

Q. Can you UKFPO help me complete my Tier 4 application form?
A. Unfortunately the UKFPO are in no position to offer any help or guidance on completing your application form. You have to go direct to the UK Border Agency for advice. The web address is www.ukba.homeoffice.gov.uk
Q. How are the 40 points required to obtain a Tier 4 Visa made up?
A. The sponsor letter/CAS accounts for 30 points. You must pass the maintenance test to acquire the remaining 10 points.

Q. Do I require a letter from my Foundation School Dean as well as a CAS/sponsor letter in order to obtain a Tier 4 Visa?
No. There is a section included in the CAS/sponsor letter which will satisfy this requirement. This has been agreed with the UKBA as an amendment to initial policy.

Q. When should I apply for my new visa?
A. You should apply for a Tier 4 Visa within six months of receiving your CAS/sponsorship letter. You must obtain a Tier 4 Visa before your current student visa expires.

Q. If I incur ten absences from my Foundation Programme placement; will my visa be automatically revoked?
A. The UK Border Agency will contact you to discuss your visa status and the conditions of your visa. It is their decision whether or not your visa will be revoked.

Q. Where can I access further information in relation to Tier 4 visas?
A. The UK Border Agency website is the best place to go at www.ukba.homeoffice.gov.uk.

Q. Is a period of maternity leave classed as an authorised absence?
A. Yes a period of maternity is classed as an authorised absence therefore your Tier 4 visa will remain valid. If you do take maternity leave, then you will have to apply for an extension to your visa, which will only be granted for one additional year. Therefore, in order to qualify for this extension, you must be in a position to complete your Foundation Programme with the maximum three year period.

Q. How do I apply for an extension to my Tier 4 visa?
A. You will need to contact the UKFPO to issue you another CAS/Sponsorship letter. Please send your request to the UKFPO’s Tier 4 mailbox tier4@foundationprogramme.nhs.uk. Once you have your CAS/Sponsorship letter you must complete the UKBA extension application form which can be found on the UKBA website. Please note that this will be at a similar cost to your original Tier 4 application. You should do this three months before your original Tier 4 Visa is due to expire.
Guidance for Foundation Schools

Foundation schools must use the reporting form (page 4) to report the following to the UKFPO within seven working days of the information becoming known or the event occurring:

a) a sponsored foundation doctor does not turn up for their first day at work. The reason the doctor gave for non-attendance must also be included (for example, a missed flight)

b) a sponsored foundation doctor has more than 10 working days of unauthorised absences from work

c) a sponsored foundation doctor misses 10 ‘expected contacts’* during their Foundation Programme without the foundation school/employers reasonably granted permission. The foundation school must tell the UKFPO within seven working days of the 10th missed contact

d) a sponsored foundation doctor transfers to another foundation school**

e) a sponsored foundation doctor leaves the Foundation Programme, or if their contract of employment ends (including where they resign or are dismissed). The foundation school should inform the UKFPO of the name and address of any new employer or institution that the doctor has joined, if known

f) a sponsored foundation doctor changes to flexible or part-time training***

g) a sponsored foundation doctor’s length of foundation training changes (eg if they need to undertake remedial training at the end of F1 or at the end of their F2 or if they undertake a period of maternity leave)

*Expected contacts include any instance where the foundation doctor is expected to attend a lesson, lecture, tutorial, seminar or scheduled meeting with tutors or advisors in relation to their Foundation Programme. If the foundation doctor misses an expected contact due to covering service delivery needs, it should NOT be counted as a missed contact.

** Please note that reporting a change of foundation school will not affect the doctor’s visa status. We need to keep a record of the doctor’s primary place of study, which is shown as the foundation school to which s/he is allocated, as agreed with the UKBA.

Visa extensions
A Tier 4 visa is issued for a period of two years plus one month. If a foundation doctor needs to extend this visa it can be done for a maximum of one additional year. This can be used to cover maternity leave and/or remedial training.

In order to acquire an extension, the foundation doctor will need to contact the UKFPO to get a new sponsorship letter and complete the correct UKBA application form. Please note this will be at a similar cost to their original application.

Foundation doctors should apply for this extension up to three months, but no less than one month before their original Tier 4 visa is due to expire.

Maternity leave
A period of maternity leave must be treated as an authorised absence. Therefore, the foundation doctor’s Tier 4 visa will remain valid. However, if a foundation doctor takes maternity leave, she must be able to complete the Foundation Programme within the maximum three year period. She would not be allowed under the UKBA’s immigration rules to obtain further leave on completion of three years. If the foundation doctor informs
the foundation school that she does not wish to resume the Foundation Programme following the maternity leave, then you must report this to the UKFPO immediately.

**Sponsor reporting/prevention of illegal working**

If a foundation doctor is reported to the UKFPO, the UKBA have confirmed that they will not communicate to the UKFPO the outcome of the investigation (i.e. if the foundation doctor’s visa has been revoked).

Therefore, it is essential that you communicate with the employing healthcare organisations that they must undertake **yearly** checks of the foundation doctor’s visa to ensure they have an ongoing right to work in the UK to prevent illegal working.

Provided the employer carries out document checks (which will establish a “statutory excuse” as described under the illegal working legislation and in the UKBA’s guidance), then the UKBA would not seek to take action in the event that a doctor who has been reported to the UKBA continues to work illegally. If a foundation doctor presents documents that would demonstrate that he/she has lost his entitlement to work, then the employer cannot establish a statutory excuse, and the UKBA would look to take further action against the employer in the event that they continues to employ such a person.

The UKFPO will NOT sponsor:

- Non-EEA citizens who graduated outside the UK
- Non-EEA citizens who have not been granted a previous student visa in the UK covering his/her final academic year and at least one other academic year of his/her studies leading to the above degree
- Foundation doctors who are not part of a recognised two-year Foundation Programme
- Any doctors employed in a locum capacity (LATs or LASs).

Foundation schools should set up systems locally in conjunction with the employing healthcare organisations to ensure that any activity that contravenes the terms of the doctor’s Tier 4 visa is reported. If they neglect to do so, the UKBA may revoke the UKFPO’s sponsor licence, which will result in all UKFPO sponsored Tier 4 visas becoming invalid.
Information for Employers

**Sponsor reporting /prevention of illegal working**
If a foundation doctor is reported, the UKBA has confirmed that they will not communicate to the UKFPO or the employing healthcare organisation the outcome of the investigation, i.e. if the foundation doctor's visa has been revoked.

Therefore, it is essential that employers undertake yearly checks of the foundation doctor's visa to ensure they have an ongoing right to work in the UK to prevent illegal working.

Provided a the employing healthcare organisation carries out yearly document checks (which will establish a “statutory excuse” as described under the illegal working legislation and in the UKBA’s guidance), then the UKBA would not seek to take action in the event that a doctor who has been reported to the UKBA continues to work illegally. If however a foundation doctor presents documents that would demonstrate that he/she has lost his entitlement to work, then the employer cannot establish a statutory excuse, and the UKBA would look to take further action against the employer if they continued to employ such a person.

**Duration of Tier 4 Visa**
Foundation doctors will be granted a Tier 4 visa by the UK Border Agency for the expected duration of their Foundation Programme (two years), plus one month.

If a foundation trainee needs to extend their programme (due to being absent from the programme more than four weeks in one year, due to maternity leave or due to remedial training required), the trainee must apply for an extension, which will be granted for up to an additional year. The application for the extension can be submitted to the UKBA up to three months, but no less than one month, before the original Tier 4 visa expires.

**Maternity leave**
A period of maternity leave must be treated as an authorised absence. Therefore, the foundation doctor’s Tier 4 visa will remain valid. However, if a foundation doctor takes maternity leave, she must be able to complete the Foundation Programme within the maximum three year period. She would not be allowed under the UKBA’s immigration rules to obtain further leave on completion of three years. If the foundation doctor informs the foundation school that she does not wish to resume the Foundation Programme following the maternity leave, then you must report this to your foundation school immediately, so that the UKFPO can report to the UKBA.

**Conditions**
Sponsored foundation trainees will only be permitted to work within a recognised Foundation Programme. They are not permitted to work as LASs or LATs at the level of a foundation doctor; for example, nor are they permitted to take up any other employment (e.g. working in a bar).

Sponsored doctors must be undertaking the Foundation Programme in a full time post. If the foundation doctor opts to train less than full time at any point during their programme, you must notify your foundation school, who will report it to their sponsor, the UKFPO. Working less than full time will invalidate a doctor’s Tier 4 visa.
**Tier 4 Visa Cards**

Tier 4 visa cards (also known as “Biometric Cards”) typically display the following wording:

**Type of permit**
- T4 General Student
- Leave to remain

**Remarks**
- Restricted work in term-time

This is standard wording for Tier 4 visas. Be assured that this is the correct permit and foundation doctors are permitted to work full time on a recognised Foundation Programme.

The Tier 4 immigration rules clearly state:

(iii) No employment except:
(5) Employment as a postgraduate doctor or dentist on a recognised Foundation Programme.