Rt Hon Amber Rudd MP  
Secretary of State for the Home Department  
Home Office  
2 Marsham Street  
Westminster  
London  
SW1P 4DF  

10 April 2018  

Dear Home Secretary,  

I am writing to you regarding the visa application process for non-EU international medical students, trainee and practising doctors.  

At a time when the NHS is struggling to recruit and retain enough doctors to adequately and safely meet the needs of patients, it has come to our attention that some international doctors are experiencing unnecessary barriers and delays in their visa applications and renewals. We believe that any such inflexibility in the visa process which prevents competent and much needed doctors from practicing within the NHS must be addressed as a matter of priority.  

This is exemplified by the current case of Dr Luke Ong, who is from Singapore originally but who studied and trained to be a GP in Britain and now faces being told to leave the UK. As I am sure you are aware, this decision hinges on whether the Home Office wins an appeal against an earlier decision by an immigration judge to let him stay. This case demonstrates that small delays in visa applications can have far reaching consequences for the individual, but also that the system for processing visa applications is too rigid to adequately promote the recruitment of much needed specialties to the UK, particularly those which help address NHS workforce shortages.  

I am therefore asking that the Home Office reconsiders the case of Dr Ong, so that he can continue to work in the UK. It cannot be right that competent and skilled doctors serving in the NHS face deportation over an honest oversight or a procedural error. Indeed, failing to intervene would be incomprehensible given that the government is prepared to spend millions recruiting GPs from abroad.  

We also believe that it is particularly counterproductive that non-EU nationals must work within such an inflexible system while at the same time, it is the Government’s intention that their EU counterparts will be able to apply under a more user-friendly system to gain ‘settled status’. The draft EU Withdrawal Agreement specifically allows a degree of discretion should an applicant miss deadlines and the redress procedure is confined to examining the legality, facts and proportionality of decisions. It is therefore a matter of fairness and benefit to the NHS that non-EU nationals should receive the same flexibility which Government intends to provide to EU nationals.
To address this situation, the BMA believe that action must be taken in the following areas:

- Clear information and advice relating to the timelines for applications should be made available to all international doctors looking to make or renew visa applications.
- Where a procedural factor, such as a delay in the application process, is the primary reason for turning down an individual’s visa application, there should exist greater flexibility for the decision maker, particularly where extenuating circumstances such as the availability of interview dates may have had a bearing on the process.
- In addition, we are keen that the Home Office examines the basis on which it files to overturn appeals decisions. A decision to overturn an appeal should only be made if it is demonstrably in the interests of the wider society, and should take into consideration any impact on existing workforce shortages.

There is currently an unprecedented shortage of doctors across the NHS and as such the immigration system should reflect much needed flexibility and greater recognition of the crucial role which international doctors play in meeting the health needs of the country.

Yours sincerely,

Dr Chaand Nagpaul CBE
BMA council chair