

Debate Pack

14 November 2024

Number CDP 2024/0150

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Debate on indefinite leave to remain for healthcare workers

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Summary

There will be a debate on [e-petition 631412](#) concerning indefinite leave to remain for healthcare workers in Westminster Hall. The debate will take place on 18 November 2024 at 16:30 and will be led by Tony Vaughan MP.

1 Background

An e-petition on indefinite leave to remain for healthcare workers ([e-petition 631412](#)) is being debated in Westminster Hall on 18 November 2024. The petition is seeking to reduce the time that foreign healthcare workers in the UK [have to wait to qualify for indefinite leave to remain](#) (ILR) from five years to two years.

The petition closed on 20 July 2023 with 52,962 signatures but has been selected by the Petitions Committee for debate despite not reaching the usual 100,000-signature threshold.

1.1 Government response

In its response to the petition, given on 13 February 2023, [the government explained why the standard eligibility period for ILR is five years](#):

The Government recognises the significant contribution that health and social care workers from overseas have made to the level and quality of care the NHS provides.

However, Indefinite Leave to Remain (ILR) is based on several requirements, including a period of lawful residence in the UK without excess absences, sufficient knowledge of the English language and life in the UK, and any specific requirements of the visa route a person is on. The standard requirement of 5 years to achieve settlement is based on applicants building up ties and an ongoing commitment to the UK.¹

The government's response also noted that a new [Health and Care Worker visa](#) was introduced in August 2020 to make it “quicker, easier and significantly cheaper for eligible people working in health and social care to come to the UK with their families”.² Since then, almost 650,000 people have been granted Health and Care visas (271,000 main applicants and 378,000 accompanying partners and children).³ Adult social care workers can no longer bring their family but other healthcare workers can.⁴

People with a Health and Care visa still take five years to qualify for ILR, the same as for the main Skilled Worker visa and its predecessor, the Tier 2 (General) visa.

¹ E-petition 631412, [Offer healthcare workers on tier2 visa ILR after 2 years instead of 5 years](#)

² As above

³ Home Office, [Entry clearance visa applications and outcomes detailed datasets](#), year ending June 2024, table Vis_D02

⁴ See Commons Library briefing CBP-9920, [Changes to legal migration rules for family and work visas in 2024](#)

1.2

Indefinite leave to remain

Permission to live in the UK, including on a work visa, is formally known as 'leave'. Migrants are initially granted 'limited leave', which expires but can be extended. Limited leave comes with conditions.⁵ For people with a Health and Care Worker visa, these conditions include:

- [No recourse to public funds](#): they are ineligible for welfare benefits and social housing
- Tied employment: they can only work for the company sponsoring their visa, making it more difficult to switch jobs⁶

Securing '[indefinite leave to remain](#)', by contrast, allows the person to live in the UK with no time limit or conditions. It includes the right to work for any employer and claim benefits if financially eligible. Someone with ILR can also apply to be naturalised as a British citizen after another 12 months.⁷

Qualifying period

Those applying for ILR after having a Skilled Worker, Health and Care Worker or Tier 2 (General) visa must have lived and worked in the UK for five years.⁸ This is the standard qualifying period in almost all visa types. People who switch between visa types can apply for ILR after ten years.⁹

The qualifying period is very rarely less than five years. The main example is certain people with [Global Talent visas](#), who are eligible after three years.¹⁰

Previously, some of those in the UK on Investor and Entrepreneur visas were eligible to apply for ILR after two or three years.¹¹ Both of these routes closed to new applicants several years ago.

Cost

ILR currently costs £2,885 per applicant. In January 2023, MPs debated an e-petition calling for this to be significantly reduced for healthcare workers.¹²

⁵ [Immigration Act 1971, section 3\(1\)\(c\)](#)

⁶ Gov.uk, [Immigration Rules Appendix Skilled Worker](#), paragraph 18.2, accessed 12 November 2024

⁷ UK Visas and Immigration, [Indefinite leave to remain in the UK: your rights and status](#), 31 October 2024. A person married to a British citizen does not have to wait the 12 months.

⁸ Gov.uk, [Indefinite leave to remain if you have a Skilled Worker, T2 or tier 2 visa](#), accessed 11 November 2024

⁹ Home Office, [Immigration Rules Appendix Long Residence](#), accessed 13 November 2024

¹⁰ Home Office, [Immigration Rules Appendix Global Talent](#), para GT11.1, accessed 11 November 2024

¹¹ Gov.uk, [Indefinite leave to remain if you have a business, investor or talent visa](#), accessed 11 November 2024

¹² [HC Deb 30 January 2023 c1WH](#)

1.3

Existing immigration advantages for healthcare workers

Reduced cost

Those applying for the Health and Care Worker visa pay reduced visa application fees of £284 or £551 depending on visa length (compared to £719 or £1,420 for a standard Skilled Worker visa).¹³

Most foreign nationals applying for a residence visa are required to pay an additional [immigration health surcharge](#) of £1,035 per year. But those who work in healthcare jobs, whether or not they have a Health and Care visa, have been exempt from or refunded the surcharge since 2020.¹⁴

It is therefore significantly cheaper to apply for a visa as a healthcare worker than for a normal Skilled Worker visa.

Faster processing time

Those applying for a Health and Care Worker visa can expect to receive “fast-track entry”. The Home Office aims to process Health and Care Worker visa applications within three weeks, which is significantly faster than the “current timeframe for visa processing of between eight and twenty weeks”.¹⁵

Foreign healthcare workers in the UK

One in five NHS staff in England reported having a non-British nationality in June 2023.¹⁶ Around 32% of doctors in the UK trained abroad, compared to an average of 19% for the OECD group of developed countries. The share of foreign-trained nurses, at 18%, is twice the OECD average and has risen significantly since 2010.¹⁷

An estimated 25% of the adult social care workforce in England has a non-British nationality.¹⁸ Social care workers were made eligible for work visas in 2022, which is unusual for jobs considered lower-skilled.¹⁹

¹³ UK Visas and Immigration, [Home Office immigration and nationality fees](#), 24 October 2024

¹⁴ [“Johnson forced to drop NHS surcharge for migrant health workers”](#), Guardian, 21 May 2020; [HC Deb 14 July 2020 c1405](#); Department of Health and Social Care press release, [Health and care staff can claim immigration health surcharge reimbursement](#), 1 October 2020

¹⁵ UK Visas and Immigration, [Health and Care visa guidance](#), 4 April 2024

¹⁶ Commons Library research briefing CBP-7783, [NHS staff from overseas: statistics](#)

¹⁷ Organisation for Economic Co-operation and Development, Health at a Glance 2023: OECD Indicators, [International migration of doctors and nurses](#), 7 November 2023

¹⁸ Commons Library research briefing CBP-9615, [Adult social care workforce in England](#)

¹⁹ Commons Library Insight, [Visas for social care workers](#), 3 October 2023

1.4

Examples of more favourable residence rules for healthcare workers in other countries

Canada

Canada offers some health workers immediate permanent residence. In June 2023, the immigration and health ministers announced that 2,000 such workers – including “doctors, nurses, dentists, physiotherapists and optometrists” – would be invited to apply for the [Express Entry programme](#) for permanent skilled migration.²⁰

A separate caregiver pilot scheme provides “home care workers with permanent residence on arrival in Canada”. To be eligible, the person must have been offered for a full-time home care job and pass a language test.²¹

New Zealand

The New Zealand Government offers a care workforce Work to Residence Visa. Under the scheme, people who have been working in a care role in New Zealand for two years are able to apply for a Resident Visa.²² After another two years, they are eligible to apply for a [Permanent Resident Visa](#).²³

Ireland

A temporary scheme was announced in 2022 which made non-EU doctors who had worked in Ireland for more than two years immediately eligible for a [Stamp 4 residence permit](#) and spousal work rights.²⁴ This gave non-EU medical doctors and their spouses the “right to work without preconditions for a specified period, which counts as residence for subsequent citizenship application requirements”.²⁵

²⁰ Immigration, Refugees and Citizenship Canada press release, [Canada announces new immigration stream specific to health workers](#), 28 June 2023

²¹ Immigration, Refugees and Citizenship Canada press release, [Canada launches new process to welcome skilled newcomers with work experience in priority jobs as permanent residents](#), 31 May 2023

²² New Zealand Immigration, [Care Workforce Work to Residence Visa](#), accessed 11 November 2024

²³ New Zealand Immigration, [Becoming a permanent resident](#), accessed 14 November 2024

²⁴ Department of Enterprise, Trade and Employment press release, [Up to 1,800 doctors to benefit from changes to immigration rules](#), 8 March 2022

²⁵ Organisation for Economic Co-operation and Development, [International Migration Outlook](#), October 2022, p74

2 Parliamentary material

2.1 Debates

[Immigration and Nationality Fees \(Exemption for NHS Clinical Staff\)](#) – HC Deb 20 Mar 2023 – 730 cc41-2

[Immigration Fees for Healthcare Workers](#) – HC Deb 30 Jan 2023 – 727 cc1-22WH

[Immigration and Nationality Application Fees](#) – HC Deb 25 March 2021 – 691 cc447-472WH

[Draft Immigration \(Health Charge\) \(Amendment\) Order 2020](#) – HC Deb 22 Sep 2020 – cc1-16

[Immigration \(Health Charge\) \(Amendment\) Order 2020](#) – HL Deb 23 Sep 2020 – 805 cc1909-18

[Immigration \(Health and Social Care Staff\)](#) – HC Deb 01 Sep 2020 – 679 cc61-3

[Coronavirus Update](#) - HC Deb 14 July 2020 – 678 cc1395-1412

[Health and Social Care Workers: Recognition and Reward](#) – HC Deb 25 June 2020 – 677 cc1501-32

2.2 Parliamentary questions

[Visas: Care Workers and Health Professions](#)

Asked by: Thomas, Gareth

To ask the Secretary of State for the Home Department, what assessment she has made of the adequacy of time taken to (a) process Health and Care Worker visas for people offered NHS roles and (b) extend Health and Care Worker visas for people currently working in the NHS; and if she will make a statement.

Answering member: Robert Jenrick | Department: Home Office

The Home Office does not routinely publish details of average processing times and they do not form part of any current transparency data. However, information on our immigration routes with service standards and whether

they have been processed against these standards is available as part of our transparency data, at: [Migration transparency data - GOV.UK \(www.gov.uk\)](https://www.gov.uk/migration-transparency-data)

Health and Care visa extensions already benefit from a 15 working day service standard from the point of biometric submission, instead of the standard 8 weeks.

26 Jan 2023 | Written questions | Answered | House of Commons | 127690

Date tabled: 19 Jan 2023 | Date for answer: 23 Jan 2023 | Date answered: 26 Jan 2023

[Migrant Workers: Visas](#)

Asked by: Nichols, Charlotte

To ask the Secretary of State for the Home Department, what assessment her Department has made of the potential merits of relaxing visa conditions for health workers from abroad to help support the NHS during any staff shortages.

Answering member: Kevin Foster | Department: Home Office

The introduction of the Health and Care visa in August 2020 made it quicker and cheaper for regulated health and care professionals to secure their visa to work in the Health and Care sector. Furthermore, a number of Health and Care occupations, such as senior care workers, nurses and auxiliary nurses and assistants, feature on the Shortage Occupation List (SOL).

On 24 December, the Government announced it was accepting the Migration Advisory Committee's (MAC) interim recommendation to add care workers to the SOL and making them eligible for the Health and Care Visa.

On 24 January the Government laid the necessary changes to the immigration rules which will come into force on 15 February. I refer my Honourable Friend to the Written Ministerial Statement of 24 January for further details.

The Government also introduced various COVID-19 concessions to minimise some of the pressures faced by the Health and Care sector in dealing with the pandemic, such as working across various sites and allowing people to work more than the normal 20 supplemental hours in such roles.

25 Jan 2022 | Written questions | Answered | House of Commons | 105756

Date tabled: 17 Jan 2022 | Date for answer: 19 Jan 2022 | Date answered: 25 Jan 2022

[NHS: Migrant Workers](#)

Asked by: Hendrick, Sir Mark

To ask the Secretary of State for the Home Department, what assessment she has made of the potential merits of giving Indefinite Leave to Remain to all migrant NHS workers and their families.

Answering member: Kevin Foster | **Department:** Home Office

Workers from overseas in the NHS and wider health and care sector have made a huge contribution in tackling COVID-19 and the Government has taken unprecedented measures to ensure the sector is supported fully, including free 12-month visa extensions for those working in eligible occupations in health and social care.

Individuals working in healthcare, on a route which leads to settlement, will be able to apply for Indefinite Leave to Remain (ILR) for themselves and their family, providing they meet the requirements, including a period of lawful residence in the UK without excess absences, sufficient knowledge of the English language and life in the UK. In sponsored work routes, settlement relies on applicants having worked in their sponsored job for five years. Given the wider requirements for a grant of ILR we will not be making a general grant of it to those working in the NHS.

We will though grant immediate indefinite leave to remain (ILR), free of any charges, to family dependants of NHS, health and care workers who unfortunately lose their lives as a result of contracting COVID-19. We hope this number will be limited.

01 Mar 2021 | Written questions | Answered | House of Commons | 154782

Date tabled: 19 Feb 2021 | Date for answer: 23 Feb 2021 | Date answered: 01 Mar 2021

[NHS: Migrant Workers](#)

Asked by: Lynch, Holly

To ask the Secretary of State for Health and Social Care, how many NHS health and social care workers of non-British nationality were working in the UK as of 20 January 2021; and what proportion of those people had indefinite leave to remain as of that date.

Answering member: Helen Whately | **Department:** Department of Health and Social Care

As at September 2020 there were 176,965 NHS staff with a non-UK nationality. Information on the proportion of staff who had indefinite leave to remain as at September 2020 is not held centrally.

03 Feb 2021 | Written questions | Answered | House of Commons | 140870

Date tabled: 20 Jan 2021 | Date for answer: 25 Jan 2021 | Date answered: 03 Feb 2021

[Migrant Workers: NHS](#)

Asked by: Jarvis, Dan

To ask the Secretary of State for the Home Department, if she will grant indefinite leave to remain to NHS staff who have worked during the covid-19 outbreak.

Answering member: Kevin Foster | Department: Home Office

NHS workers from overseas have made a huge contribution in tackling the current pandemic. We are extending the leave of key NHS frontline health workers and their dependants by one year, free of immigration fees and health surcharge, if it was due to expire before October 2020. This offer has also been extended to cover those working in key healthcare roles in the independent health and care sector. However, indefinite leave to remain is based on a number of requirements, including a period of lawful residence in the UK without excess absences, sufficient knowledge of the English language and life in the UK, and any specific requirements of the visa route they are in.

Families and dependants of all health workers who sadly pass away due to contracting the COVID-19 virus will be offered immediate indefinite leave to remain, without a requirement to pay a fee. We hope the number of people who find themselves in this position is very small. Our thoughts go out to the families and friends of all medical professionals who have passed away while fighting to keep us safe.

29 Jun 2020 | Written questions | Answered | House of Commons | 63347

Date tabled: 23 Jun 2020 | Date for answer: 29 Jun 2020 | Date answered: 29 Jun 2020

3

Media

[Risk of workforce mass exodus as migrant nursing staff twice as likely to be in financial difficulty than domestic colleagues](#)

Royal College of Nursing

26 August 2024

[New 'hostile environment' for immigrants forcing health and care staff to return home](#)

iNews

09 August 2024

[Migration and the health and care workforce](#)

Migration Observatory

27 June 2023

[Pandemic NHS workers should be granted indefinite leave to remain UK](#)

Human Rights Blog

17 March 2022

[Migrant healthcare workers on Covid frontline angry about deportation risk](#)

Guardian

15 January 2021

[Johnson forced to drop NHS surcharge for migrant health workers](#)

Guardian

21 May 2020

4 Further reading

4.1 Commons Library

Commons Library Research Briefing, [Adult social care workforce in England](#), 10 October 2024

Commons Library Research Briefing [NHS staff from overseas: statistics](#), 20 November 2023

4.2 Government publications

Gov.uk, [Indefinite leave to remain if you have a Skilled Worker, T2 or tier 2 visa](#), UK Visas and Immigration (accessed 11 November 2024)

Gov.uk, [Health and Care Worker visa](#) (accessed 11 November 2024)

UK Visas and Immigration, [Indefinite leave to remain in the UK: your rights and status](#), 31 October 2024

4.3 Wider reading

Royal College of Nursing, [Without a safety net](#), 26 August 2024

Organisation for Economic Co-operation and Development, [International migration of doctors and nurses](#), 7 November 2023

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