

Health Champions

Briefing



Migrants and paying for health care

This briefing has been written by Central England Law Centre to provide easy to understand information about the payments some migrants have to make to access health care. It is designed to help Health Champions in their work. .

Important: It is not designed as the basis of detailed advice. If you have specific questions in respect of a particular individual you should refer them to us or one of our partners for detailed advice.

You also need to be aware that the rules are not as complicated as they may seem, but that problems often arise when health care providers (such as hospitals) actually try to get paid for care.

Access for everyone

Everybody regardless of their immigration status can access GP care, emergency/walk in centre care and diagnosis and treatment for infectious diseases such as HIV and TB. **This is free of charge.**

Sometimes GPs ask for ID documents and proof of address. They cannot use this as a reason to refuse care if an individual does not have documents.

Who needs to pay and who doesn't?

- British citizens and EEA nationals have free access to the NHS at all times.

After the Brexit transitional period has finished this will become a little more complex as not all EEA citizens will automatically have full access. We expect that only those with settled or pre-settled status will have full access, but the new immigration laws are not finished yet so we do not know exactly what would happen to new European arrivals.

- People with Indefinite Leave to Remain have free access to the NHS, regardless of their nationality.
- People with limited leave to remain (they will have a Biometric Residence Card with a 'leave expires' date) have access at the point of need, but need to pay a fee alongside their application to the Home Office.
- Asylum seekers are exempted as are some failed asylum seekers who are still receiving financial support from the Home Office. They will have exemption certificates as evidence.
- Victims of trafficking who have a letter from the Home Office saying they have been trafficked are exempt too.
- Victims of torture, domestic violence, trafficking and female genital mutilation are entitled to free medical help for any conditions caused by what was done to them, regardless of their immigration status.
- Visitors to the UK can access those parts of the NHS that are free for everyone, but have to pay for other care.
- People with no permission to be in the UK (mostly people who never had leave or whose leave has lapsed) can access those parts of the NHS that are free for everyone, but have to pay for other care.

At what point are payments made?

- Anyone who makes an application for limited leave in the UK (or at visa centres abroad if applying for longer than six months) has to pay the Immigration Health Surcharge on top of the application fee, unless the Home Office accepts that they are destitute and allows them to proceed free of charge. Be aware that as a rule people on benefits are not deemed destitute, even if they only just scrape by.

This surcharge gives them full access to the NHS for the period of their leave. It stops on the day their leave expires unless they have applied for an extension of leave and paid a further surcharge in which case their access continues.

- Those who have no leave at all or are here as visitors can be charged by hospitals if they access treatment or be refused hospital treatment. Maternity care cannot be refused as it is deemed immediately necessary, but can still be charged for. Healthcare to migrants is charged at 150%, meaning they pay 50% more than the cost of the treatment. Patients will be invoiced by the hospital where they received their treatment.

What problems are you likely to see?

Inability to pay

If someone has medical treatment for which they have to pay but they cannot pay, they will end up in debt to the NHS. The NHS may use debt collection agencies to get the person to pay. It is important to refer someone in this situation for debt advice so they can receive help to manage this debt. The Law Centre is a useful first step.

Important: Early action is especially important as someone who owes more than a few hundred pounds to the NHS can be refused further leave to remain by the Home Office.

Maternity care issues

The situation in respect of maternity care is complex because unlike emergency treatment it is not free, but like emergency treatment it has to be provided even if the woman involved cannot pay. Regulations deem maternity care to be immediately necessary and therefore it must be provided. This does not mean that the treatment is free. The woman can still be invoiced for her care and chased for payment.

The cost of having a baby in an NHS hospital can range from £2000 to over £6000 pounds. This may make some women afraid to seek hospital care or encourage them to present themselves only at the last minute. It should be noted that only the mother and not the father is liable to pay the bill which can cause hardship for the mother.

If you come across a woman who needs advice on being charged for maternity care, please refer them to Maternity Action (<https://www.maternityaction.org.uk/advice-2/>). Maternity Action has good information on its website and they are able to give legal advice.

Inability to pay IHS

In December 2019 the Immigration Health Surcharge doubled, from £200 to £400 per year. This means that someone who applies for a standard period of limited leave (30 months) will need to pay £1000 on top of the £1033 application fee, making a total of £2033 for each person applying, including children. For example, for a mother with two children this is a total of £6099 that needs to be paid up front before an application will be considered. There is a possibility of applying without paying if someone is destitute. This requires the completion of a further application form. The level of the fee may make it very difficult for a family to apply to the Home Office on time. Applying on time is very important, therefore a family in this situation should seek advice from the Law Centre in Birmingham or Coventry, or from the Refugee and Migrant Centre in Wolverhampton and Birmingham or the Coventry Refugee and Migrant Centre.

Further information

This briefing is designed to make information accessible to Health Champions and the people they give their health messages to. This means the information is quite limited and there is a lot more reading you can do if you want to.

The government's own information is here, but note it is aimed at professionals so the language is less easy to understand: <https://www.gov.uk/guidance/nhs-entitlements-migrant-health-guide#main-messages>

Maternity Action has written an important report on the difficulties that come from charging for maternity care:

<https://www.maternityaction.org.uk/policy/publications/what-price-safe-motherhood-charging-for-nhs-maternity-care-in-england-and-its-impact-on-migrant-women/>