

ILPA information sheet

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Access to Healthcare 3

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On July 2009, the Government announced the result of its review of the rules on access of foreign nationals to free healthcare. The Minister's statement to Parliament is available at:

<http://www.publications.parliament.uk/pa/ld200809/ldhansrd/text/90720-wms0003.htm#09072015000148>

The review was conducted jointly by the Department of Health and the Home Office. The Government announcement set out proposals which have been agreed between the departments. The Department of Health and UK Border Agency are to consult on these proposals. No consultation has yet been published. No timeframe for the consultation has yet been given. This information sheet provides information about the proposals.

Background

Information about the current rules on access to healthcare is given in the May 2008 and April 2009 information sheets on "Access to Healthcare".

As explained in those previous information sheets, public health services are the responsibility of the respective governments in England, Northern Ireland, Scotland and Wales. The Department of Health and Home Office have discussed the proposals with the governments in Northern Ireland, Scotland and Wales. The proposals, however, apply only to England. It will be a matter for the other governments whether they wish to make changes in those other parts of the UK. A short description of the current position in those parts of the UK is given in the May 2008 information sheet.

Urgent and emergency treatment

Currently, treatment in an Accident and Emergency department is free of charge regardless of a person's immigration status. It is proposed that this should not change.

Specified infectious diseases

Currently, there is free treatment for certain infectious diseases regardless of a person's immigration status. It is proposed that this should not change.

General Practitioners (GPs)

Currently, nobody is excluded from GP treatment on the basis of his or her immigration status. A GP has discretion to register or refuse to register patients provided he or she does not discriminate in so doing. If a GP closes his or her list to foreign nationals, while continuing to register British

citizens, this is likely to be unlawful discrimination. It is proposed that this position should not change.

Asylum-seekers

Currently, asylum-seekers with outstanding applications or appeals for asylum are entitled to free treatment on the National Health Service (NHS). It is proposed that this should not change.

It is also proposed that those who have been refused asylum, but remain in the UK in receipt of support from the UK Border Agency on the grounds that they have children or face barriers to returning to their home countries, should be entitled to free treatment on the NHS.

Unaccompanied minors

It is proposed that all unaccompanied minors, whether in the care of a local authority or not, should be entitled to free NHS treatment.

An unaccompanied minor is a child (i.e. someone under the age of 18 years) who is in the UK without his or her parent or other carer/guardian. This may include some children who have been placed in foster care in the UK.

Maternity treatment

Currently there is discretion to charge a foreign national for maternity treatment, but treatment should not be refused or delayed pending payment. It is proposed that this should not change.

Absences and continued eligibility for free NHS treatment

Currently, those foreign nationals who are resident in the UK and entitled to free treatment may nonetheless lose their eligibility for free treatment if they are absent from the UK for an extended period. The relevant period of absence is currently three months. It is proposed to extend this to six months.

HIV/AIDS

HIV is currently excluded from the list of infectious diseases for which treatment is free regardless of immigration status. It is proposed to commission research to investigate whether this should be changed.

It is not proposed to change the current position whereby initial diagnosis and counselling is provided free.

NHS debts

It is proposed to change the Immigration Rules so that a foreign national who owes money to the NHS for treatment in the UK may be refused permission to come to or stay in the UK on the basis of that unpaid debt.

In this regard, it is proposed to develop closer working between the NHS and UK Border Agency so that the Agency has information from the NHS about unpaid debts.

Healthcare insurance

It is proposed to consult further on whether certain foreign national visitors to the UK should be required to have healthcare insurance in order to visit.