

# nhs & non-uk nationals

There is no general right to come to the UK in order to obtain free treatment on the UK's National Health Service (NHS). Nationals of the member states of the European Economic Area (EEA), or their family members, and refugees and stateless persons living within the EEA, have the right to NHS treatment without charge where the need arises during their stay. EEA nationals who wish to enter the UK for treatment (or who are referred to the UK for treatment) should obtain prior authorisation from their national social security institution, which in principle bears the cost, and obtain form E112 before travelling. (The EEA member states are: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Netherlands, Norway, Portugal, Spain, and Sweden).

Most NHS treatment is not automatically free of charge to other people from abroad. Access to the NHS depends on a combination of one or more of: immigration status; length of residence; nature of the treatment required; and whether the need for it arose during the visit.

However, certain NHS treatment is free to anyone at all. This includes testing and counselling for HIV or sexually transmitted infections at a Genitourinary Clinic (but not any subsequent treatment for HIV), family planning services, treatment for mental disorders, hospital accident and emergency treatment (but not in-patient care), and treatment for notifiable diseases and other conditions to which public health laws apply (not including HIV and AIDS).

In addition, certain categories of people are exempt from any NHS charges. The main categories are: anyone in employment in the UK; anyone taking up permanent residence in the UK; anyone who has resided in the UK for twelve months; refugees and asylum seekers; prisoners and immigration detainees; full-time students; those covered by a reciprocal agreement with a country listed in schedule 2 (see below).

Other categories of people are exempt from charges for treatment, the need for which arose during the visit. This provision is intended to exclude travel to the UK specifically for treatment on the NHS of a pre-existing condition. This group consists mainly of European Union citizens and their

dependants, and residents from the countries listed in schedule 2.

Schedule 2 countries are: Anguilla, Australia, Barbados, British Virgin Islands, Bulgaria, Channel Islands, Czech Republic, Falkland Islands, Gibraltar, Hungary, Isle of Man, Malta, Montserrat, New Zealand, Poland, Romania, Russia and former USSR states (excluding Latvia, Lithuania and Estonia), Slovak Republic, St Helena, Turks and Caicos Islands, and states of the former Yugoslavia (Serbia, Montenegro, Croatia, Bosnia, Slovenia, Macedonia).

Reciprocal agreements with certain countries also allow people to be referred to the UK for free hospital treatment. These are: Anguilla, Bosnia, British Virgin Isles, Channel Islands, Falkland Islands, Gibraltar, Isle of Man, Macedonia, Malta, Montserrat, Montenegro, The Russian Federation, Serbia, Slovenia, St Helena, and Turks and Caicos Islands.

## General Practitioners, dentists and opticians

The NHS regulations refer only to hospital treatment, but GPs, dentists and opticians are advised to apply corresponding criteria in deciding whether or not to accept patients for treatment under the NHS.

## Getting advice on immigration & asylum law

Immigration is a complex and specialist topic where the law can change quickly. Therefore it is essential that anyone seeking information on this subject go to appropriate advice agencies. The following organisations can provide guidance:

- Joint Council for the Welfare of Immigrants, 115 Old St, London EC1V 9JR, 020 7434 3690 (advice line).
- Refugee Legal Centre, Sussex House, 39-45 Bermondsey Street, London SE1, 020 7827 9090 or 020 7378 6242 (advice line), Open for individual advice on Mon, Tue, Wed and Fri 9.30am – 1.00pm.
- Immigration Law Practitioners Association, 115 Old Street, London EC1V 9JR, 020 7434 3690.
- THT Lighthouse Advice Centre, 52-54 Grays Inn Road, London WC1X 8JU, 020 7816 4650.
- Immigration and Nationality Directorate <http://www.ind.homeoffice.gov.uk>

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