



## Changes to healthcare charges for asylum seekers

The amended regulations (Statutory Instrument 2004 No. 614) come into force on 1<sup>st</sup> April 2004. The amended regulations mean that from 1<sup>st</sup> April, asylum seekers at the end of the asylum process, will have to pay for non urgent in-patient hospital care.

### Background

Under the 1977 National Health Service Act, the NHS Trusts and Primary Care Trusts and the Strategic Health Authorities (in England and Wales) have legal responsibilities to establish if people using their services are normally resident in the UK. If they are not then charges may be applicable for the NHS services provided.

The National Health Service (Charges to Overseas Visitors) Regulations 1989 (Statutory Instrument No. 306) being amended had provisions for free primary and secondary health care services.

Under the amended regulations Statutory Instrument 2004 No. 614 which comes into force on 1<sup>st</sup> April 2004, charges will apply to services provided by NHS hospitals.

### The following services are exempt from the new charging arrangements

- Primary care services are free to all. In practice people can register at GP clinics. People on regular medication can get prescriptions and apply for exemption certificates (HC2) through the usual procedure on the basis of low income.
- Treatment in Accident and Emergency department.
- Diagnosis and treatment of certain communicable diseases, necessary to protect public health, for example TB, Polio, meningitis, hepatitis, food poisoning.
- Treatment of sexually transmitted diseases such as HIV/AIDS is limited to a diagnostic test for the evidence of infection with HIV and counselling associated with that test or its result.
- An overseas visitor with HIV/AIDS referred to a hospital from a sexual health clinic will be liable for charges unless otherwise exempt.
- Compulsory psychiatric treatment (for example when the patient is detained, or when it is a condition of a probation order that the patient should receive psychiatric treatment).
- There are no NHS charges for community nursing, midwifery or health visiting services; for the emergency ambulance service; or for family planning services.
- Treatment given to people detained under the provision of the Mental Health Act 1983.
- Treatment given for mental health problems as part of a court probation order.

## People exempted from charges

- Refugees, asylum seekers (but see below) and others who have sought refuge in the UK.
- Detainees, prisoners, people in the removal centres.
- Anyone who at the time of receiving treatment has been in the UK for the previous 12 months.
- Anyone who has come to the UK to take up permanent residence.
- Nationals of countries that are signatories to the European Social Charter but with whom the UK has no reciprocal agreement, currently Cyprus and Turkey. (This exemption is limited to those nationals who are genuinely without resources to pay for medical assistance and the need for the treatment arose during the visit.)
- European Union national.

## People not exempted from charges

- Asylum seekers whose applications have been rejected and have exhausted all rights of appeal.
- Undocumented migrants.

## Implications of the amended regulations

- People with long term illnesses on regular medications such as the diabetics or high blood pressure may not necessarily be unwell but require hospitalisation to stabilise their condition.
- Expecting mothers may not have choice if pregnancy screening reveals abnormalities.
- Generally asylum seekers have difficulties to access GP registration, failed asylum seekers are vulnerable and may have more difficulties accessing a GP and less likely to present at an early stage of ill health.
- The new regulation will encourage access to medication from informal sources.
- Denying access to health services has long term health implications on an individual's quality of life.
- NHS staff will be faced with further demands on their time, leading to yet further costs for the NHS.

## Further information

For full text of the amended regulations visit:  
<http://www.legislation.hmso.gov.uk/si/si2004/20040614.htm>

For further information on entitlement to NHS treatment, download a [Department of Health document](#).

Department of Health website <http://www.dh.gov.uk>