

August 2003

Health services for asylum seekers and refugees

Below we have outlined in brief asylum seekers' and refugees' entitlements and access to health care services. This briefing also includes key information sources and contacts on this issue.

Entitlements

National Health Service	Primary care	Secondary care
Asylum seeker	Yes	Yes
Asylum seeker affected by Section 55 of NIA Act	Yes	Yes
Asylum seeker at any stage of appeal	Yes	Yes
Asylum seeker awaiting a judicial review	Yes	Yes
Unsuccessful asylum applicants receiving 'hard cases' grant	Yes	Hospital decides entitlement based on the individual's complete circumstances
Unsuccessful asylum applicants awaiting deportation	Yes	Hospital decides entitlement based on the individual's complete circumstances
Unaccompanied children and young people under 18	Yes	Yes
People with grant of ELR, ELE or HP	Yes	Yes
People with refugee status	Yes	Yes

Entitlement to primary care services

Asylum applicants and those who are granted either refugee status, exceptional leave to remain/enter (ELR/ELE) or humanitarian protection (HP) are entitled to free primary care medical services provided by the National Health Service (NHS).

Relevant regulation

The Department of Health Circular [HSC 1999/018](#), paragraph 27, outlines eligibility for refugees and asylum seekers to receive free primary care services. Spouses and any dependant children aged 16 or younger or under 19 and in full-time education, are exempt from payment.

The circular can be found in the Circulars Library on the Publications section of the Department of Health's website at: www.doh.gov.uk.

Impact of Section 55 of the Nationality, Immigration and Asylum Act

Considerable confusion exists among frontline health workers over the impact of Section 55 of the Nationality, Immigration and Asylum Act 2002 (NIA Act) on the availability of health services for asylum seekers falling under its provisions. Section 55, which came into force on 8 January 2003, denies asylum seekers National Asylum Support Service (NASS) accommodation and financial benefits if they fail to apply for asylum as soon as reasonably practicable after their arrival in the UK. The NIA Act and Section 55 do not affect asylum seekers entitlement to access primary or secondary health care services, or their eligibility to apply for help with help costs. In order to apply for help with health costs, an asylum seeker must complete an HC1 form, available from One Stop Services or the Health Benefits Division of the NHS. Requests for HC1 forms for asylum seekers affected by Section 55 can be directed to the NHS on 0191 203 5555. For further information on HC1 forms, please see the 'Help with health service costs' section on page 3.

Registering with a GP

Asylum applicants are not required to show official documentation when they register with a general practice. General practice staff have no right to demand to see an asylum seeker's passport or any other identity documentation. They can get the patient's address from a Home Office letter, bill or similar document addressed to the asylum applicant.

If an asylum applicant is unable to register with a GP after a third attempt, you can advise them to contact their local Primary Care Trust, which can allocate a GP for them. The Primary Care Trust can also provide information on local community dental services and dentists in a local area for patients receiving treatment under the NHS. NHS Direct, on 0845 4647 (www.nhsdirect.nhs.uk) can also provide information about local GPs and NHS dentists.

Entitlement to secondary care services

Asylum applicants awaiting an initial decision on their asylum claim, the outcome of an appeal or on a judicial review as well as those who are granted refugee status or ELR/ELE/HP have free access to all NHS accident and emergency, maternity and in-patient/out-patient services.

The NHS trust providing the treatment is responsible for establishing if a person is entitled to free treatment. All patients are subject to the same registration process regardless of their legal status or nationality. Hospital staff may ask certain questions about the patient's residence in the UK.

- Have you been living in the UK for the past 12 months?
- On what date did you arrive in the UK?
- What is the basis of your stay in the UK?

If further confirmation is required, asylum applicants and those with refugee status or ELR/ELE can show hospital staff their Home Office letter, which either confirms an asylum application has been lodged or refugee status or ELR/ELE/HP been granted. Asylum seekers can also show them their Application Registration Card (ARC).

Relevant regulations

The current regulations covering charges to overseas visitors for NHS hospital treatment came into force on 1 April 1989 through the [Statutory Instrument 1989 No. 306](#). This was updated in the [Statutory Instrument 2000 No. 602](#) as amended by the NHS in *Charges to Overseas Visitors Amendment regulations 1991* [No. 438](#) and *Charges to Overseas Visitors regulations 1994* [No. 1535](#).

These statutory instruments can be located at: www.legislation.hms.gov.uk/stat.htm. Simply choose the relevant year and select the relevant number.

Asylum seekers supported by NASS

From 3 April 2000, the National Asylum Support Service (NASS) on behalf of the Department of Health has been issuing NASS supported asylum seekers directly with HC2 certificates to obtain full help with health costs together with the first support voucher they receive. An HC2 certificate holder qualifies for the following:

- Free NHS prescriptions
- Free NHS dental treatment
- Free NHS wigs and fabric support
- Travel costs to and from hospital for NHS treatment
- Free NHS sight tests
- Full value of a NHS optical voucher towards the cost of glasses or contact lenses

Those asylum seekers not supported by NASS can apply for an HC2. They need to complete form HC1 in order to obtain a HC2 certificate for full help with health costs or a HC3 certificate for limited help with health costs. The HC1 form is 16 pages long and only available in English. Asylum applicants may need help in completing the HC1 form. A pre-addressed manila envelope is supplied with each HC1 form, which should be discarded.

Health authorities, local authorities, NHS practitioners and agencies providing advice to asylum seekers should obtain a supply of white envelopes with the new post code for the fast track service.

New envelopes are available by contacting the Health Benefits Division help desk on 0191 203 5555 (open Mondays to Fridays, 8.30am to 5pm) or by writing to: Prologistics, Department of Health, PO Box 777, London, SE1 6XN. Relevant information can be found on the Department of Health website.

Under the fast track service, the HC2 and HC3 certificates are normally issued within five working days of posting the HC1 claim form, and they are only valid for six months. After six months, a new HC1 form must be completed. Health practitioners who come into contact with asylum seekers should encourage them to send off the HC1 form as soon as possible.

Health services funding

The Primary Care Trust or strategic health authority of the patient's residence is responsible for funding medical treatment by a GP, hospital or any other NHS facility. There is no special funding from the Home Office or any other statutory body for treatment for asylum seekers or those granted refugee status or ELE/ELR/HP as a result of an asylum application. However, section 36 of the Primary Care Act 1997 allows primary care trusts flexibility to improve the development and responsiveness of general medical services by giving local GPs financial incentives through local development schemes (LDSs) funded from the health authorities' overall budgets.

The Health Services Circular 1999 [No. 107](#) includes asylum seekers as one of the five target groups. Circulars can be found on the Department of Health's Circular Library in the Publications section of their website at: www.doh.gov.uk.

Personal Medical Services pilots also allow flexibility in delivering primary care services to asylum seekers. Details can be found on the Department of Health's Primary Care section of their [website](#).

'Health action zones' have also been used to fund refugee work. For more information, visit their website at: www.haznet.org.uk.

Further information

Department of Health

The Department of Health has a special section on their website dedicated to [health access issues](#) for asylum seekers.

Circulars published by the Department of Health can be searched on their Circular library at: <http://www.doh.gov.uk/publications/coinh.html>

For details of the London Health Strategy on the Department of Health's website, visit: <http://www.doh.gov.uk/london/hstrat1.htm>

Directorate of Health and Social Care for London

In May 2002, the NHS London Region (now the Directorate of Health and Social Care for London) sponsored and supported the production of an information and resource pack for health workers on meeting the health needs of asylum seekers and refugees in the UK. The report can be found at: http://www.london.nhs.uk/newsmedia/publications/Asylum_Refugee.pdf

London Health Observatory

The London Health Observatory has information on health issues for refugees at: <http://www.lho.org.uk/hil/refugee.htm>

HARP

The Department of Health, the East of England Local Government Conference, the Refugee Council, the University of East London and NHS Norfolk Primary Care Trust have jointly launched this website to address health needs and health issues for asylum seekers and refugees. For further details, visit www.harpweb.org.uk

The Royal College of Paediatrics and Child Health

The Royal College of Paediatrics and Child Health published guidelines for Paediatricians concerning the health of refugee children. These can be downloaded at their website at: www.rcpch.ac.uk/publications/past_publications.html

Northern and Yorkshire Public Health Observatory

The Northern and Yorkshire Public Health Observatory has produced a paper on asylum seekers and refugees dispersed to the region, which can be found at: http://www.nypho.org.uk/reference/projects/Asylum_Seekers.pdf

The British Medical Association

The British Medical Association has issued [guidance papers](#) on a range of medical ethics issues affecting asylum seekers and refugees. Select Ethics > Publications > Guidance when visiting their website at: www.bma.org.uk.