

Overseas Visitors - Entitlement to NHS treatment. (Guidance notes only)

The National Health Service is **primarily for the benefit of people who live in this country**. It is therefore considered that eligibility to receive free medical treatment should relate to whether a person is “**ordinarily resident**” in the UK.

The courts have decided that a person is regarded as “**ordinarily resident**” in the UK if he or she is lawfully living in the UK voluntarily and for a settled purpose as part of the regular order of his or her life for the time being. The person must have an identifiable purpose for his or her residence here and that purpose must have a sufficient degree of continuity to be properly described as settled.

Anyone who is not ordinarily resident is subject to the National Health Service (Charges to Overseas Visitors) Regulations 1989, as amended.

Information is provided on the following areas:

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1. Emergency Treatment

- All patients, irrespective of country of origin, are entitled to free NHS emergency treatment at a Primary Care practice, NHS walk-in Centre or A&E department. **Emergency** treatment or immediately required treatment is treatment that the doctor considers to be immediately required owing to an accident or other emergency. I.e. essential treatment, which cannot be **reasonably delayed** until the patient returns to his or her own country.
- The exemption from charges will cease to apply once the patient is formally admitted as an in-patient or registered at an outpatient clinic.

2. Coming to work in the UK

- Under the current Regulations, anyone who is engaging in employment with an employer who has his principle place of business in the UK, or is a self employed person whose principle place of work is in the UK is fully exempt from National Health Service hospital charges in England. This exemption applies to your spouse, civil partner and children (under the age of 16 or 19 if in further education) if they are living with you in the UK on a permanent basis.
- Note: to be exempt from the NHS hospital charge on this basis you must be in employment at the time you receive treatment. If you are here on a work visa but currently unemployed you will be charged for your treatment, unless you are otherwise exempt from charges.

3. Coming to study in the UK

- Under the current Regulations, anyone who comes to the UK to pursue a full-time course of study of not less than six months' duration, or a course of study that is of any duration but is substantially funded by the UK Government, will be fully entitled to free NHS hospital treatment in England. This exemption will apply to your spouse, civil partner and children (under the age of 16, or 19 if in further education) if they are living permanently with you in the UK for the duration of your course.

- Students studying in the UK for less than six months from countries with which the UK holds bilateral healthcare agreements will only be entitled to free NHS hospital treatment that is needed promptly for a condition that arose after their arrival in the UK. This exemption will apply to your spouse, civil partner and children (under the age of 16, or 19 if in further education) if they are living permanently with you in the UK for the duration of your course.
- If you are here to study for less than six months on a course that is not substantially funded by the UK Government and are from a country with which the UK does not hold a bilateral healthcare agreement, then you will be chargeable for any treatment you receive, unless you meet the criteria for one of the other exemptions.
- In common with those ordinarily resident in the UK, anyone who meets the criteria of ordinary residence or is exempt from charges will have to pay statutory NHS charges, e.g. prescription charges, unless they also qualify for exemption from these, and will have to go onto waiting lists for treatment where appropriate.

4. Coming to do Voluntary Work in the UK

- Under the current Regulations anyone who has come to the UK to take up unpaid work with a voluntary organisation providing certain services similar to those of Health Authorities and Local Authority Social Service departments is exempt from National Health Service hospital charges in England. This exemption also applies to your spouse, civil partner and children (under the age of 16 or 19 if in further education) if they are living with you in the UK on a permanent basis. People engaging in other types of voluntary work may qualify for free hospital treatment if the hospital providing treatment decides that you meet the criteria to be ordinarily resident.

5. GP Registrations & Referrals

- Any person living here lawfully and on a settled basis is regarded as resident in the UK and therefore entitled to free primary medical services. On taking up residence in the UK it is advisable to approach a GP practice and apply to register onto its list of NHS patients. The practice may choose to accept or decline your application. An application may be refused if the practice has reasonable grounds for doing so, such as if you are living outside their practice area. A practice would not be able to refuse your application on the grounds of race, gender, social class, age, religion, sexual orientation, appearance, disability or medical condition.
- When referring an overseas visitor to hospital the GP should warn them that they are liable to be charged unless they are covered by one of the exemptions documented.

6. Proof of Eligibility and Residency

- If your intention is to live permanently and be “ordinarily resident” in the UK you will be exempt from hospital charges from the date of your arrival in the country but you should expect to be asked to prove that you are legally entitled to live here. Free NHS hospital treatment will be decided on eligibility and proof of residency. The hospital providing treatment can ask you to provide evidence to support any claim to free treatment and it is your responsibility to do so if asked. Examples of evidence could include:
 - if not an EEA* national or Swiss national then must have a valid work visa or a valid student visa or:
 - if EEA national or Swiss proof of nationality; passport, EEA residence card;
 - proof that employment is based in UK, e.g. confirmation from employer, or for self employed invoices or receipts;

- proof of employment – e.g. recent letter from employer or contract of employment or current wage slip, for self employed invoices or receipts.
- proof of attendance on a qualifying course of study, or that such a course of study has recently completed;
- confirmation from university or college or proof of attendance on a substantially UK government funded course;
- confirmation letter from government body confirming successful candidate and confirmation of attendance from university or college.

*Nationals from Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia will also need to be registered on the workers registration scheme. Nationals from Bulgaria and Romania must also have a valid work visa.

- If the hospital decides that you are eligible for free NHS treatment you will still have to pay statutory NHS charges such as prescription charges unless you are otherwise exempt. If the hospital decides you are not entitled to free NHS treatment charges you will apply and cannot be waived.
- If you do not have an automatic right to take up permanent residence but have applied to the Home Office for leave to enter/ remain on a settled basis, you will be chargeable for any hospital treatment up to the point your application is granted or until you have accrued 12 months lawful residence.

7. Visiting Relatives

- Anyone who from another country who is visiting relatives in the UK, is entitled to free emergency care but **not** routine primary or secondary care. They are strongly advised to have medical insurance.

8. Asylum Seekers

- Asylum seekers are entitled to free NHS primary and hospital care as long as their application is **under consideration**. Failed asylum seekers awaiting departure from the UK are only entitled to immediate and necessary treatment.

For further information please see:

http://www.dh.gov.uk/en/Healthcare/Entitlementsandcharges/OverseasVisitors/Browsable/DH_074373