

Health rights and immigration status

Context

In the UK, access to healthcare can be affected by immigration status. There are often misconceptions or instances of discrimination which lead to incorrect healthcare charges, particularly for residents who are foreign-born. In the West Midlands Metropolitan Area, the number of foreign-born residents stands at around 567,000, approximately [19.5%](#) of the whole population and higher than the national average, potentially affecting a significant number of people. Changes to immigration laws and status also impacts individual healthcare charges. This document hopes to provide details as to when charges should be in place.

Key points

1. **Everyone is entitled to a GP and primary care regardless of immigration status.**
2. **Urgent treatment should never be withheld (although for some people it is chargeable¹).**
3. **An application to register with a GP should not be refused unless the surgery can explain in writing, e.g., they already have the maximum number of patients.**
4. **All COVID-19 treatment, including vaccination, is free of charge to everyone**

Key definitions

Primary care: the first point of contact before a person is referred to a specialist. For example, speaking to a GP or A&E.

Secondary care: the next level of care beyond primary care. For example, a specialist operation in a hospital.

Key issues

In some cases requests for ID or proof of address have been made when registering with a GP, which is **not a requirement** as an application cannot be refused on immigration grounds. This could act as a barrier to those in need seeking out healthcare, as could fear of large health charges or fear of a negative impact on an asylum or visa case. There is some evidence that clinicians and NHS trusts are not provided with appropriate guidance about health charges meaning **urgent care is delayed or made subject to upfront payment**¹. There is suggestion that those awaiting the outcome of an EUSS application, despite being entitled to free healthcare at both levels, are being charged.

Case studies

At the QE Hospital in Birmingham [in 2019](#), a Pakistani citizen who overstayed his visa was charged for palliative care whilst terminally ill with cancer. This man could not pay the £32k charges billed to him. Press coverage at the time noted the lack of humanity in the case, as well as the inconsistency of implementation of NHS charges.

[In 2019](#), Bristol Live reported that every single family who had resettled into the area under the VPRS scheme had received at least one inappropriate NHS charge.

Since the UK's departure from the EU there have been cases in Birmingham of individuals with pre-settled status being charged for healthcare, despite being eligible for free primary and secondary care.

[In 2019](#), The Guardian reported that an asylum seeker from Eritrea had received chemotherapy for blood cancer which was halted due to his immigration status and inability to pay charges. The hospital trust incorrectly believed that he had refugee status. both asylum seekers and refugees are entitled to free primary and secondary healthcare; he was wrongly charged at risk to his life.

¹ Depending on immigration status some people may have to pay for urgent care, but this charge should not be upfront or preventative to treatment.

Specific Circumstances

EU Settled Status

Those with **settled status and pre-settled status** are entitled to access to a GP, primary and secondary care, free of charge.

Those **awaiting the outcome of an EUSS application**, including those who applied late, are also entitled to access to a GP, primary and secondary care, free of charge.

Those who have **had their application rejected** are entitled to access to a GP and access to primary care. Secondary care is chargeable.

Asylum seekers

Asylum seekers awaiting the status of their application are entitled to register with a GP, and access to primary and secondary care, free of charge.

Refused asylum seekers (with section 4 support) are entitled to register with a GP and primary care. Entitled to free secondary care where it is urgent and immediately necessary.

Refused asylum seekers (unsupported) are entitled to register with a GP and access to primary care. Secondary care is chargeable.

Refugees

Refugees are entitled to register with a GP, and access primary and secondary care, free of charge.

Exceptions

- Some services, such as contraception; sexually transmitted infection treatment; and all COVID-19 related treatment, are free regardless of immigration status.
- Where conditions have been caused by torture; female genital mutilation; sexual violence; domestic violence, or modern slavery, there should be no charge
- If a course of treatment was underway when a person's immigration status changed, the treatment will remain free until it concludes (further treatment may be chargeable).

There are other circumstances and exceptions, not listed here, which may or may not be subject to health charges. To view detailed information please access the Migrant Health Guide, on the Gov UK website; see [this link](#).

Resources

If your issue is not solved by this document there are organisations you can access, listed below:

- [The Refugee and Migrant Centre](#) (RMC) in Birmingham, Coventry and Wolverhampton can provide advice for registering with a GP as well as resolving inappropriate health charges. Tel: 01902 311554
- Register with a GP [here](#).
- Find your nearest GP practice [here](#).
- View the GOV.UK Migrant Health Guide [here](#).
- Doctors of the World have translated health guidance [here](#). Tel: 0207 167 5789
- Docs Not Cops have advice on their website which can be found [here](#).
- Health Watch have advice on their website which can be found [here](#).
- Citizens Advice have advice on their website which can be found [here](#).

Please note that this document is not intended for the purposes of legal advice and any such advice should be sought from qualified advisors.