

## **Immigration Bill**

### **Factsheet: National Health Service (clauses 33-34)**

Immigration Minister Mark Harper:

"The government is building a fairer immigration system which addresses the concerns of hardworking people. The Immigration Bill will tighten immigration law, strengthen our enforcement powers and clamp down on those from overseas who try to abuse our public services.

"We have been clear that the UK has a national health service, not an international health service. These proposals will ensure that migrants here temporarily make a fair contribution to the cost of health services in the UK."

### **Background**

The government wants to ensure that those subject to immigration control should have access to public benefits proportionate to their type of immigration status – reflecting the strength of their connection to the UK. The law regarding migrant access to free, publicly funded health services does not currently achieve this.

Many temporary non-EEA migrants (i.e. those who come to the UK for more than 6 months) are presently allowed the same access to the NHS for free as a permanent resident. This approach is very generous, particularly when compared with wider international practice. Short-term non-EEA visitors (those here for 6 months or less) and illegal migrants also receive free primary NHS care. Whilst there are rules in place that restrict free access to most secondary care for these groups, these rules are inconsistently applied.

Our intention is to bring the rules regulating migrant access to the NHS into line with wider government policy on migrant access to benefits and social housing. Immigration legislation largely restricts access to these benefits to those non-EEA nationals with indefinite leave to remain and those granted refugee status or humanitarian protection in the UK. In Scotland and Northern Ireland, stricter controls on access to primary care have already been introduced and the Department of Health will take action in England to ensure NHS charging provisions are consistently applied.

### **What we are going to do:**

- Ensure that non-EEA nationals will contribute towards the NHS care that will be available to them during their stay in the UK.
- Exempt certain groups from having to make this financial contribution, where appropriate.
- Ensure that non-EEA nationals with permanent residence (those who have indefinite leave to enter or remain) will continue to be eligible for the same free

NHS care as a resident British citizen if they continue to be properly settled in the UK.

- Department of Health will separately bring forward proposals to strengthen the arrangements for administering overseas visitor charges.

#### **How we are going to do it:**

- Ensure that a person subject to immigration control who applies for limited entry clearance or limited leave to remain in the UK for more than 6 months will be required to pay a health surcharge as a precondition of entry. The surcharge will be paid at the same time as the fee for an entry clearance application or a fee for a leave to remain application. It will be refunded only where an application for leave to enter or remain is refused.
- Those who have paid the surcharge will be able to access free NHS care to the same extent as a permanent resident, subject to some exceptions for particularly expensive discretionary treatments.
- Certain categories of person will be exempt from paying the health surcharge. These exceptions will include those seeking asylum, humanitarian protection or temporary protection, amongst others.
- The surcharge amount will be set by secondary legislation.

#### **The bill will benefit:**

- British citizens and non-EEA migrants with permanent residence will continue to have the same access to NHS care as they have done previously and their access to treatment will not be affected by these changes.
- People subject to immigration control who apply for limited leave of more than 6 months will have access to most NHS care if they have paid the health surcharge.
- Income collected through the health surcharge will contribute towards NHS costs.
- Short term visitors and illegal migrants will, as now, be liable for NHS treatment charges, subject to existing exceptions, and will not have the option of paying a surcharge in order to access the NHS without further charge.

#### **Next steps**

- The government will produce secondary legislation to set out which groups will be required to pay the surcharge, to set the level of the surcharge and to provide further information on how the surcharge will operate.

#### **Q&A**

**Won't this deter working migrants and students who benefit our economy from coming to the UK?**

We want to attract people who contribute to our national life and deter those who do not. The surcharge would be set at a competitive rate and will be a lower cost over the period of stay than the cost of even basic private medical insurance. Private medical insurance for students and working migrants is a common requirement in many competitor nations, such as Australia and the USA and the costs there are higher.

**What proportion of the costs that overseas migrants cost the NHS will be made up for by the surcharge?**

An independent audit is examining the pressures placed by migrants on the NHS and will report later this year. The surcharge is designed to ensure temporary migrants make a significant contribution, not meet the full costs of NHS services. Temporary migrants will often be living in the UK for several years, and many will also pay taxes if working in the UK. They are in a different position to short term visitors who should be fully liable for the cost of any NHS treatment they receive.

Further Reading:

1. Government consultation (Home Office): Migrant Access to Healthcare in the UK, 3 July 2013  
(<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/consultations/34-healthcare/>)
2. Government consultation (Department of Health) : Migrant Access to the NHS, 3 July 2013  
(<https://www.gov.uk/government/consultations/migrants-and-overseas-visitors-use-of-the-nhs>)
3. Impact Assessment: <https://www.gov.uk/government/organisations/home-office/series/immigration-bill>

**Home Office  
October 2013**