Will I have to pay?

Advice on getting NHS sexual health and HIV services for recent migrants and those of uncertain immigration status

The National Health Service is free to anyone who is 'ordinarily resident'. Those who are not ordinarily resident in the UK can be charged for using some NHS services.

However, all sexual health and HIV services are freely available to everyone in England and Scotland, regardless of their immigration status. This includes testing, seeing a doctor and any medicine you may need for your HIV or other sexually transmitted infection.[1]

The NHS rules explained in this guide relate specifically to the situation in England. However, HIV services should in practice also be free and open to all regardless of immigration status in Scotland, Wales and Northern Ireland.[2] Other sexual health services are always free across the UK.

If you have any problems with accessing HIV or sexual health treatment, you can get advice from THT Direct on 0808 802 1221 (freephone).

What healthcare will I have to pay for?

Some migrants will be charged for accessing 'secondary care' – the sorts of treatment you normally get from a hospital. This includes things like maternity care and cancer treatment (HIV treatment is always free). However, many migrants are exempt from charges if they meet certain criteria.

This leaflet outlines who has to pay for treatment and is a brief guide to the most common questions and concerns that people have about NHS charges. You can find more details in the NHS charging regulations.

Who gets free NHS treatment, and who has to pay?

You will get free NHS treatment for everything if you are in the following categories:

- You have been lawfully living in the UK for the last 12 months before treatment
- You are a refugee, or an asylum seeker with a current application ongoing including appeals
- You are an asylum seeker whose claim has been refused, but you are currently receiving either Section 4 or Section 95 support
- You are living and working in the UK on a valid visa
- You are studying full-time in the UK on a course lasting at least six months and have a valid visa
- You have taken up permanent residence in the UK
- You are a member of the UK armed forces

[1] Treatment for TB is also free. You may be asked to pay a small 'prescription charge' (£7.65) when you pick up your medication.
[2] In Scotland NHS regulations exempt HIV from charges; in Wales and Northern Ireland HIV is usually exempted practice.

- You are in prison, or in immigration detention
- You are from one of the countries with a bilateral healthcare agreement with the UK, and your condition arose or was diagnosed after you arrived (the full list of eligible countries is included in the charging regulations)

Please note that even if you are in one of these categories, you may still be asked questions by the hospital to establish that you have access to free NHS treatment. You may be charged for secondary care (excluding HIV and sexual health treatment) if you are in the following categories:

- You are undocumented (entered the country without proper papers or permission)
- Your asylum claim has been refused and you are currently receiving either Section 4 or Section 95 support
- You are here on a visitor visa
- You have overstayed any kind of visa
- You have a British passport but do not usually live in the UK

Remember that anyone in these categories will always get free sexual health and HIV treatment.

What happens if I am chargeable?

If staff at the hospital think you may be liable for charges, you will be interviewed by an administrator. In some hospitals this is a dedicated Overseas Visitors Manager. If you feel they have made the wrong decision about whether you are liable to pay, you should get help immediately in arguing your case from a local HIV support organisation, or from THT Direct. Sometimes, wrong decisions have been made and we can get them changed. If you are chargeable, then after you begin your treatment you will start to receive bills.

If I cannot pay for treatment, will I be refused even though I need it?

If you need any treatment for a life-threatening condition, or to prevent a condition from becoming life-threatening, you should not be refused, regardless of your ability to pay. This is called 'immediately necessary treatment'.

What if I am pregnant?

If you are pregnant and have HIV, it is very important that you get the right care to prevent passing on HIV to your unborn child. While HIV care is free for all, some women will be charged for their maternity care, based on their residency status.

No hospital should refuse to treat you, though they may bill you. Sometimes, this frightens women into not getting medical treatment until the baby is already on the way, but this can seriously damage both the mother and the baby's health.

What happens if I get treatment, but cannot pay the bills?

It's extremely important that you tell the hospital honestly that you will have trouble paying, as soon as you are told you must pay, or you get the first bill. If you are working, but not earning very much, they may settle for a 'token' amount of a few pounds a month. But if you ignore the bills and do not talk to the hospital, they are much more likely to hand the debt over to debt collectors who will pursue you for the debt and who are much harder to deter.

Will my debt affect my immigration application?

Under new immigration rules, people who have an unpaid NHS debt of more than £1,000 will generally have future

applications to enter or stay in the UK refused. This makes it even more important that you don't ignore any bills that you get. Talk to the hospital about the problems you have with paying off the bill and start a repayment plan. Ring THT Direct or a local HIV support organisation to talk about how you can arrange this.

Will my details be passed to the immigration authorities?

If you have an unpaid NHS debt of above £1,000 the following information will be sent to the UK Border Agency. They will use this information if you make further applications to enter or stay in the UK, or apply for citizenship. They may send the following details:

- Full name
- Date of birth
- Nationality
- Passport or identity card number
- Address (in the UK and abroad)
- Date the debt was incurred/ repaid
- Amount of debt
- NHS body holding the debt

Personal medical information relating to treatment provided will not be shared (for example, HIV status). NHS staff are instructed to take care not to provide information which will make it easy to guess what treatment the charges are for.

The only other time the NHS may approach the UK Border Agency is if you say you are an asylum seeker or otherwise here legally, but cannot provide proof. In this case the hospital may ask you if they can contact the UK Border agency to get proof that you should not pay. You can refuse to let them do that, but if you refuse and cannot provide any proof that you are in one of the categories entitled to free treatment, the hospital may charge you anyway. If anyone threatens to pass your details to anyone outside the NHS without your permission, get advice immediately from THT Direct or your local support agency

What happens if my residency status changes?

If your visa expires or your asylum claim is refused and you are already getting free NHS care for a specific condition, you still have a right while in the UK to continue to get treatment for that same condition free of charge. Some NHS staff sometimes misunderstand this rule, but the Government has recently released new guidance making it clear. Ring THT Direct or a local HIV support organisation for assistance if you have difficulties.

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