

Access to health and social care for people with No Recourse to Public Funds

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Scottish Inclusion Health and
Homelessness Conference 2019

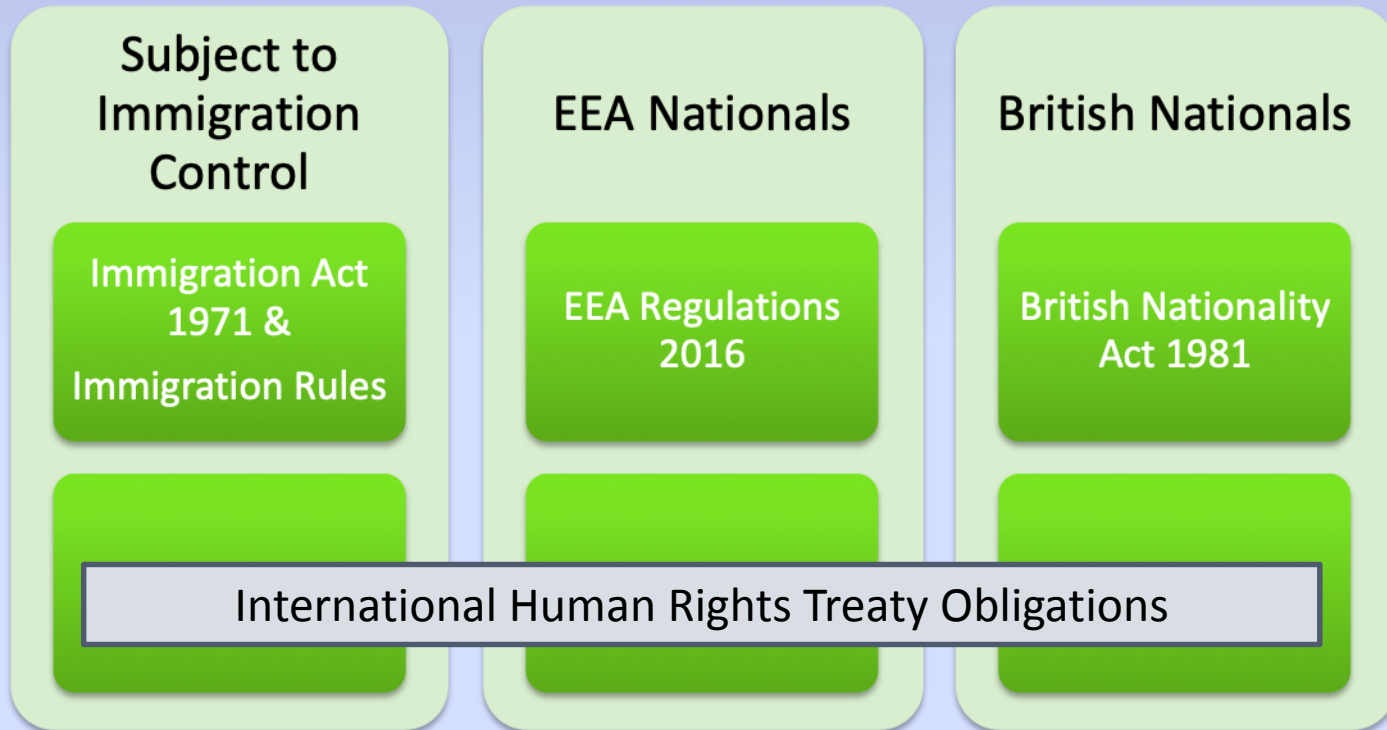
Immigration Status and No Recourse to Public Funds (NRPF)

Jen Ang

JustRight Scotland



UK Legislation: Immigration Act 1971



Immigration Status (or lawful residence) is linked to:



- Right to work
- Access to certain benefits and housing
- Access to some NHS services
- Right to study / access to education funding
- Right to open a bank account
- Right to privately rent (E&W)

Challenges in Supporting NRPF Individuals/Families

- Local authorities have statutory obligations / safeguarding duties
- Hostile environment → increasing numbers with insecure status and restricting access to more forms of assistance
- Fear and lack of understanding / misunderstanding about rights
- EEA nationals → immigration control



What is no recourse to public funds (NRPF)?

- NRPF = an immigration condition restricting access to..



certain social security benefits



social housing

- It can be imposed on people with **leave to remain** and also automatically applies to people **without leave to remain**

So what is a Public Fund?

- What does 'Public Funds' mean?

- Everything on the exhaustive list at section 115 Immigration and Asylum Act 1999 and paragraph 6 of the Immigration Rules

attendance allowance

child tax credit

DLA

assistance

housing benefit

income support
allowance

social fund payment

working tax credit

carers allowance

council tax benefit

discretionary support payments

income-based JSA

personal independence payment

state pension credit

child benefit

council tax reduction

housing & homeless

income related ESA

severe disablement

universal credit

IF IT'S NOT ON THIS LIST THEN IT'S NOT "PUBLIC FUNDS"!

See here: <https://www.gov.uk/government/publications/public-funds--2>

People with NRPF are not excluded from..



Contribution-based JSA	
Age	JSA weekly amount
18 to 24	up to £57.35
25 or over	up to £72.40



..but eligibility criteria based on nationality and immigration status may apply

Access to health care?

Katie Hawkins

GP Edinburgh Access Practice

- Cases
- Primary care guidance
- Secondary care?
- Crossing borders
 - The way forward in Scotland.

Lucy

- Our patient
- Refused registration at 4 surgeries
- 3 years later...

Iyawa

- Trafficked. Too scared to claim asylum
- Baby boy
- Refused registration, charged for immediate and necessary consultations
 - Separated from her son
 - Couldn't consult on contraception

- People often don't have proof of address
 - sofa surfing
 - street homeless
 - temporary accommodation
- No photo i.d.
 - E.g. if trafficked
 - Lost on journey to UK
 - Sent to home office as part of immigration/asylum application

What does the guidance say?

The screenshot shows the Migration Scotland website. At the top left is the Migration Scotland logo. The navigation menu includes: Home, About Us, Our Priorities, Policy Documents, Policy Toolkit, Resources, and Migration Information. Below the navigation is a search bar with the following elements: a search input field, a dropdown menu for 'All locations...', and a 'Search' button. Below the search bar is a horizontal menu with the following items: Foreword, Introduction (1), Immigration status and eligibility for public funds (2), Public funds for immigration purposes (3), Eligibility for other publicly funded services (4), Social services' support - introduction (5), Social services' support - referrals (6), and Social services' support (7). The 'Eligibility for other publicly funded services' item is highlighted. Below the horizontal menu is a search box with the text 'Search the Guide:' and a 'Search' button. To the right of the search box is the content for 'Eligibility for other publicly funded services', which includes a sub-section '4.10 NHS treatment' and a list of free services.

Eligibility for other publicly funded services

4.10 NHS treatment

Many NHS services are provided free of charge to people in Scotland regardless of their nationality or immigration status, but some people may be required to pay for certain types of treatment.³³

Free services

- Services delivered by a GP
- Prescriptions
- Dental and optical examinations*
- Community services, such as mental health and drug and alcohol services
- Accident and emergency (A&E) services up until the point that the person is accepted as an in-patient

- <http://www.migrationscotland.org.uk/migrants-rights-entitlements/eligibility-other-publicly-funded-services/4-10-nhs-treatment>

What does the guidance say?

- COSLA 2019
 - Services delivered by a GP are free of charge to people in Scotland regardless of their nationality or immigration status
 - Secondary care more complicated

Scottish Government guidance 2018

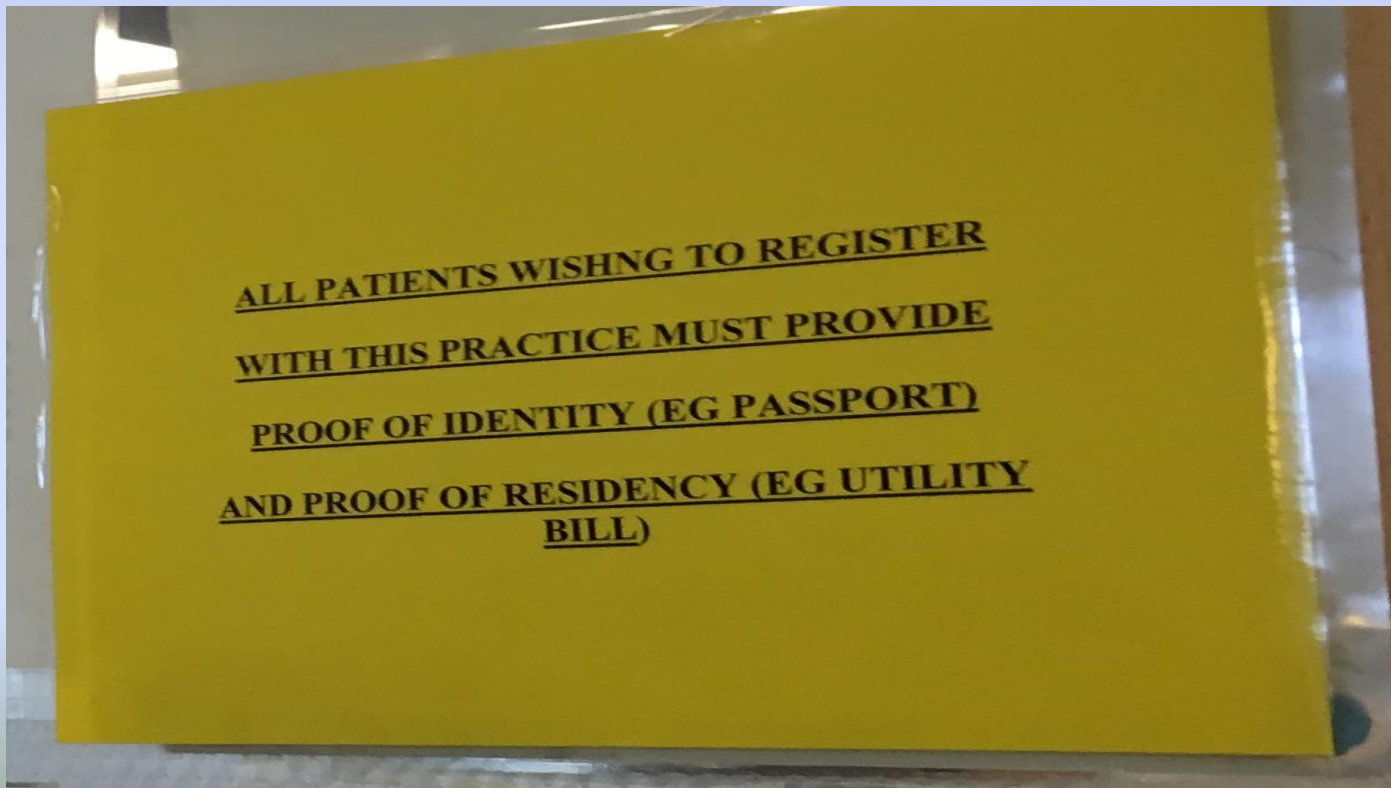
- Clarification of pre-existing guidance
- No documents are required to register with a GP
- Anybody in Scotland may access primary care services at a GP practice without charge

Scottish Government Guidance

- Who can be refused?
 - Closed patient list
 - Patient lives outside practice area
- Record reason in writing to patient within 14 days
 - useful to include info on what to do next
- Practice must keep a written record of refusals and reasons- available to the Health Board on request.

Current reality

- Although circulated around all practices, little has changed



ALL PATIENTS WISHING TO REGISTER
WITH THIS PRACTICE MUST PROVIDE
PROOF OF IDENTITY (EG PASSPORT)
AND PROOF OF RESIDENCY (EG UTILITY
BILL)

Why?

- Guidance not legislation
- Registration form still implies that you need to see photo i.d./proof of address
- Practices struggling with increasing numbers
- Fear of health tourism
- CHI checking, fears around controlled drug prescriptions
- Lots of un-updated documents

Ideas to make it easier for practices?

- For practices
 - CHI checking -all practices?
 - Warning system prior to controlled drug script/if i.d. hasn't been seen-policy regarding this
 - Clarify and update guidance
 - New registration form

How to make it easier for patients

- Posters/leaflets in places where vulnerable people go
 - Prisons, hospital, GP practices, 3rd sector, social work, housing
- End to data sharing with home office (May 2018)
- Safe surgeries campaign via doctors of the world-our surgery is a safe place.
- Training videos for receptionists
- Lobby for an updated GPR form
- Disseminate Faculty for homelessness and inclusion health leaflet

How can we make sure the most vulnerable know their rights?

- Cards given to
 - People accessing homelessness services
 - People leaving hospital with no GP
 - GP practices



Pregnant woman's removal from GP list prompts investigation

NHS Scotland to investigate why woman was told she was not entitled to treatment



▲ The family photographed at home. Scotland's own rules state that: 'No woman should ever be denied maternity services in Scotland, regardless of her liability, or ability, to pay'. Photograph: Jeremy Sutton-Hibbert for the Guardian

An investigation has been launched after an ill and heavily pregnant woman was illegally removed from her GP's list, told she was not entitled to NHS treatment in [Scotland](#) and wrongly charged more than £4,000 for treatment she had already received.

Pregnant and ill migrants going without medical care as Government intensifies NHS immigration policy

One in three vulnerable migrants, including many pregnant women, deter from seeking timely healthcare out of fear their information will be shared with Home Office, finds exclusive report

May Bulman Social Affairs Correspondent | @maybulman |
Monday 23 October 2017 00:09 | 48 shares |



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The Independent



Secondary care

- Not responsibility of primary care to determine eligibility for secondary care
- Much of current info for patients reflects old un-updated guidance
 - CEL 9 (2010)
 - National Health Service (charges to overseas visitors) (Scotland) Regulations 1989

Secondary care

- Variations in Scottish practice due to Scotland Act and also Scottish National Action Plan for Human Rights
 - **Chargeable if an 'overseas visitor' (not ordinarily resident) and not exempt**
 - Ordinary residents = British citizens, EEA nationals & family, settled people (ILR)
 - **Exemptions:**
 - Individuals who have claimed asylum (whether pending or unsuccessful)
 - Refugees
 - Survivors of trafficking or modern slavery, individual in criminal or immigration detention
 - Limited leave to remain (lawfully resident) for at least 1 year

Secondary care

- **Chargeable, but do not require to pay**
- Individuals with limited leave to remain but paid the HIS (workers, students etc)
- **Therefore, all people unless holiday visitors are likely to be entitled to free secondary care. Don't need to be 'lawfully resident (>12m)**
- Home Office not alerted unless need to check holiday visa for visitor's insurance/reporting a crime

Groups currently lobbying for clarity/change

- Doctors of the World (safe surgeries toolkit)
- Docsnotcops (Medact)
- RCGP Scotland

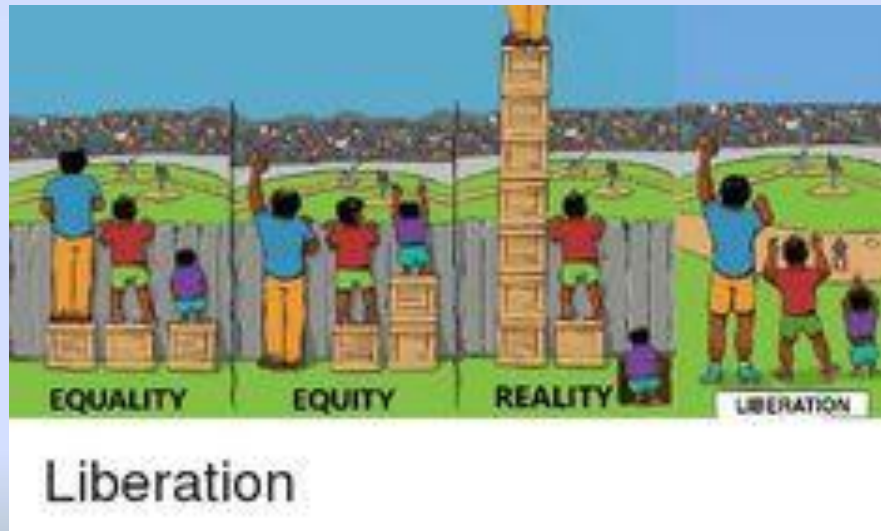
- Support avenues for patients specifically regarding NHS care
 - Local practitioner services
 - Healthwatch
 - A legal advocate for health needed/one stop shop?

Tips so far...

- Long journey with many dead ends
- Finding an 'unblocker' can feel like a needle in a haystack but when it happens it's worth the wait.
- Working as a team much more powerful than individual.

So health care in Scotland

- Free of charge for everyone!
- Secondary more complicated but essentially free to all apart from holiday visitors



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Thanks to

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