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Territorial Boards:

Chief Executives  
Medical Directors



12 August 2015

Dear Colleagues

## THE IMMIGRATION HEALTH SURCHARGE

This letter provides information on the Immigration Health Surcharge and the implications it has for NHS Scotland in determining whether overseas visitors should be charged for NHS healthcare.

### **General**

The Surcharge was introduced by the UK Government on 6 April 2015 by an Order taken from the UK Immigration Act 2014. The Home Office's intention is that non-European Economic Area (EEA) nationals who wish to come to the UK, but who are not applying to remain permanently, should contribute to the public services they access while here. The health provisions in the Immigration Act support that view.

### **Who must pay the surcharge?**

The Surcharge applies to the following categories of visitors who wish to enter the UK for more than 6 months and require a visa to do so:

- non-EEA (EEA) students (international students).
- non-EEA migrant workers.
- those from outside the EEA who are joining their family in the UK.

### **How much does it cost?**

The cost will depend on the visitor's reason for coming to the UK:

- Those visiting the UK to study must pay £150 per year for each year they remain in the UK (this also applies to spouses / civil partners and dependent children).

- Those visiting the UK to work or to join their family must pay £200 per year for each year they remain in the UK (this also applies to spouses / civil partners and dependent children).

### **When is the surcharge payable?**

The Surcharge must be paid up-front and in total, along with visa fees, for the full period covered by a visa before the applicant can enter the UK. The Surcharge will also be applied if a visa extension is granted and there is a mechanism to calculate the surcharge for part years.

### **Further information**

The GOV.UK site provides [more information](#) about the Immigration Health Surcharge.

### **Implications for NHS Scotland**

#### **NHS Boards**

The Surcharge is collected with visa fees, although the categories of visitors listed above are already entitled to receive hospital healthcare in Scotland at no charge under exemptions in the National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989. That does not change. However, while the Surcharge is not linked to our Overseas Visitors Charging Regulations, those that have paid it may have a [biometric residency permit](#), which can be accepted as confirmation that they are entitled to receive free NHS hospital care in Scotland.

#### **GP Practices**

Registration with a GP to receive general medical services, of course, remains at the discretion of the GP practice concerned. However, it should be borne in mind that when someone from overseas presents a [biometric residency permit](#) when asking to register with a practice, it is confirmation that they have been given Home Office clearance to remain in the UK for longer than 6 months for a specific purpose, as outlined above, and have paid the Surcharge. Therefore they will be eligible to receive free NHS hospital care under one of the exemptions in our Charging Regulations.

### **Revenue from the Surcharge**

Despite representations made by the Scottish Government that the Surcharge impinges on Scottish health competency and may impact on Scotland's ability to attract skilled workers and international students, the Home Office has constantly maintained that the health provisions in the Immigration Act 2014 support immigration policy, which is reserved. However, through the Barnett Formula, Scotland will receive a percentage share of the revenue generated by the surcharge, given that it is being applied across the UK. The Scottish Government will use this income to fund priority health projects.

## Circulation

I would be grateful if you could bring this letter to the attention of all staff that are, or may become, involved in the management of healthcare for overseas visitors and all GP practices in your Board's catchment area.

[.....]

Yours sincerely



RHONA DUBERY

Head of Patient Support & Participation