

RIGHTS OF EU CITIZENS IN SCOTLAND

EU Citizens and Your Right to NHS Healthcare

This factsheet provides a brief summary of your right to access National Health Service (NHS) healthcare as an **EU citizen** in Scotland. In this factsheet, 'EU citizens' includes citizens of the EU member states, as well as citizens of the EEA states (Norway, Iceland and Liechtenstein), and citizens of Switzerland.

This factsheet also covers the rights of **family members** who are not themselves EU citizens, and whose right to live in the UK is derived from their relationship with an EU citizen.¹

Following the UK's exit from the European Union (**Brexit**), the rights of EU citizens in Scotland have changed in some important ways:

EU Citizens who were living in the UK on 31 December 2020

- ▶ EU citizens and their family members who were living in the UK on 31 December 2020 may have applied to the EU Settlement Scheme (EUSS) and been granted either **Settled Status** (indefinite leave to remain) or **Pre-Settled Status** (limited leave to remain for five years). Irish citizens and people with indefinite leave to remain did not have to apply.
- ▶ If you do not currently have leave to remain, you may be able to make a late application to the EUSS. You should urgently seek legal advice if you wish to stay in Scotland.
- ▶ If you have made an application to the EUSS and are waiting for a decision (a '**pending application**'), you will be given a **Certificate of Application** as proof of having made this application. You have the right to remain in the UK until your application has been decided. If it is refused, you have the right to remain in

the UK until it is no longer possible to appeal the decision. They will hold a Certificate of Application as proof of having made this application.

EU Citizens who arrived on or after 1 January 2021

EU citizens and their family members who arrived in the UK for the first time on or after 1 January 2021 cannot apply for Settled or Pre-Settled Status.

You may have arrived as a **Short Term Visitor**. If you wish to remain in the UK for more than six months, you must apply for a **Long Term Visa** (for example, to study, or work, or join a family member).

Non-EU family members of EU citizens can enter the UK if they hold an EUSS family permit or a UK-issued biometric residence card. Once they have entered the UK, they should apply to the EUSS within three months.

1. 'Family members' can include: your spouse or civil partner, your children, grandchildren and great-grandchildren under age 21, your dependent children over age 21, your dependent parents, grandparents and great-grandparents, and some unmarried partners and other dependent relatives. (where the Home Office has issued an 'extended family member' registration certificate).

EU Citizens and Your Right to NHS Healthcare continued

Do I have the right to access NHS healthcare in Scotland?

EU Citizens who were living in the UK on or before 31 December 2020

All EU citizens and their family members with Settled Status or Pre-Settled Status have the right to access free NHS emergency and non-emergency healthcare. This includes:

- ▶ free primary healthcare (the right to register with a GP), and
- ▶ free secondary healthcare (hospital-based treatment)

Charges may apply for certain dental and eye treatments, in the same way they apply to UK citizens who normally live in Scotland.

You have **an equal right to access healthcare** on the same basis as a UK citizen living in Scotland.

You also have the **right to an interpreter** if you need one in order to communicate with NHS staff, and understand and consent to medical care.

If you were living in the UK on or before 31 December 2020, you have the right to access healthcare as an EU citizen or family member of an EU citizen, regardless of whether you hold Settled Status, Pre-Settled Status, or neither form of status. However, you should apply for Settled Status or Pre-Settled Status if you are eligible to, as it is in your best interest to do so.

EU Citizens who arrived on or after 1 January 2021 for the first time

The NHS is a residency-based scheme and people must be “ordinarily resident” in Scotland to have access to the full range of NHS healthcare at no cost, without restrictions, on the same basis as UK citizens living here. This means they must have legal permission to live in the UK and intend to stay here.

SHORT TERM VISITORS

Some NHS healthcare, including primary care provided by a GP, emergency treatment and treatment for infectious diseases (like Covid), is provided free of charge to everyone.

Reciprocal healthcare arrangements between the UK and the EU mean that the European Health Insurance Cards (EHIC) continue to be valid.

EU citizens arriving in Scotland as Short Term Visitors, must get an EHIC (<https://www.gov.uk/european-health-insurance-card>) in your own country before you travel to Scotland.

EU citizens can use their EHIC to access necessary treatment, the need for which arose during a visit to Scotland, and to have necessary treatment for a pre-existing or chronic condition, such as kidney dialysis or chemotherapy at no charge. Visitors must seek approval, from the appropriate NHS Board, for the treatment of pre-existing or chronic conditions before travelling to Scotland.

LONG TERM VISA HOLDERS

EU citizens and their family members arriving with a Long Term Visa must pay the “immigration health surcharge” at the time they apply for their visa.

Once they have paid this charge, access to primary and secondary NHS healthcare is free at the point of access. People who take out private medical insurance must also pay the surcharge.

Information about the surcharge is available at: <https://www.gov.uk/healthcare-immigration-application>

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EU Citizens and Your Right to NHS Healthcare continued

How do I register with the NHS?

To access the full range of NHS services available, EU citizens living in Scotland should register with a General Practitioner (GP).

Short term visitors to Scotland can also register with a GP on a temporary basis and receive general medical services at no charge.

Information on how to register with a GP practice is available at:

<https://www.nhsinform.scot/care-support-and-rights/nhs-services/doctors/registering-with-a-gp-practice>

Where can I get more help or advice?

If you have questions about your right to access NHS healthcare, or if you think you have been discriminated against in accessing healthcare, you can seek help and advice from:

▶ **NHS Inform**

<https://www.nhsinform.scot/care-support-and-rights/health-rights/access/accessing-and-using-the-nhs-in-scotland>

▶ **Patient Advice & Support Service (PASS)** at your local Citizen's Advice Bureau

(<https://www.cas.org.uk/pass>).

PASS is independent and provides free, confidential information, advice and support to anyone who uses the NHS in Scotland.

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