

## 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.<sup>1</sup>

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 and their family members who were living in the UK on 31 December 2020 and who wished to stay in Scotland, must have applied to the EU Settlement Scheme (EUSS) for either **Settled Status** (indefinite leave to remain) or **Pre-Settled Status** (limited leave to remain for 5 years) before 30 June 2021. Irish citizens and people with indefinite leave to remain did not have to apply. EU citizens and their family members who did not apply to the EUSS before the 30 June 2021 deadline, do not have the right to remain in the UK after 1 July 2021, and should seek urgent legal advice if they now wish to stay in Scotland.

EU citizens who arrived in the UK for the first time on or after 1 January 2021 cannot apply for Settled Status or Pre-Settled Status. They arrive as **Short Term Visitors**. If they wish to remain for more than a short visit of up to 6 months, they 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 only enter the UK after 1 January 2021 if they already have an EUSS family permit, a UK-issued EEA family permit or a UK-issued biometric residence card.

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

### EU Citizens who have Settled Status or Pre-Settled Status

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)

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.

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, as it is in your best interest to do so.

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

### 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-19), 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 your 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.

#### 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.

## 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.

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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