

FACTSHEET

06

Health and Social Care

Healthcare is provided to all.

The law exempts from all charging for NHS services anyone who has made a formal application for leave to stay as a refugee in Scotland.¹

4) “No charge shall be made in respect of any services forming part of the health service provided for an overseas visitor, being a person or the spouse or child of a person –(c) who has been accepted as a refugee in the United Kingdom, or who has made a formal application for leave to stay as a refugee in the United Kingdom.”

Scottish Government Guidance for health providers states that anyone who has applied for asylum, whether pending or unsuccessful, is entitled to treatment on the same basis as an ordinarily resident UK national while they remain in Scotland.²

In relation to asylum seekers, refused asylum seekers and those granted refugee status, the guidance is very clear:³

32) “Anyone who has made a formal application for asylum, whether pending or unsuccessful, is entitled to treatment on the same basis as a UK national who is ordinarily resident in Scotland while they remain in the country. If their application to remain in the UK is successful, they will be granted refugee status and will continue to be exempt from NHS charges on the same basis as a person ordinarily resident in Scotland.”

This means that refugees, asylum seekers and people who were refused asylum will have the right to register with a GP, access specialist health care services and secondary care with no restrictions.

Help with additional health costs

As an NHS patient most healthcare and services are free. However, NHS patients in Scotland are asked to pay for some additional costs such as dental care, glasses, contact lenses, wigs and fabric supports. Travel expenses to attend hospital appointments can also be prohibitive for people on low incomes.

Any NHS patient on a low income, including refugees on low income, asylum seekers and people refused asylum, can apply for an exemption from these additional costs by completing an HC1 form, available from GP practices, Jobcentre Plus, NHS hospitals, pharmacies and advice agencies. If accepted, an HC2 certificate will be issued. Patients should present their HC2 certificate along with travel receipts at NHS hospital appointments to receive a refund for travel expenses or when asked to pay for any additional costs such as dental care or glasses.

1. The statutory regulations ('the law') governing charging for National Health Service (NHS) healthcare for refugees and asylum seekers in Scotland are the 1989 The National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989 / 364(as amended)

2. <https://www2.gov.scot/Topics/Health/Services/Overseas-visitors>

3. CEL 09 (2010) Overseas Visitors' Liability to Pay Charges for NHS Care and Services.

Social care

Refugees and asylum seekers are entitled to access social work services. Their social care needs should be assessed and met on the same basis as for UK nationals under Section 12 of the Social Work (Scotland) Act 1968.

However, asylum seekers are not entitled to general social work services or residential care under the Social Work (Scotland) Act 1968 or services under the Mental Health (Scotland) Act 1984, where those needs only arise because the person is destitute or because of the physical effects (or anticipated physical effects) of the person's destitution.⁴

Asylum seeking and refugee children in Scotland have the same rights under Scottish legislation as any other child. The Local Authority has the same statutory duty toward them. There are no restrictions for either refugees or asylum seekers on when social workers can intervene under the Children (Scotland) Act 1995.

All policies and procedures established by the Scottish Government and individual local authorities in respect of the welfare, well-being and protection of children apply equally to the children of asylum seekers and refugees.

In recognition of their particular circumstances and vulnerabilities, children seeking asylum, whether unaccompanied or living with their families, should be regarded as 'children in need' under Section 93 of the 1995 Act. Section 22 of the 1995 Act places a duty on local authorities to safeguard and promote the welfare of children in need and, so far as is consistent with that duty, to promote the upbringing of such children by their families by providing appropriate services including assistance in cash or in kind.

Additional support

Scottish Refugee Council

Scottish Refugee Council's Services and Helpline can be contacted for advice – more information is available here

<https://www.scottishrefugeecouncil.org.uk/direct-support/>

British Red Cross

British Red Cross offices offer services to asylum seekers and refugees

www.redcross.org.uk/get-help/get-help-as-a-refugee##

4. S120 of the Immigration and Asylum Act 1999.