



Rights of EU Citizens in Wales

EU Citizens and Their Right to Free NHS Healthcare

This factsheet provides a brief summary of an EU citizen's rights to access National Health Service (NHS) healthcare in Wales. In this factsheet, 'EU citizens' includes citizens of the EU member states, as well as citizens of the EFTA states (Norway, Iceland, Switzerland and Liechtenstein). 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 or British Citizen who has exercised free movement rights as a worker, self-employed person, self-sufficient person or student in an EEA host country immediately before returning to the UK¹.

Following the UK's exit from the European Union, the rights of EU citizens across the UK has changed in a number of ways. EU citizens and their family members who were living in the UK on 31 December 2020 and who wished to stay in Wales, 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). Those who have indefinite leave to remain or enter, or are an Irish citizen, do not need to apply but can if they want to.

EU citizens and their family members who have not applied to the EUSS (even after the application deadline) or have an expired pre-settled status, no longer have the right to remain in the UK, and should seek legal advice if they now wish to stay in Wales (details of the support available is provided at the end of this factsheet). However, the UK Government has made provision for late applications to be made by EU, EEA and Swiss citizens and their family who can evidence they have reasonable grounds for having missed the EUSS deadline.

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. Those who wish to remain for more than a short visit, of up to 6 months, 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 now only enter the UK after 1 January 2021 if they already have an EUSS family permit. EEA family permits and UK biometric residence cards are no longer valid in the UK.

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 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 in Wales. This includes: free primary healthcare (the right to register with a GP), and free secondary healthcare (hospital-based treatment). They have an equal right to access healthcare on the same basis as a UK citizen living in Wales as well as the right to an interpreter should they need one in order to communicate with NHS staff, and/or understand and consent to medical care.

EU citizens who have submitted an application and are awaiting an outcome will be issued with a Certificate of Application (CoA) that they can use to prove they have protected status until their application is determined.

EU Citizens who were living in the UK on 31 December 2020 and have not applied to the EUSS

Patients are encouraged to apply to the EU Settlement Scheme if they have not done so already. If the patient cannot evidence they are an ordinary resident and no other exemption applies, then they are chargeable.

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 Wales 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. People who do not have indefinite leave to remain in the UK are usually regarded as overseas visitors.

Short Term Visitors (visits lasting less than 6 months)

Some NHS healthcare, including primary care provided by a GP, emergency treatment provided in an Accident and Emergency Department 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 Wales as Short Term Visitors, must have applied for an EHIC (www.gov.uk/global-health-insurance-card) in their own country before they travelled to Wales. EU citizens can use their EHIC to access medically necessary treatment, the need for which arose during their visit to Wales, and to have necessary treatment for a pre-existing or chronic condition, such as kidney dialysis at no charge.

Short Term Visitors from EFTA States

From 1 January 2021, Norwegian citizens residing in Norway can access medically necessary healthcare when visiting the UK, using a valid Norwegian passport.

From 1 January 2021, most visitors from Iceland and Liechtenstein may need to pay for NHS healthcare (unless an exemption applies). Any treatment will be charged at 100% of the national NHS rate.

From 1 November 2021, reciprocal healthcare arrangements between UK and Switzerland cover Swiss nationals for state healthcare that becomes necessary whilst on a temporary stay in the UK, using the State issued EHIC.

Long Term Visa Holders

EU citizens and their family members on a visit of longer than 6 months 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 on the same basis as that of a UK resident. People who take out private medical insurance must also pay the surcharge.

To access the full range of NHS services available, EU citizens living in Wales should register with a General Practitioner (GP). Short term visitors to Wales can also register with a GP on a temporary basis. It is for GP practices to determine whether or not to register a patient. It is open to GP practices to only take short term visitors on a fee-paying private basis.

Changes to the EUSS

On 17 July 2023 the Home Office announced changes to the EU Settlement Scheme.

Citizens with pre-settled status will now automatically have their status extended by 2 years. The Home Office will notify citizens when their status has been extended and their digital status on the View and Prove system will be updated automatically.

The Home Office will also automatically upgrade pre-settled status holders to settled status if they are eligible. Citizens will only be eligible for this automatic upgrade if the Home Office can evidence they have lived in the UK for the last 5 years. The Home Office will contact those who are automatically upgraded to settled status.

EU citizens do not have to wait to be automatically upgraded to settled status following the end of the 2 year extension. They can apply to upgrade as soon as they are eligible.

Those who do not have 5 years continued residence will not be eligible for the automatic upgrade but can apply as soon as they qualify for settled status.

Additional Information and Support

Free legal advice on matters relating to the EUSS is available from Welsh Government funded, Immigration Specialist Lawyers, Newfields Law. Their contact details are below:

Tel: +44 (0) 292 169 0049

Email: info@newfieldslaw.com

Address: Newfields
35 Park Place
Cardiff, CF10 3RL

Useful Links

I need help with Settled Status – Settled

www.settled.org.uk/en/help/

Citizens' rights have changed | the3million

www.the3million.org.uk/rights-have-changed

Homepage – Independent Monitoring Authority for the Citizens' Rights Agreements

www.ima-citizensrights.org.uk

EU Settlement Scheme: information for late applicants – GOV.UK

www.gov.uk/government/publications/eu-settlement-scheme-information-for-late-applicants/eu-settlement-scheme-information-for-late-applicants

EU Settlement Scheme caseworker guidance – GOV.UK

www.gov.uk/government/publications/eu-settlement-scheme-caseworker-guidance

EU citizens – we want you to stay in Wales – GOV.WALES

www.gov.wales/preparing-wales/eu-citizens

The UK's points-based immigration system: information for EU citizens – GOV.UK

www.gov.uk/guidance/the-uks-points-based-immigration-system-information-for-eu-citizens

Immigration – Citizens Advice

www.citizensadvice.org.uk/wales/immigration/

EU Citizens Immigration (eusswales.com)

www.eusswales.com/en/index.html

Health and social services – GOV.WALES

www.gov.wales/preparing-wales-brexit/health-and-social-services

Visas and immigration operational guidance: detailed information – GOV.UK

www.gov.uk/topic/immigration-operational-guidance

Frequently Asked Questions regarding the EU Citizens and access to Healthcare

The GP is asking me for proof of my Settled Status

You can show then proof of your Settled Status by requesting a share code – View and prove your immigration status – GOV.UK (www.gov.uk/view-prove-immigration-status)

The GP is refusing to let me register

If you are having trouble being accepted by a GP surgery, your Local Health Board is able to register you to a surgery.

Can I get help for an emergency or accident?

If you or a family member has an accident or a sudden serious illness you should go to your nearest hospital with an Accident and Emergency department which is free for everyone.

If it is an extreme emergency call **999** and ask for an ambulance to transport you to a hospital. This service is free of charge and should only be used in an emergency. If you are able to, you may also make your own way to the **Accident and Emergency** department.

Do not use Accident and Emergency for minor medical problems.

If you urgently need medical help or advice but it's not a life-threatening situation call **NHS 111**.

Do I have to pay for medical treatment?

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 in Wales. This includes: free primary healthcare (the right to register with a GP), and free secondary healthcare (hospital-based treatment).

Can I have a Corona Virus vaccine if I do not have an NHS number or am not registered with a GP?

You are eligible for a free COVID-19 vaccination through the NHS. Here are details of how you can book a coronavirus vaccination: www.gov.wales/getting-tested-coronavirus-covid-19

The vaccine will be offered and made available to everyone living in the UK free of charge. **You do not need to be registered at a GP surgery or have an NHS number to receive the vaccine.**

Can I register with a dentist and get free treatment?

You do not need to register with a dentist but free dental treatment will only be available at a dentist which accepts NHS Patients. You can find a local NHS dentist by searching in your local area at NHS Wales website (www.wales.nhs.uk/?dest=ourservices/findannhsdentist&&clearCookieNotice=1). If you need emergency dental treatment, you can contact the dental help line at NHS 111 Wales (www.111.wales.nhs.uk/localservices/dentistinformation/).

I need help with my mental health

Your GP may be able to find you some expert help. If you want to talk to someone about these problems, the Samaritans (www.samaritans.org/) has a free to call service 24 hours a day, 365 days a year, which is confidential. You can call them on **116 123**.

Children and young people can also be affected by poor mental health or well-being. Secondary schools have counselling services which can be used pupils if they feel worried, anxious or confused.

I am pregnant can I get help from the NHS?

You should tell your GP that you are pregnant to receive support during your pregnancy from an NHS midwife.