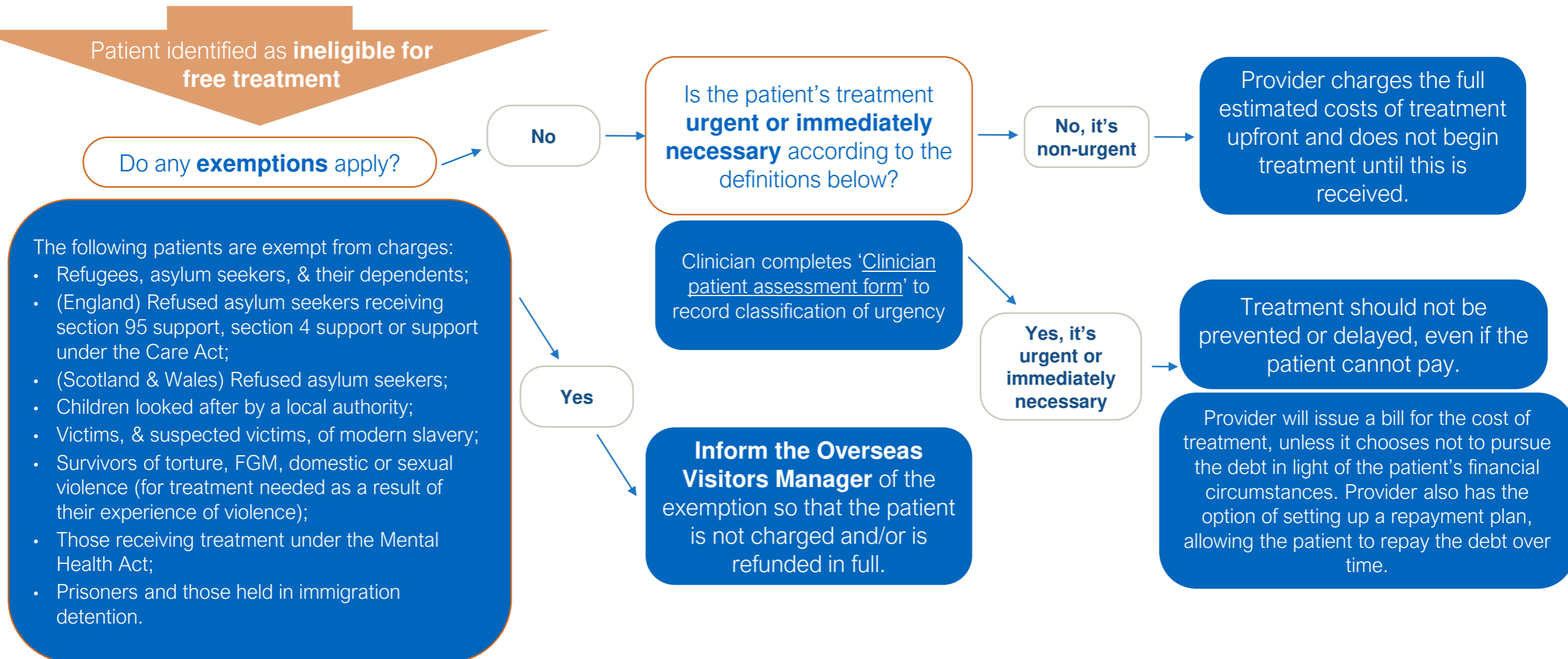


# Recognising 'urgent' and 'immediately necessary' care for chargeable patients

A guide for NHS clinicians, based on Department of Health and Social Care guidance<sup>1</sup>



**'Urgent' care is care that cannot wait until they can leave the UK.\***

- Should take into account **pain, disability**, and the **risk of the delay** exacerbating their condition.
- For undocumented migrants assume may not be able to return **within 6 months**.

\*See page 2.

**'Immediately necessary' care is care that:**

- is life saving;
- will prevent a condition becoming life-threatening or;
- will prevent permanent serious damage.

<sup>1</sup> Department of Health and Social Care. 2017. Guidance on overseas visitors hospital charging regulations. <https://www.gov.uk/government/publications/guidance-on-overseas-visitors-hospital-charging-regulations>

# When is my patient likely to return home?

You are being asked to decide if care is, or will become, urgent in the time before a patient returns home. This means that a condition that may not be urgent for a person who is likely to leave the UK within the next couple of months, **may be considered urgent** for a patient who is **not likely to leave** in the next 6 months.

## What does the guidance say?

For undocumented migrant patients, including failed asylum seekers, the likely date of return may be unclear, and will have to be assessed on a case-by-case basis, including their ability to return home. Some may be prevented by travel or entry clearance restrictions in their country of origin, or by other conditions beyond their control.

For some cases relating to undocumented migrants, it will be particularly difficult to estimate their return date. Relevant bodies may wish to estimate that such patients will remain in the UK **initially for 6 months**, and the clinician can then consider if treatment can or cannot wait for six months, bearing in mind the definitions of urgent and non-urgent treatment given above. However, **there may be circumstances when the patient is likely to remain in the UK longer than six months, in which case a longer estimate of return can be used.**

For some patients it will be easy to know when they will return home. However, in the case of **undocumented migrants** and **refused asylum seekers** (RAS) it is more difficult.

### Undocumented migrants

There are many reasons why a patient may find themselves undocumented. This group includes domestic workers, survivors of trafficking and modern slavery and people who have not received support to make an asylum claim. They may owe debts to their employer or be unable to return home.

When making decisions about the care of undocumented migrants, it is worth considering how long the patient has been living in the UK.

### Refused asylum seekers

RAS can live in the UK for years without being returned. This can be because it is not safe for them to return, their home country will not accept them or the Home Office does not take steps to deport them.

When making decisions about the care of RAS it is worth considering how long the patient has already lived in the UK without being returned. Keep in mind too that almost 50% of asylum appeals are upheld in the UK.