

JUST IMMIGRATION SOLICITORS

Note: 6th October 2020

Immigration Health Surcharge Reimbursement for Health Care Professionals from 1 October 2020

From 1 October 2020 health care professionals who have a general right to work under any immigration category may be able to apply, every six months, for reimbursement of the immigration health surcharge that they paid for their immigration application.

Who operates this Scheme?

The Immigration Health Surcharge (IHS) Reimbursement Scheme is operated by the NHS Business Services Authority (NHSBSA) on behalf of the Department of Health and Social Care. NHSBSA is responsible for validating applications for reimbursement from the IHS and referring these applications to UKVI that will process repayments to the applicants.

Who is eligible for the Immigration Health Surcharge (IHS) Reimbursement?

The reimbursement scheme is designed for applicants who are in the UK on visas or given permission to stay that give them a general right to work (but were not granted permission to stay under the health and care visa, a sub category of the Tier 2 general immigration route), and who have worked in health and social care continuously for at least 6 months on or after 31 March 2020 and has paid the IHS. The Home Office guidance gives the following examples and says that the examples are not exhaustive:

- A dependant of a UK national
- Someone on a Tier 4 student visa who can undertake up to 20 hours of work a week during term time
- Someone on the Tier 5 mobility scheme

Amongst others, this could also include those who were granted leave to remain on the basis of private life under Paragraph 276 ADE of the Immigration Rules.

Eligibility Criteria:

1 The applicant must work at least an average of 16 hours per week calculated over a 6 months period which began after 31 March 2020.

2 The calculation of hours can include periods of statutory leave from ongoing employment (including contracted hours during jury service, maternity leave and sickness leave). It may also include work for one or more employers under Annex A and can include up to 4 weeks (28 days) unpaid leave with justification, such as changing employers or personal circumstances.

3 If the applicant has changed jobs in the 6 months, they will remain eligible so long as breaks within the relevant 6 months period do not total longer than 4 weeks (28 days) in any 6 months period.

4 The applicant's work must be eligible work, which means working for an employer under Annex A. Annex A includes employers such as an NHS Trust in England, Care Quality Commission and Health Education England, etc.

5 As long as an applicant works for an Annex A employer, the work they undertake does not need to be limited to direct patient care. Eligible work can include delivering services that directly support health and social care services such as facilities management services within a hospital. Work undertaken for a private provider or company can also be classified as eligible work, as long as the employer is registered with the appropriate regulator.

Dependants:

If the applicant has dependants who have also paid the HIS, they will be able to claim a reimbursement for each of their dependants. A dependant is any of the following:

- A husband, wife or partner
- A child under 18 years of age
- A child over 18 years of age, if they are currently in the UK as a dependant.

When can applicants apply for the reimbursement?

Every six months. For example, if an applicant started working in a care home on 1 May 2020, they would be able to claim a reimbursement from 1 November 2020.

This can be repeated on 1 May 2021.

Timing for payment of the reimbursement:

Applicants should receive a decision via email and payment to the bank account associated with paying the immigration health surcharge within 6 weeks from submission to the NHSBSA of all the relevant evidence.

More information:

Please see the link below for further details:

<https://www.gov.uk/government/publications/immigration-health-surcharge-applying-for-a-refund/immigration-health-surcharge-guidance-for-reimbursement-2020>

Agnes Lai (Principal – Solicitor)



If you would like advice or assistance on any of the issues raised in this note/article, please contact Agnes Lai by email at

agnes.lai@just-immigration.co.uk

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