

Re: Immigrant Access to the National Health Service

No. 12/DQS/DMD

DATE: 07 May 09

To: All health care units

Contact at the DGH: Health Care Quality Department / Division of Patient Mobility

The Framework Law for Health, regulated by Law 48/90 of 24 August, states under its Article 25 that National Health Care System benefits, in addition to covering all Portuguese citizens and citizens of other European member states, the European Economic Space and Switzerland, are also extended to foreign citizens residing in Portugal, under reciprocal conditions, and to refugees residing in Portugal.

Ministerial order 25.360/2001 of 16 November, issued by the Minister of Health and published in the *Diário da República* [official government gazette] no. 286, Series II, dated 12 December, sets forth the procedures to be followed in matters concerning access of foreign citizens to the National Health Service (NHS).

Since there continue to be some doubts as to what framework and respective procedures apply in matters concerning foreign citizens' access to health care, this information bulletin sets out to clarify the following:

1. Immigrants are defined as foreign citizens who are nationals of countries outside of the European Union or European Economic Space and Switzerland and who reside in Portuguese territory, under the terms set forth in the applicable immigration legislation.
2. Immigrants who hold legal residency permits, as regulated under the terms set forth in the immigration legislation in force, may register at the NHS Health Centre in their area of residence or at the *Loja do Cidadão*. [Citizen's Bureau]
3. For the purpose of registering in the National Health Service, immigrants must present their legal residency permit to the health services in their area of residence.
4. Payment for health care provided by National Health Service institutions and service providers to the immigrants referred to in the previous number and to their respective family members is ensured under the regulations.
5. Immigrants who do not hold residency permits or who are in an illegal situation with respect to the immigration legislation in force may access the National Health Service by presenting a document from the *Junta de Freguesia* [Parish] of their area of residence that certifies they have been residing in Portugal for more than ninety days, under the terms set forth in Article 34 of Decree-Law 135/99 of 22 April.

6. When health care provider units find that an immigrant does not possess a legal residency permit or document certifying that he/she has been residing in Portugal for more than 90 days under the terms of the immigration legislation in force, without prejudice to providing necessary health care to the immigrant, they should direct him/her to the nearest *Centro Nacional de Apoio ao Imigrante* [National Immigrant Assistance Centre] or *Centro Local de Apoio à Integração dos Imigrantes* [Local Immigrant Integration Support Centre], so that these organizations, along with other official entities authorised for this purpose, can assist the immigrant in legalising his/her situation.

7. Immigrants who are in the situation described in the previous number shall be allowed access to health care under the same terms as the general population in the following situations:

- Urgent and vital health care
- Communicable diseases that pose a danger or threat to the public health (e.g. tuberculosis or AIDS)
- Maternal and child health care and reproductive health care, namely access to family planning consultations, voluntary interruption of pregnancy, monitoring and observation of women during pregnancy, labour and delivery and the post-partum period, and health care provided to newborns
- Health care to minors residing in Portugal under the terms set forth in Decree-Law 67/2004, of 25 March
- Vaccination, according to the National Vaccination Programme currently in effect
- Foreign citizens present in Portugal for the purpose of family reunification when a member of the family makes contributions to the Social Security System which are duly documented
- Citizens who are in a situation of social exclusion or economic need as documented by the Social Security Services

8. Health care provider units may require payment for the health care provided to immigrants who find themselves in the situations described in point 6 in accordance with the norms and tables currently in effect, except in the situations listed under the previous number, taking into account the circumstances of each specific case, namely as regards the economic and social situation of the individual in question as assessed by the Social Security Services.

9. Immigrants are subject to the same principles and standards that apply to the general population in matters of payment and exemption from patient co-payment fees under the terms of the legislation in force.

10. Health care provider units pertaining to the National Health Service which provide care in the situations outlined in this Information Bulletin shall write up reports according to the provisions of Ministerial Order 25 360/2001 of 16 November. The Regional Health Administrations will submit a copy of each report to the Directorate-General for Health

and to the Central Health System Administration, so that the information can be compiled and processed at the national level, which will show the types of care provided and the respective costs within the framework of the competences of each institution.

11. The procedures set forth in this Information Bulletin do not apply to foreign citizens evacuated under cooperation agreements between Portugal and Portuguese-Speaking African Countries in the area of Health.

12. Information Bulletin no. 65/DSPCS, dated 26 November 2004, relative to access to health care for minor children of immigrants remains in force.

13. Upon the entry into force of this Information Bulletin, the following Information Bulletins issued by the Directorate-General Directorate for Health are hereby revoked: No. 14/DSPCS, dated 02 April 2002 and no. 48/DSPCS, dated 30 October 2002.

Applicable Legislation:

Law 48/90, of 24 August

Decree-Law 135/99 of 22 April

Decree-Law 67/2004 of 25 March

Law 23/2007 of 4 July

Order 1563/2007 of 11 December

Ministry of Health Order 25.360/2001 of 16 November

The Director-General for Health



Francisco George