Chief Executive
2 Franklin Street
BELFAST
BT2 8DQ

Tel: 028 9536 3863
Email: FOI.BSO@hscni.net

27th August 2020

BY EMAIL
[redacted]

Our Ref: FOI 1534

Dear [redacted]

Your request for information was received on 4th August 2021 and was dealt with under the terms of the Freedom of Information Act 2000. Please be advised that the Business Services Organisation (BSO) has now completed its search for the information you requested with regards to the issuing of [redacted] medical card.

I should firstly advise that health is a devolved matter in the United Kingdom and the rules of entitlement vary between each country. In Northern Ireland, free health care is only available to 'eligible visitors' in accordance with the Health and Personal Social Services; Provision of Health Services to Persons Not Ordinarily Resident Regulations (Northern Ireland) 2015 and persons who are 'ordinarily resident' in Northern Ireland under the Health and Personal Social Services (Northern Ireland) Order 1972.

The test for residency is that a person resides lawfully in Northern Ireland for an identifiable purpose, i.e. work, study etc.

For someone coming into Northern Ireland to take up residency either for the first time or returning and wising to register with a GP practice, they are required to demonstrate that they are 'ordinarily resident' in Northern Ireland, regardless of their nationality. In order to demonstrate this, applicants are required to provide satisfactory documentary proof of their lawfulness in the UK, their address in Northern Ireland and their settled purpose here. To assist applicants, the Business Services Organisation (BSO) provides a list of the most commonly used documents. However, this list is not exhaustive and alternative documents can be accepted in accordance with each person's circumstances.

[redacted] In order to demonstrate lawfulness in the UK it depends on the patients circumstances. The BSO would have required documentary proof of one of the following at that time:

1. **Leave to remain in the UK**

   This requires the patient to provide the following:

   - A Valid Biometric Residence Permit issued by the UK Home Office along with proof of residency in Northern Ireland and settled purpose if applicable.

   Our records do not indicate that this was provided.

2. Directive 2004/38/EC - EU National exercising Treaty Rights in the UK

   This requires the patient to provide the following:

   a. Proof of their relationship with their EU Family Member **and**
   b. Proof of their family members entitlement to exercise their EU Treaty Rights in the UK **and**
   c. Proof of their EU family member exercising their EU Treaty Right in the UK **and**
   d. Proof of residing with their EU family member in Northern Ireland

3. **Directive 2004/38/EC - British National exercising their EU Treaty Rights in another Member State**

   Proof of being a family member of an EU national who had exercised their EU Treaty Rights in another EU Member State, requires the patient to provide the following:

   a. Proof of their relationship with their EU Family Member **and**
   b. Proof of their family members entitlement to exercise their EU Treaty Rights in another EU Member State **and**
   c. Proof that their EU family member had exercised their EU Treaty Right in another Member State **and**
   d. Proof of residing with their EU family member in Northern Ireland

I hope that the information provided assists you. If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible or in any case within two months of the date of issue of this letter.

In the event that you require a review to be undertaken, you can do so by writing to

Information Governance Manager,
2 Franklin Street,
Belfast,
BT2 8DQ

If, following an internal review, carried out by an independent decision making panel, you remain dissatisfied in any way with the handling of the request, you may make a complaint under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the BSO has complied with the terms of the Freedom of Information Act.

You can contact Information Commissioner at:

Website: www.ico.org.uk
Phone: 0303 123 1113
Email: casework@ico.org.uk
Post: Information Commissioner's Office
3rd Floor, 14 Cromac Place
Belfast
BT7 2JB

In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out. However the Commissioner has the option to investigate the matter at his discretion.

Yours Sincerely,

Karen Bailey
Acting Chief Executive