



70TH
ANNIVERSARY

Health Access
for Refugees
Programme
(HARP)

Asylum Support: policy and practice in relation to pregnant women and new mothers



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Introduction

This guide explains women's rights throughout pregnancy and early motherhood whilst they are in receipt of asylum support. This document is aimed at their support practitioners, e.g., midwives, to inform what women are entitled to.

This guide covers:

- Antenatal healthcare in the UK
- Support available for pregnant women and new mothers
- The rights of women throughout the dispersal process
- The rights of women on asylum support and/or whose asylum claim was rejected
- Who to contact for further information

Outline of asylum support

Asylum support is a form of housing and/or financial support provided by the Home Office to people who claimed asylum in the UK and would otherwise be destitute. Most people seeking asylum do not have an income and cannot work, meaning asylum support protects them from destitution and homelessness.

Asylum support can be provided in three forms:

- **Section 98:** interim support, usually full-board in initial asylum accommodation (IA)
- **Section 95:** subsistence only (if people have someone with whom they can stay) or subsistence and accommodation; in dispersal accommodation (either self-contained or a room in a house with shared facilities), provided to people with asylum claims whilst they wait for a decision.
- **Section 4:** available to people who had their asylum claims considered and refused (they became appeal rights exhausted, ARE) and cannot return to their country of origin; they are eligible to receive support only if they can prove they are destitute and can meet specific eligibility criteria.

Asylum support is currently set at **£39.63 per week** per adult for people on Section 95 and Section 4 support. Women who are dependants on asylum support claims do not get subsistence payments directly because grant payments go to the main applicant, often a husband or partner. People on asylum support receive the payments into a pin and chip card called an **Aspen card**. Those on Section 4 do not have access to cash but can use an Aspen card to make payments.



Women can claim asylum support in their own right (i.e. they do not have to be dependants on another person's support claim) and mothers can then add their children as dependants for asylum support purposes.

Asylum support is **not** provided indefinitely, and a person must prove continued eligibility when asked to do so.

Pregnant women who were refused asylum

People who had their asylum claim refused can access asylum support based on a narrow set of qualifying criteria. The Home Office guidance specifies that Section 4 support should not normally be granted to a pregnant woman until the **34th week of pregnancy**, if this is the only eligibility criteria she can meet. If there are complications with the pregnancy that may put the mother and baby at risk, then in such cases, support can be requested earlier. Provision of support at 34 weeks is based on a woman's ability to travel back to her country of origin, which might involve long-distance travel and create risks both for the woman and her unborn baby.

Women should have their Section 4 applications ready to submit as soon as they reach 34 weeks gestation. The Home Office aims to process Section 4 applications within **5 working days** and decisions can be made within **48 hours** if a woman is pregnant.

During litigation, the Home Office disclosed its internal Section 4 policy document which highlighted the decision to continue supporting destitute families with children. This means pregnant women would continue to receive Section 4 support after a child is born, despite policy stating that support will be reviewed when the baby is 6 weeks old and possibly stopped then.

Women in the late stages of pregnancy who are refused asylum can also be considered for **Initial Accommodation** (usually available only to women who make application for Section 95 support) if they are street homeless or imminently street homeless.

Any asylum support delays can only be challenged through Judicial Review, there is no right to appeal.



Support for women

Antenatal healthcare in the UK

All pregnant women are entitled to NHS maternity care. Lack of maternity care puts pregnant women at serious risk. Women can access maternity services directly even if they are not registered with a GP, however, many do not have access to relevant information and/or speak the English language sufficiently well to do it independently. As a result, women often approach maternity services late in their pregnancy. It is essential to encourage them to make an appointment and begin accessing healthcare as soon as possible.

In England, pregnant women who were refused asylum and who are not in receipt of Section 95 or Section 4 support may be charged for maternity services which fall into “secondary care”. They are not exempt from NHS charges to overseas visitors. Each NHS Trust has an Overseas Visitor Team, who will make decision whether a pregnant woman will be charged for health support. These decisions are based on the information which women provide, like their residency status.

However, it is very important to note that maternity care is classed as **urgent and necessary** treatment: it must not be withheld from a woman if she is unable to pay. Following treatment, she may be given a medical bill and the hospital may pursue her for the costs. In these circumstances, women should contact their practitioners and seek advice from charities to organise a **payment plan**.¹



¹ A charity Maternity Action delivers Maternity Care Access Advice Service project and they might be able to advise. Further information can be accessed under the following link: <https://maternityaction.org.uk/maternity-care-access-advice-service>

Pregnant women

Once a woman becomes pregnant, she should contact **Migrant Help²** who will inform the Home Office about this change in circumstance. She can also access an extra £3 per week in addition to the weekly rate of asylum support.

Women can then also apply for a **one-off maternity payment** to help with the costs associated with having a newborn baby. The application must be submitted between **eight weeks before woman's due date and six weeks after the birth**. Applications outside of this timeframe will be refused unless there are exceptional circumstances. To apply before the birth, a woman must provide her original MATB1 certificate or other medical proof of the pregnancy. This payment is available for each child born in the UK.

The amount women receive depends on the type of asylum support:

- **Section 95:** £300
- **Section 4:** £250

If a woman had a baby born outside the UK who is less than 3 months old, or in other exceptional cases, she can also apply for a one-off maternity payment. In such cases, she needs to show the baby's original birth certificate. Documents and requests must be submitted through Migrant Help.

Women can also apply to Migrant Help to request **additional payments** to support costs arising from their pregnancy. This provision might particularly help women on Section 4 support who do not have access to cash and will encounter difficulty in paying for some services, e.g., public transport or taxis. This issue becomes especially relevant when they need to go into a hospital to give birth: they must not call ambulances unless there is an emergency and use other forms of transport instead.



² An organisation contracted by the Home Office to provide advice to people going through the asylum process.

New mothers

Once the baby is born, women must contact Migrant Help to inform them about a change in their circumstances and provide the **original birth certificate** to the Home Office within six weeks of the birth. Migrant Help will provide women with an envelope with **pre-paid postage** which allows them to record the date the document is sent. In the event of processing delays, having a receipt and date of postage means women can still receive support payments backdated to the child's birth, even when a delay was not their fault. This process also allows them to add the child to their asylum support claim. The new mother will then receive an additional, weekly asylum support payment (£39.63) for the additional person in the household.

Whilst a baby is under one year old, mothers will receive an **extra £5 per week** in additional to asylum support payments, and an **extra £3 per week** for each child aged one to three.

If mothers wish to have the father's name on the birth certificate and they are not married, he must be present when the birth is officially registered.

Dispersal

The Home Office policy advises to **avoid dispersing** pregnant women away from the area in which they are living and receiving maternity care, and in which they can access social and family support throughout pregnancy.

If dispersal is unavoidable, the caseworker should take particular care when arranging accommodation for pregnant women and their children. Wherever possible, pregnant women should only be dispersed once unless they specifically request relocation. Any dispersal accommodation must be suitable for the woman's needs both **before and after birth** and **available throughout that period**.

Dispersal in the late stages of pregnancy (6 weeks before the estimated due date, EDD) should only be undertaken either at the request of a woman or her treating medical practitioners. If such a request is made, it must be made in writing. Women can send letters and documents to support or challenge their dispersal to the Home Office via Migrant Help. Both healthcare professionals and others supporting individuals can write these letters. There should be a dispersal notice period of **at least 10 calendar days** between a pregnant woman being advised of the area of her dispersal accommodation and her actual dispersal.



Domestic Abuse

There is a new Home Office funding mechanism³ to allow women to access **specialist refuge accommodation**. A woman, even if not currently on asylum support but eligible to receive it, can access refuge space rather than be supported through the asylum support system, if that is deemed necessary. The Home Office will consider and act on the views of women, and the professionals working directly with them in making this decision. It is important to note that the woman escaping domestic abuse does not need to have made her own application for asylum beforehand. When making decisions about safe housing and protecting women from abuse, the Home Office caseworkers and safeguarding hub teams will not seek corroborating evidence of domestic abuse and believe women who report abuse. Furthermore, the Home Office will avoid using mixed-sex interim accommodation as an emergency response.

Women should seek advice from a Domestic Violence advisor/helpline regarding accessing refugee space. Cases of domestic abuse, in the asylum support setting, should be reported to Migrant Help who will contact the Home Office and request safe accommodation, which may be in a refuge. The Home Office would authorise the refuge placement and issue a letter to the refuge provider, by e-mail or fax, confirming the placement and payment rates. A woman is then accepted into a refugee and the refuge provider agrees to payment terms and invoices the Home Office.

FGM

FGM is the removal of all or part of external female genitalia. FGM can cause many health problems, including complications in childbirth and increased risk of newborn deaths. Some pregnant women who are seeking asylum in the UK have been subject to FGM.

It is important for healthcare practitioners and supporting individuals to develop a **trusting relationship** in which pregnant women can confide if they have suffered abuse, including FGM, given the potential health risks. In the UK, FGM is a crime and it is important to communicate this to women if they do disclose any history of abuse. Healthcare professionals can then adjust any medical treatment as necessary and further refer women to other organisations who can offer support.



³ Please see the Home Office policy: Domestic abuse: responding to reports of domestic abuse from asylum seekers, available on Gov.uk: <https://www.gov.uk/government/publications/domestic-abuse-responding-to-reports-of-domestic-abuse-from-asylum-seekers>

Conclusion

Pregnant women who receive asylum support have a right to access maternity services in the UK throughout pregnancy and after the birth of a child. They are entitled to be understood when interacting with the health services (e.g., via interpreters) so that they receive appropriate medical treatment.

Healthcare practitioners and individuals providing care play an important role in encouraging women to access healthcare early in their pregnancy. They can also help women to apply for financial support through asylum support and contact Migrant Help who are contracted by the Home Office to provide information and guidance.

Where women disclose a history of any form of abuse, practitioners should also encourage women to seek additional support from relevant organisations throughout their pregnancy too.

About Refugee Council

The Refugee Council is the leading charity dedicated to supporting people seeking asylum and refugees in the UK. We work directly with thousands of refugees each year, supporting them from the moment they arrive in the UK.

We provide crisis advice and practical support, help them to integrate into their new communities and offer mental health counselling to help them come to terms with the trauma so many of them have experienced.

We also speak up for refugees using our direct work as an evidence base, and ensure refugees have a stronger and more influential voice in decisions that will affect them.

This guide was produced by the **Health Access for Refugees Programme (HARP)** at The Refugee Council. HARP empowers people seeking asylum and refugees to access the UK health system in an appropriate way and at the appropriate time.



Please visit our **Get support** pages for further information on services we provide.

<https://refugeecouncil.org.uk/get-support>

<https://www.refugeecouncil.org.uk/get-support/services/health-access-for-refugees>

The Refugee Council is a registered charity no. 1014576, and a company limited by guarantee, registered in England and Wales, No. 2727514.

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Other organisations who can help

Migrant Help

Migrant Help is contracted by the Home Office to provide advice to people going through the asylum system. They can advise on issues ranging from how to claim asylum and navigating the asylum process to asylum support. They help with processing asylum support applications and are a port of call for women who need to apply for additional payments, add new-borns to their asylum claim or need support with their case. They operate a free asylum helpline: **0808 8010 503** and can provide free interpreting in a range of languages.

Further information at: <https://www.migranthelpuk.org>

Asylum Support Appeals Project

The Home Office's decision to stop or refuse someone's asylum support usually attracts a right of appeal to the independent Asylum Support Tribunal. There is no Legal Aid for appeal representation work, however, people can refer themselves for representation and support with appeal hearings to the ASAP, who are independent of the Home Office legal charity.

Further information at: <http://www.asaproject.org>

British Red Cross – helps people in crisis, wherever and whenever they are.

<https://www.redcross.org.uk>

Refugee Action – offers advice and support to people seeking asylum.

<https://www.refugee-action.org.uk>

Maternity Action – offers advice and support to pregnant women and new mothers.

<https://maternityaction.org.uk>

Maternity Stream of Sanctuary – offers women seeking asylum and refugees support when accessing maternity services.

<https://maternity.cityofsanctuary.org>

Women for Refugee Women – runs empowerment programmes for women seeking asylum and refugees.

<https://www.refugeewomen.co.uk>

Doctors of the World – runs programmes in London that provide medical care, information, and support to people with irregular status.

<https://www.doctorsoftheworld.org.uk>

The UK Lesbian & Gay Immigration Group (UKLGIG) – helps LGBTQI+ people through the asylum and immigration system.

<https://www.rainbowmigration.org.uk>

Micro Rainbow – offers safe, temporary housing for LGBTQI+ people seeking asylum and refugees.

<https://microrainbow.org>

Freedom from Torture – provides specialist therapy for people seeking asylum and refugees.

<https://www.freedomfromtorture.org>

Helen Bamber Foundation – offers support to survivors of torture, including therapy, housing and medical advice.

<https://www.helenbamber.org>

Detention Action – helps people in immigration detention.

<https://detentionaction.org.uk>

Women's Aid – helps women and children who are victims of domestic abuse.

<https://www.womensaid.org.uk>

If you are a victim of FGM, please contact:

<https://www.nspcc.org.uk/keeping-children-safe/reporting-abuse/dedicated-helplines>



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