

ASYLUM SUPPORT POLICY BULLETIN 37

MATERNITY PAYMENTS V3.0

1. SCOPE OF THE DOCUMENT

- 1.1 This document contains Asylum Support case-working instructions for dealing with applications for "maternity payments".

2. APPLICATION OF THIS INSTRUCTION IN RESPECT OF CHILDREN AND THOSE WITH CHILDREN

- 2.1 Section 55 of the Borders, Citizenship and Immigration Act 2009 requires the UK Border Agency to carry out its existing functions in a way that takes into account the need to safeguard and promote the welfare of children in the UK. It does not impose any new functions, or override existing functions.

Officers must not apply the actions set out in this instruction either to children or to those with children without having due regard to Section 55. The UK Border Agency instruction 'Arrangements to Safeguard and Promote Children's Welfare in the United Kingdom Border Agency' sets out the key principles to take into account in all Agency activities.

Our statutory duty to children includes the need to demonstrate:

- Fair treatment which meets the same standard a British child would receive;
- The child's interests being made a primary, although not the only consideration;
- No discrimination of any kind;
- Asylum applications are dealt with in a timely fashion;
- Identification of those that might be at risk from harm.

3. SUMMARY

- 3.1 A single one-off payment of £300 may be provided to asylum seekers, supported under section 95 and to those whose applications have been assessed under section 98 of the Immigration and Asylum Act 1999. This is to help with the costs arising from the birth of a new baby and is known as a maternity payment.
- 3.2 The maternity payment should only be paid if the criteria are met (see section 4 (below) or if the case is exceptional.
- 3.3 Applications for the maternity payment must be submitted in writing, signed by the applicant and include the appropriate documentary evidence. This may be

an **original** full birth certificate, an **original** 'MAT B1' or **original** formal evidence.

- 3.4 The payment of £300 must be made using the ARC or receipt book if applicable. For applicants who are in emergency accommodation payments may be made by way of ISTs (interim support tokens) or ESTs (emergency support tokens) to the value of £300 per child or if not yet born, per child due i.e. if twins are due, £600 will be paid.
- 3.5 This bulletin came into effect on 13 November 2000 but was amended in October 2003.

4. CRITERIA FOR ASYLUM SUPPORT MATERNITY PAYMENT

4.1 A maternity payment can only be paid in the following circumstances:

- The application for the maternity payment has been lodged in writing and signed by the father or mother of the child; **and**
- the application was received between eight weeks before the estimated date of delivery and six weeks after the birth ; **and**
- the birth is expected in eight weeks (or less) or the child is less than six weeks old (or was six weeks old or less on the day the maternity application was received within the UK Border Agency) ;**and**,
- the child was born to an Asylum supported person (or if not yet born, the expectant mother is an Asylum supported person); **and**,
- an **original** full birth certificate has been submitted (or **original** formal medical evidence of estimated date of delivery (EDD) such as an **original** 'MAT B1' if child not yet born).

OR

- The application has been lodged in writing by the father or mother of the child; **and**
- the child was born outside the UK to a person who on application, qualifies for Asylum support; **and**
- the child is 3 months of age or less; **and**,
- formal credible evidence of the age of the child has been submitted (see paragraph 5.4 below).

OR

- The child was born to an Asylum supported person and the case is an exceptional one.

4.2 Other considerations

4.3 If the child's mother (or expectant mother) **or** father is eligible for social

security benefits, he/she is **not eligible** for a Asylum Support maternity payment.

- 4.4 If a social security Maternity Payment has been made from the Social Fund in respect of the relevant child or children then an Asylum Support Maternity payment must not be made.
- 4.5 If a Asylum Support maternity payment has already been made in respect of the relevant child or children then another maternity payment must never be made. This is particularly applicable to those who receive an Asylum Support maternity payment, leave the United Kingdom and subsequently return.
- 4.6 If the child is born outside the UK, credible evidence of the age of the child should be submitted. Evidence that may be accepted are:
 - an **original** full birth certificate (photocopies not acceptable); **or**,
 - **original** passport (the original passport will normally be held by the Immigration Service (port cases) or by the ICD (in-country cases) so in such circumstances case-workers will need to contact the relevant department to obtain a copy of the original passport); **or**,
 - **original** medical evidence from a UK registered GP.

5. METHOD AND PROCEDURES:

The role of the case-worker

- 5.1 It is the role of the case-worker to make a recommendation to an Executive Officer on whether the person qualifies for a maternity payment. The criteria at section 4 above should be applied strictly.
- 5.2 The caseworker should minute ASYS with a short recommendation referring to the reasons given in the checklist (see Annex A) and the amount of the payment. (e.g. "I recommend that the applicant be provided with a maternity payment of £300, to help with the cost of one child"). If the caseworker has the paper file they should minute both ASYS and the file, clearly marking the reasons why the person meets the criteria for payment. The checklist should be numbered and noted on the document list at the front of the file.
- 5.3 If the application does not meet the criteria the case-worker may recommend that an exceptional payment is made. In such circumstances the case-worker should minute ASYS (and the file, should they have it) fully with the reasons for the recommendation and pass the file to their EO.
- 5.4 The EO has the final decision on whether the person meets the criteria. If the criteria are not met and an exceptional payment has been recommended by

the case-worker, the EO should note the recommendation and pass the file to their HEO who will make the final decision.

- 5.5 If the application is from an Asylum supported person and submitted more than eight weeks before the estimated date of delivery (EDD) the application should be held and processed eight weeks before the EDD (provided the criteria are still met at that point). Applications submitted more than ten weeks before the EDD should be returned (with a pre-paid envelope) and the applicant asked to re-apply eight weeks before the EDD.
- 5.6 The maternity payment should be a one off payment to the value of £300. **Case-workers must ensure that the payment is a one-off payment.**
- 5.7 Payments should be £300 per qualifying child (or per child due).

ANNEX A

Maternity payment check list

- Was the application lodged by the child's father or mother?

EITHER

- Was the application lodged in writing and received between eight weeks before the estimated date of delivery and six weeks after the birth ;
- The birth is expected in eight weeks (or less) or the child is less than six weeks old (or would have been six weeks old or less on the day of receipt of the maternity application)
- Was the child born to an Asylum supported person or if the child is not yet born is the expectant mother an Asylum supported person?
- Has an original full birth certificate been submitted or if the child is not yet born has evidence of the estimated date of delivery been submitted?

If the answer to all these questions is "yes" do you recommend a maternity payment?

OR

- Was the child born outside the UK to a person who on application, qualifies for Asylum support?
- Is the child 3 months of age or less?
- Has credible evidence of the age of the child been submitted?

If the answer to these questions is "yes" do you recommend a maternity payment?

Number of applicable children e.g. one

Level of maternity payment e.g. £300

Caseworker name
Payment confirmed (EO team leader)

DOCUMENT CONTROL

Change Record

Version	Authors	Date	Change Reference
2.0	M.M	21/11/08	Update branding only
3.0	SM	05/10/09	Children's Duty paragraph added
4.0	KN	20/07/11	Timescale for submitting application amended