

February 2009

Maternity rights and benefits: which information sheet to use

Medact and Maternity Action have prepared a series of information sheets on maternity rights and benefits for pregnant women and new mothers according to their immigration status. They cover employment-related maternity rights, benefits and tax credits and healthcare. This information sheet is a guide to choosing the right information sheet for you.

Information sheets

As at February 2009, Medact and Maternity Action have prepared seven information sheets:

- Asylum seekers
- EU, EEA and Swiss national (including A8 and A2)
- Indefinite leave to remain, right of abode and British citizenship
- Refugees
- Refused (failed) asylum seekers
- Undocumented migrants
- Women with no recourse to public funds

It is important that you are using the correct information sheet as entitlements vary widely between different types of immigration status.

There is a lot of confusion about the different types of immigration status and it is quite common for people to use the wrong terms to describe someone's status. In the following sections, we describe the different types of immigration status and what sort of documentation will confirm this.

Asylum seekers

An asylum seeker is someone who has submitted an application for asylum and is awaiting the result. It includes someone who has submitted an appeal and is awaiting the outcome. An asylum seeker whose claim or appeal has been refused is described as a 'refused' or 'failed' asylum seeker. An asylum seeker whose claim or appeal has been accepted will be given refugee status or some other form of leave to remain.

This information sheet is only for asylum seekers with a current claim or appeal. We have a separate information sheet for 'refused' or 'failed' asylum seekers and another information sheet for refugees.

An asylum seeker may have an IS96 temporary admission form, an application registration card (ARC) or a standard acknowledgement letter (SAL) showing that they have made an application for asylum.

It is important for an asylum seeker to check their status from time to time. Correspondence may have gone astray and they may not be aware that their claim or appeal has been accepted or refused.

EU, EEA and Swiss nationals (including A8 and A2)

This information sheet covers nationals of the European Economic Area (EEA) or Switzerland and their family members (regardless of their nationality). Countries in the EEA are: Austria, Belgium, Bulgaria, Cyprus (Southern), Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lichtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Republic of Ireland, Romania, Slovakia, Spain and Sweden.

Indefinite leave to remain, right of abode and British citizenship

This information sheet is for British citizens, individuals with indefinite leave to remain and individuals with right of abode.

British citizens hold UK passports. Some non-British citizens have the right to abode and this is confirmed by a stamp in their passport. Some individuals have indefinite leave to remain. This is also confirmed by a stamp in their passport.

Refugees

A refugee is a person whose asylum claim has been successful. They may be granted refugee status with or without indefinite leave to remain, humanitarian protection or



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discretionary leave. Exceptional leave to remain is no longer granted.

This information sheet covers refugees and any family members who were named as dependents in their claim for asylum or who entered the UK under family reunion provisions.

Refused (failed) asylum seekers

A 'refused' or 'failed' asylum seeker is someone whose claim for asylum has been refused and any subsequent appeals have been unsuccessful. This information sheet is only for refused or failed asylum seekers. We have a separate information sheet for asylum seekers who have a current claim or appeal, and another information sheet for refugees.

Undocumented migrants

Undocumented migrants are people who have entered the UK legally but have lost their right of residence and are still in this country, or people who entered the UK illegally and do not have the right of residence. Undocumented migrants include students and tourists who have overstayed their visa, trafficked women, women who entered on a spouse visa and whose partner has not regularised their status, and many others. This information sheet covers all undocumented migrants, with the exception of refused (failed) asylum seekers. There is a separate information sheet for refused (failed) asylum seekers.

Women with 'no recourse to public funds'

Women who have been allowed to enter the UK for a limited period may be subject to a condition, which will be stamped in their passport, that they do not have recourse to public funds. This may be because they have entered the UK as a fiancé, spouse or civil partner, or they are the spouse or

partner of a person who has entered the UK on a work permit or student visa, or they have entered the UK on a work permit or student visa.

This information sheet is only for women with a current visa. Women whose visa has expired or who entered the country illegally are undocumented migrants. Women whose asylum claim and any subsequent appeal have been refused are 'refused' or 'failed' asylum seekers. We have a separate information sheet for undocumented migrants and another information sheet for refused (failed) asylum seekers.