Refused asylum seekers- financial support and housing

This information sheet sets out the support options that may be available to refused asylum seekers who are pregnant or new mothers.

It covers:
- Support from the Home Office for refused asylum seekers,
- Support for refused asylum seekers who are pregnant or have children
- Local authority support for refused asylum seekers with children
- Support projects for destitute refused asylum seekers
- Entitlement to NHS Maternity Care

Refused asylum seekers

A ‘refused’ or ‘failed’ asylum seeker is someone whose claim for asylum, or claim under Article 3 of the European Convention on Human Rights, has been refused and any subsequent appeals have been unsuccessful. Unsuccessful asylum seekers are often referred to as ‘appeals rights exhausted (ARE)’.

Ending of Home Office support for refused asylum seekers

Once a person’s asylum claim has been refused the Home Office will write to the person advising them that they need to leave the UK. If that person is single with no dependent children, any support they have been receiving from the Home Office will stop 21 days after their asylum claim has been fully refused.

Exception: Refused asylum seekers with children

If a refused asylum seeker has dependent children who were part of their household before their initial asylum claim was fully refused, for support purposes only they continue to be treated as asylum seekers and remain entitled to Section 95 support. This support will continue until their youngest child turns 18 years or until they are removed from the UK. For more information on support for refused asylum with children see our information sheet Asylum seekers – financial support and housing.

Home Office support for refused asylum seekers

If a refused asylum seeker has no dependant children, or has dependant children that were born after their asylum claim was refused, they may qualify for support from the Home Office if they meet a narrow set of criteria. This support is called Section 4 support.

Who is eligible for Section 4 support?

There are five eligibility criteria to qualify for Section 4 support. To qualify for Section 4 support a refused asylum seeker will need to meet one of them.

(1) Refused asylum seekers who can show that they are taking all reasonable steps to leave the UK and return to their country of origin.

To qualify under this criteria a refused asylum seeker will need to provide medical evidence, from their doctor or consultant, which shows that they are unable to undertake international travel due to a physical or mental health problem. This is not about any difficulties a person would have accessing the healthcare they need in their country of origin. Instead, medical evidence needs to show that the person would be at risk if they travelled or that they would pose a risk to others. For example, someone who has a serious heart condition may be unable to take a long haul flight. It can also cover someone who has an infectious disease (such as TB) which is not currently under control.

The Home Office has produced a Medical Declaration form which can be used by the person’s GP or consultant. The declaration asks the GP or consultant to clearly state why the person is unable to leave the UK, the exact nature of the physical impediment or...
As well as meeting the destitution test, a refused asylum seeker applying for support will also need to meet the destitution test. A refused asylum seeker is considered ‘destitute’ if they do not have adequate accommodation or enough money to meet living expenses for themselves and any dependants they have.

Adequate accommodation largely means a place that a refused asylum seeker can freely access, a place where their family members can also live and a place where they or their family members are not at risk of violence.

Living expenses refers to the amount of support a refused asylum seeker needs to feed themselves and to buy essential items such as clothing and toiletries.

### Section 4 support

#### Is Section 4 support available for family members?

A refused asylum seeker is entitled to claim support for their dependants. Dependants include a spouse, children of the asylum seeker, or their spouse, who are under 18 years, and other close family members who are under 18 years and have been living as part of the asylum seeker’s household for at least six months. Adults over 18 years who have a disability will also be regarded as dependants.

#### How to make an application for Section 4 support

A claim for Section 4 support is made using an ASF1 form. This is the same form that is used to make a claim for Section 95 which is the support provided to asylum seekers.

These forms are lengthy and are partly used to assess whether the asylum seeker has any assets they can use to support themselves. Assets include cash, savings, investments, property (both in the UK and abroad) or vehicles such as a car. If the person has assets they can use or sell, the Home Office will expect the refused asylum seeker to support themselves with the proceeds. The refused asylum seeker can apply for Section 4 support once they have used up these assets.

#### How long does it take for a decision on an application for Section 4?

All such applications must be decided within 5 working days. Priority decisions must be decided within 2 working days. The Home Office policy has provided a list of the applications they consider to be a priority and these include: applications from people who are street homeless; families with minors; disabled people; elderly people; pregnant women; people who have been subjected to torture, rape or other forms of serious sexual violence and potential victims of trafficking.

Unlike Section 95 support, which is provided to asylum seekers, there is no temporary accommodation available for refused asylum seekers who apply for Section 4 support and are waiting for a decision. However, Home Office guidance states that if a heavily pregnant woman applies for section 4 support and is street homeless, or imminently street homeless (24-48hrs), caseworkers may consider placing the applicant in Initial Accommodation to enable them to access the healthcare team for an assessment of fitness to travel and/or for dispersal, as well as providing assistance.
on registration with maternity services either locally or at the dispersal destination.

If the Home Office decides a refused seeker is eligible for Section 4 support they will be accommodated outside London and the South East unless there are exceptional reasons why they need to remain in this area.

What type of support is provided under Section 4?

Section 4 support is a basic package of support which includes accommodation and £35.39 per person which is provided through a payment card. These are called Aspen cards. These payment cards can be used to purchase food, clothes and toiletries from most of the major supermarkets plus some other retailers. No cash is provided to those in receipt of Section 4 support.

Additional Section 4 support for refused asylum seekers who are pregnant or new mothers and for children

Maternity grants for refused asylum seekers

None of the additional payments outlined below are provided in cash. Instead these payments will be added to the refused asylum seeker’s Aspen card.

A pregnant woman in receipt of Section 4 support is entitled to a maternity grant of £250. The maternity payment can only be claimed once but is available for each baby. Therefore, twins are entitled to £500. A claim can be put in eight weeks before the expected due date (EDD) or up to six weeks after the birth.

Extra payments for pregnant women

A pregnant woman in receipt of Section 4 is entitled to receive an extra payment of £3 a week during her pregnancy

Extra payments for babies and children under 3yrs

A refused asylum seeker in receipt of Section 4 is also entitled to receive an extra £5 a week for babies under 12 months and £3 extra a week for children aged between 1 - 3yrs.

Extra clothing allowance for children under 16yrs

In addition, refused asylum seekers are entitled to claim a clothing allowance of £5 per week for dependent children under 16 years.

How to apply for the maternity grants, payments during pregnancy and extra payments for babies and children

To claim all of the above extra payments, including the maternity grants, complete the following application form: Provision of services or facilities for section 4 service users. These forms, along with instructions on where to send the forms, can be found here: https://www.gov.uk/asylum-support/how-to-claim

You will need to tick the box that is relevant to the extra payment you are seeking. For some payments, such as maternity grants and extra payments during pregnancy, you will need to include proof of pregnancy or the birth of a child. This would include an original full birth certificate, the original MAT B1 certificate (this is provided by the GP or midwife and states the expected date of the baby’s birth) or some other original, formal evidence of the birth.

Late claims for maternity grants for refused asylum seekers

If a refused asylum seeker has been unable to claim a maternity grant on time, due to illness or some other difficulty, they should still request a maternity grant and include a statement outlining the reasons why they were unable to apply within the specified timeframe.

Review of Section 4 Support

Once a person has been awarded Section 4 support the Home Office will carry out regular reviews of the support to ensure that the person continues to meet the criteria under which support was awarded. How often they do this will depend on the criteria under which Section 4 was provided. This can range from every six weeks to every three months. When reviewing support the Home Office will normally write to the person asking them to provide information which confirms that they remain entitled to support. It is very important that the person responds to these letters and provides the evidence requested by the Home Office.

What happens if Section 4 support is refused?

After assessing an application for Section 4 support, the Home Office may decide that a refused asylum seeker is not eligible for support. There are various reasons why this can happen. For example, the Home Office may consider that the refused asylum seeker is not destitute or that they do not meet one of the eligibility criteria. In most cases a refused asylum seeker will have the right to appeal against the decision not to grant them Section 4 support.

If the Home Office refuses an application for Section 4 support they will write to the refused asylum seeker outlining the reasons why they have come to this decision. This letter should also enclose a Notice of Appeal form which is the form used to lodge these appeals. An appeal needs to be lodged five working days from the date the letter was posted. These appeals are dealt with by an independent tribunal known as the First Tier Tribunal Asylum Support.

Withdrawal of Section 4 Support.

Section 4 support is regularly reviewed by the Home Office to check that the refused asylum seeker continues to meet the criteria under which support was provided. If a person in receipt of Section 4 support fails to respond to requests for further information from the Home Office or if the Home Office does not consider that the information shows that they are still entitled to Section 4 support, support will be withdrawn. If support is withdrawn the refused asylum seeker will have a right to appeal the decision (see above).

What happens if support is refused after an appeal?

If a refused asylum seekers seeker loses their appeal at the
First Tier Tribunal Asylum Support this means that the tribunal agrees with the Home Office’s decision that they do not meet the criteria for Section 4 support. There is no further appeal that can be made.

A refused asylum seeker may be able to re-apply for Section 4 if, at a later date, they meet one of the eligibility criteria outlined earlier in this information sheet and can show that they are destitute. They should seek advice and assistance before making any new application.

Local Authority support available for refused asylum seekers.

Refused asylum seekers with children

Refused asylum seekers with children, who do not meet the eligibility for Section 4 support, may qualify for support from the Local Authority. This is called section 17 support. To be eligible for this support the local authority will have to consider whether the refused asylum seeker has ‘a child in need’, whether the family are destitute and whether it is reasonable for them to leave the UK. It may not be reasonable for a refused asylum seeker with children to leave the UK if they have made a fresh claim for asylum or have another application for leave to remain being considered by the Home Office. For more information on support from the Local Authority see our information sheet: No recourse to public funds - financial support and housing

Destitution Projects in the UK

There are several projects in the UK supporting refused asylum seekers who are destitute or having difficulties supporting themselves and their families. Some of these projects offer food vouchers, food parcels or other services including free clothing, equipment for babies and hot meals. For a list of some of these services see destitution projects under Useful Contacts at the end of this information sheet.

Entitlement to NHS maternity care

Do refused asylum seekers have to pay for NHS maternity care?

A refused asylum seeker who is in receipt of Section 4 support and refused asylum seeking families receiving Section 95 support are entitled to free NHS healthcare, including maternity care. They will remain entitled to free NHS care for as long as they are in receipt of Section 4 or Section 95 support. If they have their support removed because they no longer meet the criteria for support they can continue to receive free treatment for any treatment that started before their support was withdrawn. Any new treatment would be chargeable.

Refused asylum seekers do not have to pay the immigration health surcharge.

What happens if a refused asylum seeker is charged for NHS treatment and is unable to pay?

Refused asylum seekers who are not entitled to support or who are starting a new course of treatment will be charged for NHS care. It may be possible to negotiate a repayment plan or the NHS can write off the debt if the patient is destitute and unable to pay.

All patients are entitled to be treated with dignity and without discrimination. A patient can make a complaint to the hospital if they are treated unfairly or refused treatment, or if debts are pursued aggressively.

In some circumstances, the NHS can tell the Home Office about unpaid debts and leave can be refused but the NHS must not inform the Home Office if

- you are challenging the charges because of a dispute, or
- you have an agreed payment plan that you are sticking to or
- the debt has been cancelled or repaid.

The following services are exempt from charges for everyone that needs them, regardless of immigration or residence status:

- Accident and emergency (A&E) services up until the point that the person is accepted as an inpatient. A&E services provided at an outpatient appointment are chargeable.
- Family planning services (not including pregnancy termination)
- Diagnosis and treatment of certain contagious diseases e.g. TB or HIV.
- Diagnosis and treatment of sexually transmitted infections
- Treatment for any conditions, including chronic conditions, needed as a result of torture, female genital mutilation, domestic violence or sexual violence is also exempt from charging. This includes all ongoing treatment and psychological help that is needed as a direct result of the violence, FGM or torture. Government guidance says that treatment includes mental health services and maternity services needed as a consequence of sexual violence.

All maternity care is treated as immediately necessary treatment and should not be delayed or refused because of charging issues, even if the woman may be chargeable. Maternity care includes antenatal care, birth and postnatal care and includes HIV treatment during pregnancy.

For more information see: Refused asylum-seekers and Article 3 claimants - entitlement to NHS maternity care

Help with prescriptions and health costs

Pregnant woman and low income families are entitled to help with healthcare costs. For more information see: No recourse to public funds- free prescriptions and NHS healthcare services for
**GP and other primary care**

GP and primary care services are free of charge. Anyone in England, including an overseas visitor or someone without leave, is entitled to register with a GP as an NHS patient and to have NHS treatment free of charge. This applies even if you are chargeable for hospital treatment.

GPs may also register an overseas visitor as a temporary resident for free treatment if you are in the practice’s area between 24 hours and three months. *Even if you are not registered as a patient, GPs have a duty to provide emergency or immediately necessary treatment free of charge, and 14 days of cover after such treatment is provided.*

If your GP refers you for hospital treatment, you may be charged by the hospital, as above. A GP may notify the hospital when making a referral that you are an overseas visitor or hold a European Health Insurance Card from an EEA country. However, it is up to the hospital, not the GP, to make enquiries to decide whether you have to pay for NHS hospital treatment. A GP must never refuse to make a referral because you might be chargeable.

GPs may only refuse registration if the local Health commissioner has agreed that they can close their lists to new patients or you live outside the GP’s catchment area or for other reasonable grounds so long as they do not discriminate against anyone.

NHS England has produced guidance for registering with a GP practice. A GP practice is entitled to ask you to prove that you live within their practice area but there are no regulations that say you must provide proof of identity, address or residence in order to be registered with a GP and you must not have registration or appointments refused because you are unable to provide these documents.


Some minor illnesses and injuries can be treated free of charge at NHS walk-in centres or at a minor injuries unit without the need for prior GP registration.

*This information sheet was produced in April 2018. It is important to get up-to-date advice.*

**Where to go for more help**

Maternity Action  
[www.maternityaction.org.uk](www.maternityaction.org.uk)

Migrant Women’s Rights Service:  
Second tier advice service for midwives and advisers on financial support and housing options for migrant women and access to NHS maternity care.  
– 020 7251 6189 Monday and Thursday 2–4pm.

Email enquiries:  
migrantwomensrights@maternityaction.org.uk


Maternity Care Access Advice Service:  
for advice on NHS charges and access to NHS maternity care – 0808 800 0041  
Thursday 10–12.  

Maternity Rights Advice Line:  
for advice on maternity and parental rights at work and benefits – 0808 802 0029.  

AIRE Centre  
Advice on Individual Rights in Europe.  
Free legal advice on European law  
020 7831 4276 Mon. – Fri. 10 - 6pm  
[www.airecentre.org](www.airecentre.org)

Asylum Support Appeals Project  
[www.asaproject.org.uk](www.asaproject.org.uk)  
Advice on asylum support appeals – 020 3716 0283 Mon/Weds/ Fri 2–4pm.

Child Poverty Action Group  
[www.cpag.org.uk](www.cpag.org.uk)  
Advice on benefits, tax credits and Universal Credit.  
For advisors only - 020 7812 5231, Mon–Fri 10–12 and 2–4pm.

Citizens Advice  
For information about your rights and to find details of local advice bureau  
[www.citizensadvice.org.uk](www.citizensadvice.org.uk)  
For advisors only  
[www.citizensadvice.org.uk](www.citizensadvice.org.uk)  
Punjabi, Urdu and Chinese

Civil Legal Advice  
If you are eligible for legal aid you can get free legal advice on 0345 345 4 345 (offers translation service). To check your eligibility see [www.gov.uk/civil-legal-advice](www.gov.uk/civil-legal-advice)

To search for specialist legal advisers or solicitors in your area see: [find-legal-advice.justice.gov.uk](find-legal-advice.justice.gov.uk)

Equalities and Human Rights Commission (EHRC)  
For information and advice about discrimination law  
[www.equalityhumanrights.com](www.equalityhumanrights.com)

Freedom from Torture  
Care and treatment for victims of torture  
London Centre Tel: 020 7697 7777  
West Midlands Centre Tel: 0121 314 6825  
North East Centre Tel: 0191 261 5825  
North West Centre Tel: 0161 236 5744  
Scottish Centre Tel: 0141 420 3161  
Yorkshire Humberside Tel: 0113 8879502
GOV.UK
The government’s online information service
www.gov.uk

Home Office
www.gov.uk/government/organisations/uk-visas-and-immigration
UK Visas and Immigration contact centre - 0300 123 2241

HM Revenue & Customs
Tax Credit Helpline: 0345 300 3900 Mon – Fri 8am-8pm, Sat 8am-4pm, Sun 9am -5pm
Child Benefit: 0300 200 3100 Mon – Fri 8am-8pm, Sat 8am-4pm
For queries about Statutory Maternity Pay, Adoption Pay, Paternity Pay and Shared Parental Pay:
Employees helpline 0300 200 3500
Employers helpline 0300 200 3200
For detailed guidance for employers on SMP, SAP, SPP and Statutory Sick Pay see www.gov.uk/government/collections/statutory-pay
HMRC Statutory Payments Disputes Team
For payments of Statutory Maternity Pay/Adoption Pay/Paternity Pay/Shared Parental Pay or Statutory Sick Pay when your employer is insolvent or refusing to pay: 0300 0560 630

Jobcentre Plus
To make new telephone benefit claims or request claim forms, including Maternity Allowance and Sure Start Maternity Grant: 0800 056 6688 Mon – Fri 8am – 6pm
For ESA/JSA/Income Support claims: 0800 169 0310 Mon – Fri 8am – 6pm
For Maternity Allowance claims: 0800 169 0283 Mon – Fri 8am – 6pm
For Sure Start Maternity Grant claims: 0800 169 0140 Mon – Fri 8am – 6pm
Universal Credit helpline - if you cannot make an online claim: 0800 328 9344 Mon – Fri 8am – 6pm
Universal Credit helpline – for new claims and existing online claims: 0800 328 5644.

Kalayaan
Support for migrant domestic workers
020 7243 2942.
www.kalayaan.org.uk

No Recourse to Public Funds Network
Information on local authority support for people subject to immigration control.
Contact: Islington, 222 Upper Street, London N1 1XR.
Tel: 020 7527 7121
www.nrpnetwork.org.uk
For guidance on local authority support for destitute adults see: www.nrpnetwork.org.uk/Documents/Practice-Guidance-Adults-England.pdf

Migrant Help
Advice and assistance for migrants
Email: mhl@migranthelpline.org
Helpline: 01304 203977
www.migranthelpline.org

Project London
www.doctorsoftheworld.org.uk/our-clinics
Free and confidential help to access healthcare
020 7515 7534 Mon – Fri 10–12 and Mon/Weds/Fri 1-5pm

Project 17
www.project17.org.uk
07963 509 044
Advice for families experiencing exceptional poverty who need advice and assistance to improve their access to local authority support.

Refugee Council
www.refugeecouncil.org.uk
Information and assistance for refugees and asylum seekers.
Head Office - 020 7346 6700
Advice Line - 020 7346 1134
Children’s Office – for children under 18 – 020 7346 1134

Rights of Women
www.rightsofwomen.org.uk
Free legal advice on domestic violence, immigration and asylum issues.
Helpline 020 7490 7689.

Salvation Army
If you think you are a victim of trafficking and would like advice and support you can call the Salvation Army 24 hour confidential Referral Helpline
0300 303 8151
Open 24 hours, seven days a week

Turn2us
Online benefits calculator and grant search
www.turn2us.org.uk

Immigration advice
You can search for accredited immigration advisers in your area at: www.gov.uk/find-an-immigration-adviser

Destitution projects
Trussell Trust
www.trusselltrust.org/
Help with finding a food bank in your area

Red Cross
www.redcross.org.uk/What-we-do/Refugee-support/Where-to-find-us
Red Cross branches across the UK that provide clothing and food parcels.
More Maternity Action information sheets

Maternity rights and benefits
- EU, EEA and Swiss nationals (including A8 and A2) – maternity rights and benefits
- No recourse to public funds – maternity rights and benefits
- Undocumented migrants – maternity rights and benefits
- Indefinite leave to remain, right of abode and UK citizenship – maternity rights and benefits
- Victims of trafficking or modern slavery – maternity rights and benefits
- Asylum seekers – maternity rights and benefits
- Refugees – maternity rights and benefits
- Refused asylum seekers – maternity rights and benefits

Financial support and housing
- Asylum seekers – financial support and housing
- Refused asylum seekers – financial support and housing
- No recourse to public funds – financial support and housing
- No recourse to public funds-free prescriptions and NHS healthcare services for pregnant women
- Refugees- financial support and housing

Charging for NHS maternity care
- NHS care for women from abroad (England)
- NHS care for women from abroad (Scotland, Wales and Northern Ireland)
- Asylum-seekers and Article 3 claimants - entitlement to NHS maternity care
- Refused asylum-seekers and Article 3 claimants - entitlement to NHS maternity care
- Refugees, Humanitarian Protection, Article 3 or temporary protection - entitlement to NHS maternity care
- Victims of trafficking or modern slavery - entitlement to NHS maternity care
- EEA and Swiss Citizens and their family members - entitlement to NHS maternity care
- Non-EEA national family members of EEA and Swiss citizens - entitlement to NHS maternity care
- No recourse to public funds or limited leave - entitlement to NHS maternity care
- Undocumented migrants - entitlement to NHS maternity care
- Indefinite leave to remain, right of abode and UK citizens - entitlement to NHS maternity care
- Information-sharing between the Home Office and the NHS
- Dealing with debts owed to the NHS for maternity care

Polish language guides to maternity and parental rights
- Ciaza i uprawnienia macierzynskie dla pracownic z Polski
- Pregnancy and maternity rights at work for Polish workers (in English)
- Karmienie piersia w miejscach publicznych
- Breastfeeding in public places (in English)
- Uprawnienia w pracy ojców i partnerów polskich
- Rights at work for Polish fathers and partners’ (in English)

Spanish language guides to maternity rights and benefits
- Derechos por embarazo y maternidad de las mujeres trabajadoras de habla hispana
- Pregnancy and maternity rights for Spanish speaking workers’ (in English)
- Información para mujeres de habla hispana sobre ayudas económicas para progenitores y bebés
- Money for parents and babies for Spanish speakers (in English)

Portuguese language guides to maternity rights and benefits
- Gravidez e direitos de maternidade para trabalhadoras que falam português
- Pregnancy and maternity rights for Portuguese speaking workers’ (in English)
- Auxílio financiero para pais e bebês que falam português
- Money for parents and babies for Portuguese speakers (in English)

Available at www.maternityaction.org.uk