

June 2009

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## An update on issues facing refused asylum seeking women accessing Section 4 support

*This update is part of ASAP's Women's Project, funded by Comic Relief.*

### ASAP's Women's Project and other services

ASAP's Women's Project seeks to address asylum support issues specific vulnerable women asylum seekers. To find out more about the Women's Project, please contact Gerry Hickey on 020 8686 1888 or [Gerry@asaproject.org.uk](mailto:Gerry@asaproject.org.uk), or visit [www.asaproject.org](http://www.asaproject.org).

ASAP runs an **Advice Line for Advisers** on all aspects of asylum support. The Advice Line is open on Mondays, Wednesdays and Fridays from 10am-12pm and 2-4pm on **0845 603 3884**.

ASAP also provides **free representation** to asylum seekers in asylum support hearings at the **First-Tier Tribunal (Asylum Support)** in East Croydon. For more information on how to refer a client for representation, please visit [www.asaproject.org](http://www.asaproject.org).

### Section 4 support for women in the late stages of pregnancy

Refused asylum seeking women who are in the late stages of pregnancy or who have babies under six weeks old, are automatically entitled to receive Section 4 support on the grounds that they are unable to undertake international travel. This is because airlines will not permit women who are 'heavily' pregnant or who have babies under six weeks to fly. The criterion does not define when a woman is considered to be in the late stages of pregnancy. However, guidelines provided by UKBA to staff making decisions on Section 4 applications state that support will not normally be provided until six weeks before the Expected Due Date (EDD).

ASAP believes that the six week limit ignores NHS guidelines and is unreasonable. It should be abolished and support should be provided to women much earlier in their pregnancy.

According to the NHS 'the length of a normal pregnancy varies between about 37 and 42 weeks', although the expected delivery date is 'calculated at 40 weeks from the first day of your last period. Only 5% of babies are born on their due date'<sup>[1]</sup>. This means that in reality substantial numbers of babies are born up to three weeks before their EDD.

Earlier this year we successfully argued this point at the Asylum Support Tribunal. This tribunal hears appeals against the decision to refuse individuals UKBA (NASS) support. The appeal concerned a woman who was around eight weeks from her expected due date. She had been refused Section 4 support as she was not considered far enough along in her pregnancy. The judge allowed her appeal on the grounds that there is an 'uncertainty in predicting the date of delivery with a substantial margin of error.' ASAP believes that the six week limit currently being rigidly applied by UKBA ignores NHS guidelines and is unreasonable. It should therefore be

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## Difficulties during Pregnancy

*It is important to know that women in earlier stages of pregnancy, who are experiencing difficulties, may also qualify for support and should be advised to apply.*

ASAP recently represented a young woman who was six months pregnant. Her Section 4 support was refused on the grounds that she was not in the late stages of pregnancy. Her first pregnancy had ended in a still birth at six months and there was risk that she would go into premature labour during her second pregnancy. The judge allowed her appeal on the grounds that she was unable to undertake international travel due to the difficulties she had experienced in her previous pregnancy.

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## Inadequacies of Section 4 support for Pregnant Women

ASAP considers the £38 a week currently provided to pregnant women on Section 4 support insufficient to meet their essential living needs. As a result, UKBA is failing to discharge its legal duty to provide adequate support.

Later this year, in partnership with Maternity Alliance, ASAP will be lobbying UKBA to increase the level of Section 4 support provided to pregnant women. This is because we consider the amount currently provided to this group insufficient to meet their nutritional needs. Pregnant women on Section 4 support currently received £35 a week in supermarket vouchers. Since January 2008 they have also been entitled to claim an additional weekly voucher of £3.

According to the S95(3) Immigration and Asylum Act 1999, asylum support is provided to 'meet the essential living needs' of asylum seekers in order to prevent destitution. ASAP is working to demonstrate that £38 a week is not enough to satisfy the essential living needs of pregnant women, and that as a result, UKBA is failing to discharge its legal duty to provide adequate support.

£38 is significantly less than women with recourse to public funds receive when pregnant. Government grants to encourage healthy living totaling £690 are available for pregnant women entitled to mainstream benefits. This implies government recognition of the additional costs associated with women's nutritional needs when pregnant.

Medical research also shows that poor nutrition during pregnancy is linked to an increased risk of having a low birth-weight baby. Low birth-weight babies have an increased risk of early death and are more likely to suffer disability and disease during early childhood and adult life. The research also showed the poor nutrition is directly linked to low income rather than ignorance around what constitutes a healthy diet.

[1] [NHS choices, Pregnancy, Overview](#)