

Freedom of Information request 679/2015

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Information request

My wife has a Tier-2 PBS dependent Visa and with condition of no recourse to Public funds. I know that Statutory Maternity pay (SMP) paid by Employer does not breach her condition but I have a confusion about Maternity Allowance paid by Job Centre Plus because my wife is eligible to claim Maternity allowance paid by Jobcentre Plus.

Please provide me information if she claim maternity allowance then whether its breach of her Visa condition or not? (As she has a Visa with condition of no recourse to Public funds) According to UK Border Agency, I need to ask from the department who provides the benefit that why I am asking from you regarding Maternity Allowance paid by Jobcentre Plus. Could you please help me clarify?

DWP response

In the UK, there are two principal maternity payments. Statutory Maternity Pay (SMP) is paid by an employer to all pregnant working women who satisfy the qualifying conditions for payment. Maternity Allowance (MA) is paid from the Department for Work and Pensions through Jobcentre Plus and is for women who cannot get any SMP.

The MA and SMP qualifying conditions are based on employment and earnings and do not depend on a woman's immigration status. Also not all benefits count as public funds. Home Office publications list benefits such as Income Support and Housing Benefit as public funds. Maternity benefits do not constitute public funds.