

Freedom of Information request 104/2013

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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.

DWP response

In the UK, there are two principle maternity payments. Statutory Maternity Pay (SMP) is paid by an employer to qualifying employees, or Maternity Allowance (MA) is paid through Jobcentre Plus. SMP is available to all women who satisfy the qualifying conditions for payment, MA 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, the Home Office publications list benefits such as Income Support, Housing Benefit and Council Tax Benefit as public funds. Maternity benefits do not constitute public funds. You can find more information about this at <http://www.ukba.homeoffice.gov.uk/visas-immigration/while-in-uk/rightsandresponsibilities/publicfunds/>

If a woman has permission to work, then she will be entitled to receive Statutory Maternity Pay from her employer or Maternity Allowance from Jobcentre Plus if she meets the qualifying conditions for payment.

More information on Maternity Allowance can be found on the GOV.UK website: <https://www.gov.uk/browse/working/time-off>