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Entitlement to free NHS maternity care for women from abroad

This information sheet outlines the entitlement to free NHS maternity care for women from abroad.

Who is entitled to free NHS maternity care?

NHS maternity care is provided free of charge to women who are considered to be 'ordinarily resident' in the UK. If you are not 'ordinarily resident' you may be asked to pay for your care, but you cannot be refused care if you cannot pay. It is very important for your health and your baby's health that you attend for maternity care even if you are unable to pay.

Who is 'ordinarily resident' in the UK?

Individuals who are considered to be 'ordinarily resident' in the UK are entitled to free NHS care. To be 'ordinarily resident', you must be living lawfully in the UK and be 'settled' in the UK.

You are considered to be living lawfully in the UK if you have permission from the UK Government to live here. For example, you have a UK or EU passport, indefinite leave to remain, a current visa (also known as 'leave to remain'). You are not considered to be living lawfully in the UK if you have overstayed your visa or you entered the UK illegally. You are not considered to be living lawfully in the UK if your claim for asylum and any subsequent appeals have been refused.

You are considered to be 'settled' in the UK if you have been living here lawfully for six months or more and plan to stay longer. You may be considered to be 'settled' in the UK if you have lived here for less than six months but can show that you are intending to stay for longer than 6 months. For example, you have taken a job here, your children have started school here, or you have taken out a lease on your accommodation.

You do not need to show that you are 'settled' if you or your husband or same sex partner:

- Have claimed asylum and are waiting for a decision
- Have been granted refugee status
- Are taking up permanent residence in the UK

- Are pursuing a full time course of study or 6 months or more, or less than 6 months if substantially funded by the UK government.

There are some exceptions to these rules. You should seek advice if you are uncertain if you are 'ordinarily resident'.

I am not 'ordinarily resident'. Can I obtain maternity care?

If you are not 'ordinarily resident' in the UK, you may be asked for pay for maternity care. Maternity care is classed as 'immediately necessary treatment' and cannot be refused for any reason. If you cannot pay, you must not be refused care.

Does the maternity service have the discretion to refuse to provide maternity care?

No. All maternity care is classed as 'immediately necessary treatment' and must not be refused for any reason. Maternity care includes all antenatal, birth and post-natal care.

How much will maternity care cost?

The amount you will be asked to pay will depend on the care that you and your baby need. Each NHS trust sets its own charges. If you are asked to pay, you will be given an estimate of the charges.

What should I do if I am asked to pay and I am unable to do so?

If you are unable to pay for your maternity care, then you should inform the trust. Ideally, this should be done in writing. Citizens Advice Bureaux and local community organizations may be able to assist with this.

The Department of Health advice states that hospital trusts have a duty to recover charges but should not go beyond what is reasonable when pursuing charges. If the trust or a debt collector is aggressively pursuing payment, then you can make a formal complaint to the trust. Your local PALS service can assist you to negotiate with the trust.

You should continue to attend for maternity care even if you are unable to pay the charges.

I started my maternity care when I was 'ordinarily resident' and now I am not 'ordinarily resident'. Am I entitled to free care?

If you commenced maternity care when you were 'ordinarily resident' then you are entitled to free NHS maternity care throughout your pregnancy. It doesn't matter that your status changed during the pregnancy.

I am a refused asylum seeker. Am I entitled to free NHS maternity care?

No. A refused asylum seeker is not considered 'ordinarily resident' and may be asked to pay.

I am not 'ordinarily resident' in the UK. Am I entitled to GP care?

There is no law preventing GPs from treating anyone. GPs have the discretion whether or not to register patients, so long as they do not discriminate against anyone. They can only refuse registration for a good reason. Immigration status is not a good reason, so refusing to register someone because of their immigration status is likely to be discriminatory.

Where can I find the Department of Health advice on charging for care?

Department of Health advice is in a 'Dear Colleague letter' dated 2 April 2009: 'Failed asylum seekers and ordinary/lawful resident; and when to provide treatment to those who are chargeable'. This is available at http://www.dh.gov.uk/en/Publicationsandstatistics/Lettersandcirculars/Dearcolleagueletters/DH_097384.

Useful contacts

Citizen's Advice Bureau

www.adviceguide.org.uk

General help and advice. You can find your nearest CAB in the phone book.

Community Legal Advice

www.communitylegaladvice.org.uk

Immigration advice and access to a legal adviser in your area 0845 345 4345

PALS

www.pals.nhs.uk

Help in resolving problems with the NHS. You can find your local PALS through the website.

Project London

www.medecinsdumonde.org.uk/projectlondon

Free and confidential help to access healthcare – 020 8123 6614, 020 7613 4106 Monday/Wednesday/Friday 1.00-6.00pm

This factsheet was produced by Maternity Action in May 2010. It is always important to get up-to-date advice.

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[Maternity rights and benefits: indefinite leave, right of abode and British citizenship](#)

[Maternity rights and benefits: which information sheet to use](#)

[Pregnancy and maternity rights for Polish workers \(English language\)](#)

[Pregnancy and maternity rights for Polish workers \(Polish language\)](#)

[Rights at work for fathers and partners- Polish workers \(English language\)](#)

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Available at www.maternityaction.org.uk