



Rt Hon James Cleverly MP

Secretary of State for the Home Department
2 Marsham Street
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With copies to:

Rt Hon Tom Pursglove MP

Minister of State for Legal Migration and Delivery

Rt Hon Michael Tomlinson MP

Minister of State for Illegal Migration

Rt Hon Laura Farris MP

Minister for Victims and Safeguarding

12th March 2024

Dear Rt Hon James Cleverly MP,

Re: Migrant Victims of Domestic Abuse Concession – a harmful change of policy

We are writing to you as we are gravely concerned about the changes to the Migrant Victims of Domestic Abuse Concession (MVDAC) – formerly called the Destitute Domestic Violence Concession (DDVC) – published on 16th Feb 2024.

The MVDAC will grant partners of worker and student visa holders with No Recourse to Public Funds (NRPF) the right to receive benefits and social housing under homelessness legislation, as well as limited leave in the UK for a period of three months. The MVDAC extends the present protections to those on spousal/partner visas. However, unlike the current spousal/partner group, this new cohort will not be eligible for settlement under Domestic Violence Indefinite Leave to Remain (DVILR).

We oppose this so-called ‘extension’ because it creates a cliff edge at the end of three months for those who are unable to pursue any settlement route. They are usually expected to leave the country, which will discourage many victim-survivors from coming forward for fear of deportation, rendering the extension ineffective.

There is already a dearth of awareness about the DDVC, and we are extremely concerned that creating a separate route which is a watered-down version of the DDVC and DVILR model will create confusion for victim-survivors and professionals, putting victim-survivors at risk of not

making informed decisions about their rights. This risk is further exacerbated by the near total annihilation of legal aid and lack of specialist services caused by underfunding and austerity.

Background

Victim-survivors of domestic abuse with NRPF are ineligible to receive welfare and housing benefits. They are also frequently turned away from refuges because they are unable to pay their rent and have to choose between staying with the perpetrator or being homeless and/or destitute.

After years of campaigning and working with the Home Office to bring about reforms in immigration law and policy that enable abused migrant women to leave abusive relationships and seek the help they need, we saw the introduction of the Domestic Violence Indefinite Leave to Remain (DVILR) in 2002 and the Destitute Domestic Violence Concession (DDVC) in 2012. These measures have proved to be a crucial lifeline for migrant women on spousal visas, who are no longer obstructed from escaping abusive households due to the fear of destitution, detention, or deportation. However, there is a whole other group of migrant women – women on ‘non-spousal visas’ – overstayers, workers, students, women married to non-British or settled spouses who are left unprotected.

In response to SBS’ amendments to the Domestic Abuse Bill to expand the DVILR and DDVC to all migrant victim-survivors, which received cross-party support and approval from the Domestic Abuse Commissioner, the government claimed that it needed more evidence before making any long-term policy adjustments and instead agreed to implement the Support for Migrant Victims (SMV) pilot scheme in 2021 funded by the Home Office, which provides limited funds for rent and subsistence for women with NRPF who are victim-survivors of domestic abuse and their children. This is despite their earlier support for a pilot scheme conducted by SBS and sponsored by the Tampon Tax Fund. The pilot pays for victim-survivors’ rent and subsistence for up to 12 weeks to allow them to flee violence, as well as advocating for access to legal assistance to regularise their status and provides other holistic support (much of which is provided in-kind by the delivery partners). In the first year, the pilot assisted 400 victim-survivors and their children, and in the second year, 560. The pilot scheme was initially funded for one year, then extended for another year. It has now been extended for two more years until March 2025, pending a longer-term solution. The scheme's extensions demonstrate that the Home Office acknowledges the critical need of providing financial assistance to migrant women with NRPF.

A Home Office commissioned independent evaluation of the pilot’s first year found it to be a necessary safety net for victim survivors but declined to comment on any long-term policy changes required. During the same time period, SBS commissioned London Metropolitan University's Child and Woman Abuse Studies Unit (CWASU) to evaluate the pilot scheme. Both evaluation findings indicate that, while providing financial assistance through the scheme is an important safety net, victim-survivors require more money for a longer period of time because current rates are lower than those for Universal Credit. Despite recent increases to address the cost-of-living crisis, many people are still unable to find safe housing or a sanctuary due to exorbitant rents, and victim-survivors and their children are instead put in unsuitable accommodations such as bed and breakfasts or hotels. Additionally, some refuges are hesitant to accept referrals if financing is only available for a limited time, especially in complex

spousal/partner, non-spousal/partner visa, and undocumented cases that may take some time to resolve.¹

The CWASU evaluation recommended extending the DDVC and DVILR to all migrant victim-survivors of domestic abuse, regardless of immigration status. Other reforms included extending the DDVC from three to six months to give victim-survivors a ‘breathing space’ to seek guidance and support, allowing for holistic healing. Specialist ‘by and for’ services should receive additional funding for their holistic work, which was extremely effective and valued by survivors in the pilot.

The Domestic Abuse Commissioner's report ‘Safety Before Status: The Solutions’, issued in December 2022, also suggests extending the DVILR and DDVC to all migrant victim-survivors for a six-month period. This report, researched by the London School of Economics with the Oxford Migration Observatory, estimates that the social gains of supporting migrant victim-survivors in this way will be more than £2 billion over ten years, and that approximately 7,700 victim-survivors will require refuge or other accommodation, some for only a short period. The Commissioner has also called for more funding for specialist ‘by and for’ services that give vital support to migrant victim-survivors.²

In July 2023, the House of Commons Women and Equalities Committee also recommended a consideration of the extension of DVILR and the DDVC.³

In February 2024, the UN Special Rapporteur for VAWG, Reem Alsalem, also noted the lack of protections for migrant victim-survivors in her findings on her Official UK Visit. She recommended scrapping the NRPF condition.⁴

Extend the DDVC-DVILR Model

Based on extensive previous and new evidence from the SMV pilot scheme and the Domestic Abuse Commissioner’s research report, an extension to the current provision for those on spousal/partner visas, namely the DDVC and the DVILR, to all victim-survivors irrespective of their immigration status would be the most simple and effective way of improving access to vital life-saving services and support for migrant victim-survivors.

The data and experiences of numerous service providers suggest that victim-survivors of domestic abuse require both the right to settlement and public funds in order to come forward and be safe, as well as to reduce levels of trauma and anxiety induced by fears of deportation

¹ See further, Southall Black Sisters, Support for Migrant Victims Fund Evaluation <<https://southallblacksisters.org.uk/submissions-campaigns/support-for-migrant-victims-fund-evaluation/>>.

² See, Domestic Abuse Commissioner, ‘Safety Before Status: The Solutions’ (2022) <<https://domesticabusecommissioner.uk/wp-content/uploads/2022/12/Safety-before-status-The-Solutions.pdf>>.

³ See, House of Commons Women and Equalities Committee, ‘So-called honour-based abuse: Sixth Report of Session 2022-23’ (2023) <<https://committees.parliament.uk/publications/40929/documents/200424/default/>>.

⁴ See, United Nations Special Rapporteur on VAWG, its Causes and Consequences, Reem Alsalem, ‘Official Visit to the United Kingdom of Great Britain and Northern Ireland: Summary of Preliminary Findings and Observations’ (2024) <<https://www.ohchr.org/sites/default/files/documents/issues/women/sr/statements/20240221-eom-statement-uk-sr-vawg.pdf>>.

and destitution. The Violence Against Women and Girls (VAWG) sector unanimously supports the DDVC-DVILR model, and there is no evidence to suggest that the immigration system is being abused.

This reform will help end the discrimination and the two-tier system that currently exists between migrant and non-migrant victim-survivors. In light of the evidence, there is also no justification for continuing with the reservation on Article 59 of the Istanbul Convention.

Based on our extensive experience and 45 years of working on the front line to support victim-survivors, we recognise that migrant victim-survivors require both status and public funds to be safe. The separation of the DDVC from the DVILR for partners of work and student visa holders limits their access to short-term support, perpetuating discrimination by denying them eligibility for status under the DVILR. This is in contrast to victim-survivors on spousal/partner visas. Furthermore, the recent extension of the DDVC (now MVDAC) is not only unclear, but may also put vulnerable victim-survivors at risk of further harm, therefore we do not believe this policy will be helpful to the majority of our service users.

We urge you to extend the DDVC-DVILR model to all victim-survivors regardless of immigration status; and to make the DDVC available for six months.

Prior to the announcement of this policy change, we had already expressed our concerns to Home Office officials as part of our background conversations. We would be grateful if you could respond in writing to our concerns and recommendations within two weeks.

Yours sincerely,
Selma Taha
Executive Director
Southall Black Sisters.

This open letter is supported by:

1. Southall Black Sisters (SBS)
2. End Violence Against Women Coalition (EVAW)
3. Rights of Women
4. IRISi
5. Birmingham and Solihull Women's Aid
6. IKWRO - Women's Rights Organisation
7. Latin American Women's Rights Service (LAWRS)
8. Latin American Women's Aid (LAWA)
9. Refuge
10. Galop
11. Women for Refugee Women
12. PHOEBE
13. Al Hasaniya Moroccan Women's Centre
14. Safety4Sisters
15. Welsh Women's Aid
16. Ashiana Network
17. Advance
18. White Ribbon UK
19. Bawso Ltd
20. Agenda Alliance

21. Independent Domestic Abuse Services (IDAS)
22. Asian Women's Resource Centre
23. Shakti Women's Aid - Edinburgh
24. Women's Aid Orkney
25. Ross-Shire Women's Aid
26. West Lothian Women's Aid
27. Stay Safe East
28. Solace
29. Jewish Women's Aid
30. Women's Resource Centre (WRC)
31. Scottish Women's Aid
32. Imkaan
33. London VAWG Consortium (LVAWGC)
34. Centre for Women's Justice (CWJ)
35. Juno Women's Aid
36. Rochdale Women's Welfare Association (RWWA)
37. Aurora New Dawn
38. Cassandra Centre
39. Surviving Economic Abuse
40. FiLiA
41. Dewis Choice, Centre for Age Gender and Social Justice
42. Child and Woman Abuse Studies Unit (CWASU)
43. Asylum Aid, part of Helen Bamber
44. Respect
45. Amina Muslim Women's Resource Centre
46. Rape Crisis Scotland
47. Women's Budget Group
48. FORWARD
49. White Ribbon Scotland
50. Roshni Birmingham
51. Network of Eritrean Women – UK
52. Apna Haq
53. Hull Sisters
54. Kurdish and Middle Eastern Women's Organisation
55. Prof Aisha K Gill, Prof of Criminology, University of Bristol
56. SaveLives
57. nia
58. Hibiscus