



Destitution Domestic Violence (DDV) Concession

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Understanding and supporting
women and their organisations

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About the Women's Resource Centre

WRC is a unique charity which supports women's organisations to be more effective and sustainable. We provide training, information, resources and one-to-one support on a range of organisational development issues. We also lobby decision makers on behalf of the women's not-for-profit sector for improved representation and funding.

Our members work in a wide range of fields including health, violence against women, employment, education, rights and equality, the criminal justice system and the environment. They deliver services to and campaign on behalf of some of the most marginalised communities of women.

There are over ten thousand people working or volunteering for our members who support almost half a million individuals each year.

For more information about this briefing, contact:

Natalie Ntim
Policy Officer
Email: natatlie@wrc.org.uk
Tel: 020 7324 3030

Women's Resource Centre
Ground Floor East, 33-41 Dallington Street
London EC1V 0BB
www.wrc.org.uk

Introduction

This briefing will explain the DDV Concession and other government policy that has been recently introduced to support women with no recourse to public funds. The information in this document is aimed at women's voluntary and community organisations and other agencies that support women with no recourse to public funds.

The No Recourse to Public Funds (NRPF) Rule is a requirement under the Immigration and Asylum Act 1999 that denies people with insecure immigration status access to any public funds, including benefits and housing support. Under this policy, women with insecure immigration status who have experienced domestic violence are unable to use public funds to access refuge support or alternative accommodation that could allow them to flee their abuser.

Black and Minority Ethnic (BME) organisations led by Southall Black Sisters have been campaigning against this rule for decades. In 2002, the Government introduced the Domestic Violence (DV) Rule, which allows women on spousal visas to apply for Indefinite Leave to Remain in the UK (ILR) if they can prove that domestic violence is the cause of a breakdown of the relationship with their spouse. Although this was a victory for those who had campaigned around this issue, women were still unable to access public funds until ILR was granted.

In 2008, Southall Black Sisters (<http://www.southallblacksisters.org.uk/>) established the Campaign to Abolish No Recourse to Public Funds. A coalition of over 30 organisations, including the Women's Recourse Centre, the campaign calls for women who have experienced domestic violence to be exempt from the rule. After extensive campaigning by the campaign and the wider women's voluntary and community sector, the Home Office launched the Sojourner Project in 2009. A temporary pilot project run by Eaves (<http://www.eavesforwomen.org.uk/>), the Sojourner Project supported women with no recourse to public funds by funding their place at a refuge and access to support whilst they applied for ILR under the DV Rule.

On 1st April 2012, the government launched its long term solution for women with no recourse to public funds, The Destitution Domestic Violence (DDV) Concession. Under the Concession, women on spousal visas whose relationship has broken down because of domestic violence, who are destitute and planning to apply for ILR will be granted benefits for a three month period, during which they will be expected to submit their application.

The Destitution Domestic Violence (DDV) Concession

The DDV Concession was introduced on 1st April 2012 to support women who do not have recourse to public funds. Fear of losing their immigration status or facing destitution in order to escape their partner has dissuaded many women from seeking support or fleeing abusive relationships. This concession aims to help some of these women to leave their partner safely and secure their immigration status in the UK.

There are three criteria to be eligible for the DDV Concession. You must:

- Have entered the UK or have been given leave to remain in the UK as a spouse, civil partner, unmarried or same sex partner of a British Citizen or someone who is present and settled in the UK;

- Have had the relationship break down because of domestic violence;
- Have no means of financial support and be facing destitution.

If a woman meets all three criteria, she can apply to the UKBA directly or through a women's organisation. As the criteria for the DDV Concession changes your immigration status, **women with no recourse to public funds should always go to a women's organisation or seek legal advice before attempting to claim this concession.**

If she meets all three criteria for the DDV concession, the successful applicant will be sent a notification letter, granting her 'leave outside the rules (DDV)', where she will have limited leave to remain in the UK for 3 months. This means **she will no longer be on a spousal visa.** It will take up to five working days for the notification letter from UKBA to be received, but early indications have shown that in many cases the letter is received within one or two days.

During these three months, the claimant must complete and submit an application for ILR under the DV rule. Once submitted, the claimant's application will follow the normal ILR (DV Rule) procedure. If an application is not submitted after 3 months, the claimant will be classed as an overstayer and will no longer have access to benefits, and can be subject to removal proceedings. . It is important to keep in regular contact with the UKBA and inform them as soon as possible if you are having difficulty in collecting evidence for an ILR application, as the staff may be able to accept the application's supporting documents at a later date.

Once the notification of access to public funds letter is received, women can go to their local Job Centre to claim benefits. The benefits that women under the DDV Concession may be eligible to claim include:

- Housing benefit
- Council Tax benefit
- Job Seeker's Allowance (women will also be eligible for JSA easement – please see below for more details)
- Other income-related benefits, such as Pension Credit

Claiming benefits under the DDV Concession

Individuals granted leave outside the rules under the DDV concession are able to access eligible income related benefits. Individuals can apply for a crisis loan alignment payment (which will usually be dealt with on the day the need arises when the claimant contacts DWP), pending processing of their benefit application (target time is 14 days)

Jobseekers Allowance (Domestic Violence) Easement

From 23rd April, DWP introduced a specific easement from jobseeking conditions for Jobseeker's Allowance (JSA) claimants who are victims of actual or threatened domestic violence. This means an exemption from jobseeking conditions and requirements to be actively looking for employment for an initial 4 week period providing certain conditions are met, which can extend to a total of 13 weeks where relevant evidence is provided. This period is intended to provide those who have been affected by domestic violence with time to focus on priorities like organising

new accommodation or arranging alternative schooling for dependent children without having to also focus on meeting their jobseeking conditions.

Anyone making a new claim for JSA or already receiving JSA who tells Jobcentre Plus that they have been a victim of actual or threatened domestic violence is eligible for the initial 4 week easement as long as:

- the incident of domestic violence occurred within the previous 26 weeks; **and**
- it meets the definition of domestic violence; **and**
- they are not living at the same address as the perpetrator at the time of notification; **and**
- they have not previously had a period of domestic violence easement within the last 12 months

Both of these initiatives will be maintained as DWP introduces Universal Credit. Officials in the Department are working proactively to raise awareness of these changes at key events with organisations that support victims of domestic violence.

Existing domestic emergency rules may also apply where victims are unable or unwilling to provide the evidence required in order to access the full JSA (DV) easement and can, in some discrete cases, run concurrently with the time allowed under the JSA (DV) easement. Four deferral periods (totalling 4 or 11 weeks depending on whether they have childcare responsibilities) are available for domestic emergencies at the discretion of Jobcentre Plus staff.

The wider Jobcentre Plus support includes training for staff on signposting victims of domestic violence to support and Partnership Managers working in collaboration with local voluntary and community sector groups. There is also additional support available via Housing Benefit for domestic violence victims and the proposed reforms to child maintenance make special provision for parents who identify themselves as victims of domestic violence.

The Campaign to Abolish No Recourse to Public Funds

The Campaign to Abolish No Recourse to Public Funds is made up of over 30 organisations who work to support women who have experienced violence, particularly women with no recourse to public funds. The campaign has welcomed the new concession and appreciates the work of Theresa May and departmental officials who have argued for the DDV Concession, which gives some women access to income benefits and housing from local authorities. It is a victory for the campaign, the women's sector and vulnerable women with no recourse to public funds.

However, the campaign still has some concerns about support available for women with no recourse to public funds who are ineligible for the new concession and its limitations:

- It will be difficult to follow individual cases through the system, therefore some cases may be missed.
- There are still gaps in training and awareness of the new concession
- There are still funding gaps during the application process – concerned at the waiting time for initial payment from DWP and backlogs that may be caused by dealing with complex cases.

- Certain areas are being cut from legal aid, which may affect women with no recourse to public funds.

The campaign group will be lobbying for an extension of the concession to women on other visas, such as visitors visas, work permits and other groups of women who are currently excluded, such as overseas workers and trafficked women. However, it is a difficult climate to campaign in, particularly due to reforms in family migration policy and the extension of probationary period, making it more difficult for women to leave abusive situations.

Conclusion

Women without recourse to public funds who have experienced domestic violence are often faced with a stark choice; stay with an abusive partner or face destitution. However, the new DDV Concession, introduced after decades of campaigning by BME women's organisations, will support a number of these women to escape abuse and build a new life in the UK.

The concession grants women on spousal visas who are destitute access to public funds, enabling them to access refuge support while they complete an application to remain indefinitely in the UK. The DWP has supported the implementation of the concession and have also introduced a number of policies to further support women who have experienced violence, including the Job Seeker's Allowance easement, exempting women from the normal job seeking conditions that are a requirement of receiving this benefit.

The Campaign to Abolish No Recourse to Public Funds has welcomed the concession and other policies to support women who've experienced violence. However, there are still a number of concerns that the campaign and the wider voluntary and community sector will continue to call for from the government. A key focus for organisations who work with women with no recourse to public funds will be the need for similar support for the groups of women who are ineligible for the concession, including women on dependent, student or temporary work visas.