

HOW TO SAFELY RESPOND TO MIGRANT SURVIVORS OF VIOLENCE & ABUSE

7-MINUTE BRIEFING / QUICK GUIDE ON THE TOOLKIT

1 - BACKGROUND

There are different support options for migrant survivors of domestic abuse with different insecure immigration statuses in the UK. This includes those who have insecure or unsettled immigration status, because immigration control can restrict a persons' access to certain public funds.

Non-EEA nationals (and EEA nationals who came to the UK after 31 December 2020) are subject to immigration rules and their right to benefits is defined by their immigration status. No recourse to public funds (NRPF) is not always permanent. Some people's circumstances change over time so that they become eligible for public funds.

ANY SAFEGUARDING CONCERNS SHOULD BE REPORTED DIRECTLY TO THE APPROPRIATE LOCAL AUTHORITY

2 - WHY IT MATTERS FOR MIGRANT SURVIVORS

Migrant survivors have rights and entitlements. The vast majority of migrants enter the country legally, and later fall out of status (i.e., become "undocumented"); often through no fault of their own (e.g. as a result of immigration abuse by their perpetrator).

Professionals must uphold their statutory duties and safely respond to migrant survivors who are often some of the most vulnerable and marginalised victims of violence and abuse. Survivors with insecure status should be treated as victims first and foremost and any immigration issue should be treated as a secondary matter. Safeguarding and addressing a victim's vulnerability is the priority.

The flowchart below sets out safe support actions for multi-agency staff to follow.

Domestic abuse context is important and so it should be remembered that violence and abuse can result in physical or mental impairment or illness.

3- INFORMATION

If the survivor has insecure immigration status, assistance under the Care Act 2014 and Children Act 1989 is not classed as 'public funds'.

The [Angelou Centre](#) is a local specialist by and for ending-VAWG organisation (Tel: 0191 226 0394). They can help migrant survivors apply for legal aid and/or locate, access and be referred to a specialist immigration advisory service or immigration lawyer. They can tell eligible survivors about the Domestic Violence Rule (DVR) and the Migrant Victims Domestic Abuse Concession (MVDAC).

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They will advise if they have funds in place to offer refuge provision or help access a refuge place via the national 'Routes to Support' network.

4. WHAT TO DO – MIGRANT SURVIVORS WITHOUT CHILDREN^[1]

Follow the flowchart below. Make a safeguarding adults referral to the local authority where the abuse or neglect is happening (see Appendix 1 for local contacts). The subsequent safeguarding adults enquiry should involve a needs assessment under the Care Act. Their duty to assess must be done BEFORE determining eligibility. Flag that under the Care Act, they may meet urgent needs for care and support whilst undertaking the relevant assessments.

Include the context that meeting their accommodation and support needs is necessary to protect the victim from abuse.

5 - WHAT TO DO – MIGRANT SURVIVORS WITH CHILDREN

Follow the flowchart below. Make a request to the local authority's children's services to access support under the Children's Act 1989 including a child-in-need assessment (see Appendix 2 for contact details). **Stress that meeting the care and support needs of the non-abusing parent will be in the best interests of the child and in the context of Article 3 of the ECHR on the Rights of the Child. Remember migrant survivors with dependent children are eligible to access refuge accommodation.**

6 - WHAT ELSE TO DO

Check if the [Angelou Centre](#) or another refuge provider has the funds or reserves to cover the cost of their stay in refuge while an application for the MVDAC (if applicable) is made. If not, ask the Angelou Centre if an application can be made to The Southall Black Sisters No Recourse Fund for housing and subsistence costs for women who are subjected to gender-based violence, immigration, and no recourse to public funds problems.

7 - KEY POINTS TO REMEMBER

- **Assistance under the Care Act 2014 and Children Act 1989 is not classed as 'public funds'.** Migrant survivors are entitled to a care and support needs assessment and local authorities have a statutory duty to conduct one.
- The Angelou Centre has a **No Recourse to Public Funds Helpline** which can be accessed by calling 0191 226 0394.

[1]An adult needs assessment and an adult safeguarding referral are separate processes. Some local authorities will have one 'front door' that takes in either/or and then decides internally where/how it will be dealt with, and other local authority areas will have two separate 'doors' depending on the type of referral.

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- A person **should not be refused assistance solely because they have NRPF** (because this in itself does not exclude them from social services assistance), or because the local authority does not receive funding from central government to provide support to people with NRPF.
- **Read the Northumbria multi-agency guidance and toolkit** around responding to migrant survivors of violence and abuse [here](#) and refer to the **flowchart of safe support options** below.

FLOWCHART OF SAFE SUPPORT ACTIONS

As part of your needs assessment for a migrant survivor experiencing violence and abuse, this flowchart will help in determining their immigration status and their access to public funds.

Does the survivor have insecure immigration status? Remember that assistance under the Care Act 2014 and Children Act 1989 is not classed as 'public funds'.

Yes

No

Does the survivor have dependent children with them?

Provide support as you normally would and also seek advice & support from local specialists e.g., the Angelou Centre

Yes

No

Make a request to your local authority's children's services to access support under the Children's Act 1989 including a child in need assessment. Stress that meeting the care and support needs of the non-abusing parent will be in the best interests of the child and in the context of Article 3 of the ECHR on the Rights of the Child. Remember migrant survivors with dependent children are eligible to access refuge accommodation.

Make a safeguarding adults referral to the local authority where the abuse or neglect is happening. The subsequent safeguarding adults enquiry should involve a needs assessment under the Care Act. Their duty to assess must be done BEFORE determining eligibility. Flag that under the Care Act, they may meet urgent needs for care and support whilst undertaking the relevant assessments. Include context that meeting their accommodation & support needs is necessary to protect them from abuse.

Contact the Angelou Centre (local specialist by and for ending-VAWG organisation 0191 226 0394) to request specialist help and support for the survivor. They will be able to help them apply for legal aid and/or locate, access and be referred to a specialist immigration advisory service or immigration lawyer. They will be able to tell eligible survivors about the DVR and MVDAC where applicable and will advise if they have funds in place to offer refuge provision or help access a refuge place via the Routes to Support network.

Check if the Angelou Centre or other refuge provider has the funds or reserves to cover the cost of their stay in refuge while an application for the MVDAC (if applicable) is made. If not, ask the Angelou Centre if an application can be made to The Southall Black Sisters No Recourse Fund for housing and subsistence costs for women who are subjected to gender-based violence, immigration, and no recourse to public funds problems.

Following any advice from specialist immigration advisory service or an immigration lawyer, assist them in collating and providing information and evidence for any eligible applications under the DVR for indefinite leave to remain, and for the MVDAC.

APPENDIX 1: LOCAL AUTHORITY CONTACTS FOR NEEDS ASSESSMENTS AND ADULT[2] SAFEGUARDING

	To request an adult needs assessment	To make a safeguarding adults referral
Gateshead	<p><u>Request an assessment online</u></p> <p>Adult Social Care Direct</p> <ul style="list-style-type: none"> • Phone: 0191 433 7033 (24 hours a day, 7 days a week) 	<p><u>Report online</u></p> <p>For more information, click <u>here</u></p>
Newcastle	<p>Community Health & Social Care Direct</p> <ul style="list-style-type: none"> • Email: <u>scd@newcastle.gov.uk</u> • Phone: 0191 2788377 • Mobile: 0796 8474891 • Fax: 0191 278 8312 • Opening hours: Monday to Friday, 8am to 5pm • Out of Hours: 0191 278 7878 	<p><u>Refer online</u></p> <p>For more information, visit: <u>Report a Concern - Newcastle Safeguarding</u>.</p>
North Tyneside	<p>Gateway Service</p> <ul style="list-style-type: none"> • <u>Online reporting form</u> • Telephone: 0191 643 2777 • Out of Hours: 0330 333 7475 (evenings and weekends) • Email: <u>childrenandadultscontactcentre@northtyneside.gov.uk</u> 	<p><u>Online reporting form</u></p> <p>For more information visit <u>www.NTSAB.org</u>.</p>
Northumberland	<p>One call:</p> <ul style="list-style-type: none"> • Phone: 01670 536 400 • Email: <u>onecall@northumberland.gov.uk</u> 	<p><u>Report online</u></p> <p>For more information, click <u>here</u></p>

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	To request an adult needs assessment	To make a safeguarding adults referral
South Tyneside	<p>Let's Talk Team (Adult Social Care)</p> <p><u>Request support with care online</u></p> <ul style="list-style-type: none"> • Email: LetsTalk@southtyneside.gov.uk • Telephone: 0191 424 6000 (Monday to Thursday, 8.30am to 5pm and Friday, 8.30am to 4.30 pm) • 0191 456 2093 (In case of an emergency outside the above office hours) 	<p><u>Refer online</u></p> <p>For more information, click <u>here</u></p>
Sunderland	<p>Health & Wellbeing</p> <ul style="list-style-type: none"> • Phone: 0191 5205552 • Opening hours: Monday to Friday, 8.30am to 5.00pm • <u>Apply for adults needs assessment online</u> 	<p><u>Report a safeguarding adults concern online (professionals).</u></p> <p><u>Report a safeguarding adults concern online (public) or phone: 0191 5205552</u></p> <p>For more information visit: <u>Worried about someone? - Sunderland City Council</u></p>

[2]Note: if an issue gets put in as a safeguarding adults concern and does not meet the criteria, but it looks like the victim would be eligible for an adult social care needs assessment, then the safeguarding adults team would pass the case through to adult social care to do this. In the reverse situation, if a request for an adult social care assessment is received but does not meet the criteria and instead they think it's a safeguarding concern, they will pass it through to the safeguarding adults team. These two types of 'assessment' are separate processes. Some local authorities will have one 'front door' that takes in either/or and then decides internally where/how it will be dealt with, and other local authority areas will have two separate 'doors' depending on the type of referral.

APPENDIX 2: LOCAL AUTHORITY CONTACTS FOR CHILD SAFEGUARDING

To make a safeguarding children referral

GATESHEAD

If you are worried about a child phone Gateshead Council's Children's Services (in confidence) on: 0191 433 2653 (office hours: Monday - Friday, 8.30am to 5pm) or on: 0191 477 0844 (out of hours, at night, at weekends and bank holidays)

The Emergency Duty Team will help with personal or family problems that reach a crisis at these times. All calls go through to the Gateshead Care Call Service where a telephone operator takes all the calls. This service is the contact point for all council services out of hours. If the phone isn't answered straightaway, please be patient as they will be dealing with another call.

All professionals must make a referral using this form: [Refer a concern](#)

NEWCASTLE

If you are ever concerned that a child is in immediate danger call the police on 999.

During office hours

If you are concerned about a child or young person call us on 0191 277 2500 (weekdays 8:45am to 5pm).

You can also discuss any concerns with someone who works with children and families, e.g. your health worker, social worker, school nurse or teacher (all schools have a teacher responsible for child protection).

You can also complete our [online referral form](#).

If you are a professional then please use the [professional online referral form](#).

Out of office hours

If the issue cannot wait until the next working day, call our Emergency Duty Team on 0191 278 7878.

You can also complete our [online referral form](#).

NORTH TYNESIDE

Telephone: 0345 2000 109

Out of Hours: 0330 333 7475 (evenings and weekends)

Report your concern-

<https://my.northtyneside.gov.uk/category/488/are-you-worried-about-child>

APPENDIX 2: LOCAL AUTHORITY CONTACTS FOR CHILD SAFEGUARDING

To make a safeguarding children referral

NORTHUMBERLAND

One call: Phone: 01670 536 400

Email address: onecall@northumberland.gov.uk

[Report online](#)

For more information, click [here](#)

SOUTH TYNESIDE

MASH (Children and Families Social Care)

[Worried about a child](#)

Tel: 0191 424 5010

Monday to Thursday - 8.30am to 5pm

Friday - 8.30am to 4.30pm

Tel 0191 456 2093 (In case of an emergency outside of the above times)

Child [Safeguarding Referral Form](#)

For more information about reporting a concern for a child, click [here](#)

SUNDERLAND

If you have a concern about the safety of a CHILD or YOUNG PERSON (aged under 18) then you should talk to someone immediately, you can contact Together for Children - Sunderland on 0191 5205560 (available 8.30am to 5.00pm Monday - Thursday, 8.30am to 4.30pm Friday);
or the Out of Hours Team on 0191 520 5552 (also available 24 hours Saturday and Sunday)

In an emergency always call 999

[Together for Children - Sunderland Referral Form](#)

It is a requirement of referring professionals that they use the Sunderland Multi-Agency Child Protection/Child in Need referral form, unless it is felt a child is at risk of significant harm.

If there is reasonable cause to suspect that a child has suffered or is likely to suffer significant harm, a referral can be made on 0191 561 7007. A written referral must be sent within one working day. Please send referrals to

Safeguarding.Children@togetherforchildren.org.uk