



**NORTHUMBRIA
POLICE & CRIME
COMMISSIONER**

GUIDANCE¹

Northumbria² Multi-Agency Guidance

Immigration abuse, barriers to support, and the importance
of safeguarding migrant survivors of violence and abuse

¹ Final version as of August 2023

² Northumbria covers Newcastle, Northumberland, North Tyneside, South Tyneside, Sunderland, and Gateshead

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Disclaimer: Immigration law is complex and changes frequently. No recourse to public funds (NRPF) forms part of immigration law and rules which are reserved to the UK Parliament. This guidance and accompanying toolkit do not contain legal advice and is therefore for information purposes only. It provides general guidance about the issues that frontline practitioners may need to consider when assessing and supporting migrant survivors with NRPF. The document is not intended to constitute advice in relation to any specific case. Every attempt has been made to present up to date and accurate information and this guidance and toolkit will be updated as and when there are any significant policy changes. However, any frontline practitioner is advised to seek advice from their own organisation around current legal positions and statutory duties on in the context of any cases they are supporting. The scope of this guidance and accompanying toolkit therefore focuses on raising awareness of what can be done safely within the current national legislative and policy context to help improve support for migrant survivors who are subject to NRPF who are living in communities across Northumbria. We provide no warranty as to the accuracy of the information contained in this guidance and toolkit and accept no liability for any loss, damage or inconvenience caused as a result of reliance on such information. We are not responsible for the content of external websites which are linked from this guidance and toolkit, and do not approve or endorse websites which are not controlled by us. Use of such links will not render us liable to you or any other person for loss or liability of any kind.

Foreword

No survivor³ of violence and abuse in Northumbria should be forced into destitution. Migrant survivors are some of the most vulnerable in society and face multiple barriers in accessing help and support. Everyone should have their human rights upheld and protected, regardless of their immigration status.

The actions of domestic abuse perpetrators reduce survivors' space to be able to take action due to the web of control they weave around them. However, survivors have rights and entitlements, despite what their perpetrators may tell them. There are specialist services locally and nationally who can help; and there are things statutory services can and should do to respond in the safest way to survivors who are subject to immigration control who may, or may not, have recourse to public funds.

This guidance document has at its core, the premise that migrant survivors must be treated as victims first and foremost. Safeguarding should be the key aim. In the event that there is a safeguarding issue then a safeguarding concern should be submitted immediately to the appropriate local authority. This guidance also aims to reduce the risks of survivors having their information inappropriately shared for immigration enforcement purposes when it does not contribute to them being safeguarded. It will help frontline professionals know who to contact to help survivors access the right specialist help and support as early as possible.

This [guidance comes with an accompanying toolkit](#) which sets out what frontline professionals can and should legally do when responding to migrant survivors of violence and abuse who are often restricted from accessing certain types of public support because of their immigration status. Many survivors are wrongly perceived to have no recourse when in many cases they do have recourse; or they may be told that they cannot access help and support before any assessments have been carried out. By raising awareness of what a safe response to migrant survivors' looks like, it will help to prevent the risk of prolonged abuse; protect their human rights; mitigate against destitution; and prevent them being pushed 'from pillar to post' when they seek assistance in times of need, and often in times of crisis.

This is multi-agency guidance on the basis that preventing and mitigating the impacts of abuse and risks of destitution cannot be done by a single organisation or sector. It offers a coordinated and collaborative approach across the public and third sectors.

³ The term victim and survivor are commonly used to describe someone who has experienced/is experiencing violence and abuse. This guidance predominantly uses the term 'survivor' but occasionally the term victim is also used.

1. Purpose of this guidance, context, and target audience

This guidance aims to:

- Provide statutory and non-statutory frontline practitioners and their managers with a **better understanding of the signs of** someone is experiencing **immigration abuse** - a form of coercive control that creates additional barriers to support.
- Provide staff with a **better understanding of the many barriers** to safety faced by migrant survivors that are exacerbated by immigration abuse and current immigration policy.
- **Highlight the consequences of inappropriately sharing migrant survivors' information with the Home Office Immigration Enforcement** and how to **mitigate the risk** of this.
- **Supplement and strengthen existing multi-agency child and adult safeguarding policies and procedures** around domestic abuse; and
- **Strengthen the processes and services are already in place** to ensure that support is provided to migrant survivors in line with their rights and entitlements e.g., the statutory guidance on inter-agency working to safeguard and promote the welfare of children⁴ and the Care Act 2014.

This guidance comes with a separate toolkit that will help frontline staff better understand the range of immigration statuses and support options available for people with different insecure immigration status in the UK, and the conditions and eligibility for support attached to each. The accompanying toolkit also explains the role that specialist 'by and for' services⁵ and independent legal advisors can play in helping migrant survivors to regulate their immigration status. Migrant survivors have rights and entitlements, and the toolkit includes advice on how to safely respond to uphold these and will help ensure staff uphold their own statutory duties under the Care Act, Children's Act, and equality duties as they relate to migrant survivors. The toolkit can be accessed [here](#)

on-line awareness raising sessions for frontline staff that will help raise awareness of Immigration Abuse, the barriers to getting support, and in particular, the key messages and good practice points in the multi-agency guidance and toolkit

This guidance is set within the context of a police super-complaint and the impact of sharing information inappropriately which migrant survivors at risk of immigration enforcement, of not being safeguarded first and foremost; and the associated risks of becoming destitute.

Migrant survivors face many barriers which can increase their risk of destitution. All responses must be done safely, and in partnership with local and/or national organisations who specialise in supporting migrant survivors, interpreting services, and other relevant support organisations.

The public sector equality duty already requires public bodies to have due regard to the need to eliminate discrimination across all protected characteristics and advance equality of opportunity, as well as foster good relations between different people when carrying out its functions. This guidance contributes towards meeting that duty by raising awareness and understanding of the impact of

⁴ <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

⁵ By and for services is the term is used to mean organisations that are designed and delivered by and for people who are minoritised (including race, disability, sexual orientation, transgender identity, religion, or age). By and for services will be rooted in the communities that they serve and may include wrap-around holistic recovery and support that address a victim/survivor's full range of needs. See Section 8 of this guidance for information on some local and national providers.

immigration abuse (as a form of violence and abuse) and no recourse to public funds. This will help statutory agencies recognise where this can increase existing disadvantages when carrying out their functions.

The target audience for this guidance is any frontline professionals and managers who come into contact with migrant survivors of violence and abuse who may have insecure immigration status. This includes staff from agencies involved in:

- Safeguarding Children Partnerships
- Safeguarding Adults Boards
- Local Domestic Abuse Board/Partnerships
- Community Safety Partnerships
- Specialist services who support those living with violence and abuse
- Specialist services who support people with insecure/uncertain/unknown immigration status.

2. Immigration abuse: a form of coercive control/economic abuse

Perpetrators often use a victim's insecure immigration status as a form of coercive control which is increasingly being recognised as 'immigration abuse.' It is important to identify and name immigration abuse so that policy makers and frontline practitioners are better able to identify and safely respond to it. If it is not understood, it will not be captured as a form of coercive control, and risk assessments will not be accurate. Box 1 has a fuller definition of the term 'immigration abuse'.

One of the **key signifiers of immigration abuse is the inability of survivors to explain their immigration status or be able to access their documentation.** However, many agencies determine this lack of documentation or knowledge about immigration status as evidence that a victim is undocumented and therefore not eligible for support.

Box 1: Definition of immigration abuse⁶

Immigration abuse is a form of perpetration that uses the 'insecure,' 'uncertain' or 'unknown' immigration status of an individual (or their dependents) to threaten, coerce, exploit and/or subjugate them (or their dependents) as part of a pattern of control and/or abuse and violence.

Immigration abuse sits within the definition of economic abuse and/or coercive control, as outlined in the Domestic Abuse Act 2021 and its accompanying statutory guidance. Immigration abuse may result in psychological and emotional harm and can extend to other forms of physical and sexual violence when it is used as a primary threat or way to exert control over the victim.

Immigration abuse is unique in the way that it is exacerbated by existent immigration legislation, policy, and public sector exclusion. An individual's level of vulnerability is compounded by a perception or threat of immigration enforcement, and the authority that these powers hold. Often what underlies the victim's fear is the possibility of destitution, detention, arrest, removal from the UK against the victim's will or the further harm that comes because of being removed from the country. Victims may also be fearful of losing their ability to support (financially or otherwise) those they care for or to be removed from those that are dependent on them.

⁶ Definition developed by the Angelou Centre and adopted by the [Domestic Abuse Commissioner in the Safety before Status Report \(October 2021\)](#)

3. Multiple Barriers faced by Migrant Survivors of Violence and Abuse

3.1 Barriers faced by migrant survivors

Migrant survivors (especially women) with insecure immigration status are particularly vulnerable and fearful of accessing authorities such as the police, social services, and health services. They may have a lack of knowledge, or they could have had negative experiences of statutory services. This is often coupled with a real or perceived fear of being deported if they make themselves known to authorities. These factors deter many from reporting their violence and abuse and getting protection. This, alongside the many system barriers created by the UK's immigration laws and policies, means many migrant survivors become trapped in their abusive relationships.

The Domestic Abuse Commissioner's 'Safety Before Status' report (2021) identified that for survivors of domestic abuse, immigration abuse often creates a fear of engagement with public services and the police, as well as schools, employers, and other agencies. This is often validated by services that interrogate victims about their status, operate informal or formal data-sharing arrangements with immigration enforcement, and even threaten victims with enforcement action.

Migrant women are more likely than men to be on a spousal visa and therefore depend on their husband for their immigration status⁷. This can make them particularly vulnerable to domestic and sexual abuse, as it reduces their ability to leave an abusive partner. The **perpetrator(s) is the cause of the abuse**, which means escaping that abuse is made even more difficult if someone has insecure or unsettled immigration status and no recourse to public funds (NRPF).

The terms 'NRPF' and 'subject to immigration control' are often used interchangeably to describe anyone whose immigration status does not allow them to access certain public services and benefits. NRPF is therefore a condition (not an immigration status) that can be imposed by the Home Office on people who are 'subject to immigration control' under UK immigration law as part of their permission to enter or remain in the UK.

Abuse experienced by migrant survivors can include a **spectrum of domestic and sexual violence**, which may be perpetrated through distinct social and/or cultural lenses. Key issues and barriers that migrant survivors with insecure immigration status face (especially those with NRPF) include:

- Black and minoritised women⁸ are **disproportionately affected by specific forms of violence and abuse**, such as Female Genital Mutilation (FGM), so-called honour-based abuse (HBA) and Forced Marriage.⁹
- **Language barriers can be significant** if a survivor does not speak English or if their perpetrator(s) has not allowed them to learn English. The application process to apply for leave to remain in the UK is complex and for those whose first language is not English, it is made even more difficult. See Appendix 1 Case Study.
- **Mental ill-health** (e.g., depression, chronic anxiety, sleep disorders, eating disorders etc¹⁰) are not only common symptoms from the abuse, but also can be symptoms from the risks of destitution. This is further exacerbated by fears of deportation, especially if they have fled

⁷ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/306889/occ94.pdf

⁸ This is the preferred term used by the 'by and for' specialist sector.

⁹ Women's Aid's 'Nowhere to Turn' report

¹⁰ Imkaan's report No Recourse No Duty to Care (2008)

their country of origin due to persecution. Mental ill health can make it even harder to access help and support. Perpetrators often use a survivor's mental ill-health against them.

- Migrant survivors are **more likely to be abused by multiple perpetrators** including intimate partners and/or through familial and wider community-based structures¹¹. Those abused by multiple family members may also be ostracised from their community if they disclose the abuse. Survivors may be fearful of an abusive partner or family member, and fearful of the community they reside in. This can escalate and prolong feelings of fear and isolation. This creates further barriers for those survivors who do not have safe and supportive family/ community networks which are so important to help create space for action for survivors.
- **Perpetrators often use insecure or uncertain immigration status as a tool to control and abuse** their victims. **Examples** include perpetrators:
 - **Withholding or destroying** visas and passports, meaning the survivor is unable to ascertain what rights they may have, or withholding accurate information from a dependent, for example, when their visa lapses.
 - **Lying** to their victim about their immigration status (See Appendix 1 Case Study).
 - **Tricking** their victim into travelling abroad then **deliberately abandoning** them without money or passports which can lead to their visas being cancelled.
 - **Falsifying** the survivor's immigration status and/or purposefully bringing them into the UK with an incorrect visa to ensure they remains vulnerable to immigration enforcement, and without options for regularisation.
 - **Purposefully mismanaging** a migrant survivor's immigration status and/or application, so they become an overstayer and/or without valid status. This might involve purposefully missing a deadline to renew a dependent's visa.
 - **Deliberately using the immigration system to control and threaten** them. They may actually and/or threaten to report their insecure status to the Home Office - making survivors fearful to report abuse due to risks of detention and/or deportation.
 - **Providing misinformation or mistruths to a victim about their rights**, or to multi-agency professionals involved in working with the survivor. For example, falsely stating that the survivor has NRPF when this is not the case. This is regularly compounded by agencies failing to complete accurate assessments around NRPF (See Appendix 1 Case Study).
 - **Subjecting** a survivor to honour based abuse **within a transnational context**. For example, ensuring that a survivor is at high risk of honour-based abuse in their country of origin, and subsequently using the threat of deportation and the likelihood of additional harm as a tool to control.
- Those with insecure immigration status face both **a perceived and a real risk of being detained** rather than supported if they disclose abuse to public sector agencies.
- **Migrant survivors are often economically abused**. If they have come to the UK from abroad, they are often so controlled and isolated they do not know how, or who, to contact for support. Some may be kept in domestic servitude (a form of modern slavery). The government's **NRPF policy makes victims financially dependent on their perpetrators**. If they are **economically abused**, it leaves them with limited access to independent income or the financial means to leave the abusive relationship; or meet theirs and their children's basic needs; and often unable to afford the fees to renew their visa. Without money for specialist legal advice, most will be unaware of the existence of fee waivers, or that they

¹¹ Imkaan, 2013

might be eligible to apply for leave to remain in the UK through the Migrant Victims of Domestic Abuse Concession' (MVDAC)'.

- Refuge spaces are self-funded or paid for by housing benefit entitlement. One of the public funds that is restricted by the **NRPF policy is housing benefit and so NRPF is a huge barrier to access refuge provision** for most migrant women who do not have dependent children. If they have been economically controlled, they cannot afford to stay in a refuge. If they have NRPF they cannot claim housing benefit. This results in them facing long and complicated searches for safe accommodation options. Only 4% of refuge vacancies in the UK in 2020¹² accepted a small number of survivors with NRPF but only because these refuge services used their own reserves or non-public sector budgets.
- There is **often a failure of mainstream services** to support migrant survivors who do have recourse, and who have rights under the Care Act and Section 17 of the Children's Act – this is often **due to a lack of understanding around their statutory duties and equality duties** (see Appendix 1 Case Study). Sometimes migrant survivors are **told they have NRPF before their situation and needs have been fully understood and assessed** (see Appendix 1 Case Study). Being **subject to NRPF** is a complex area of welfare law and the interactions between immigration rules and policy and legislation can be challenging to navigate not only for survivors but for staff delivering help and support services. If frontline staff make **assumptions about immigration status**, they often **make presumptions about entitlement to services**. If survivors are told they have no recourse when in fact they do have access to public funds, then this creates both barriers to early help and support and race discrimination.
- **Conversely, if someone is told they do have access to public funds when they do not and they then access/attempt to access restricted public funds¹³ it can have an impact on any future application they make to remain in the UK.** This creates barriers as services are cautious of providing support in case this jeopardises someone's immigration status. To compound this, survivors may also avoid engaging with public services and decline support in case it impacts their future applications for leave to remain in the UK. **Helping survivors access independent legal advice or support from 'by and for' services for black and minoritised communities is crucial.**
- Those with NRPF can experience **prolonged periods of financial insecurity and homelessness because of restricted access to public funds. This removes the safety net which would normally help people in crisis** to cope with short periods of financial stress.
- **Where a person's immigration status is dependent on a relationship, this dependency makes them extremely vulnerable to violence and abuse.** Leaving or reporting a perpetrator can mean their immigration status can be lost, or where it has already been lost (often for no fault of their own). This increases risks of them becoming subject to enforcement and deportation.
- **Not all migrant survivors are eligible to apply for the Migrant Victims of Domestic Abuse Concession (MVDAC)** due to the restrictive nature of the criteria. Only survivors on spousal visas are able to use the MVDAC to apply for ILR. This **leaves a significant gap in support for those survivors who are not on spousal visas.** We know that women can be at higher risk of exploitation and abuse if their immigration status in the UK is contingent on their spouse or partner.

¹² No Women Turn Away Project Report May 2020

¹³ which are restricted under the Immigration and Asylum Act 1999

- Whilst the **MVDAC is a vital lifeline for those women with NRPF who meet the criteria** to access it, the **process is complicated and slow**. Legal advice is needed before applying. It also requires the survivor to know the concession exists and then to have someone to support them through the application process. This is **compounded if they have been isolated making it difficult to find support with the application** especially given recent cuts to legal aid. Services that support women with applying for the MVDAC (such as the Angelou Centre and Southall Black Sisters) are often inundated with applications. See section 8 for information on these specialist ‘by and for’ providers who specialise in ending violence against women and girls from Black and minority ethnic communities.
- NRPF restrictions also do not impact people equally. Migrant women often experience **racism, poverty, and destitution**. Many mainstream services do not represent or understand their cultural identities; their experiences of abuse; or the barriers they face in accessing help and support. Further barriers are created if agencies do not look **at a survivor’s experience of abuse through an intersectional lens to better understand the context of their situation**. Survivors with multiple intersectional experiences will face barriers that are wider than gender, but can also be linked to race, culture, ethnicity¹⁴ sexuality and disability, meaning they may also have additional support needs.

3.2 Additional barriers created by the UK Immigration System

The UK’s NRPF policy means many survivors have no choice but to stay in the abusive relationship for months and years and even those who can leave often face destitution. The current immigration system creates huge barriers to migrant survivors on top of the abuse they experience.

Research by the Joint Council for the Welfare of Immigrants¹⁵ and the experiences of survivors supported locally by the Angelou Centre (and other by and for services) have found the following key barriers created by the UK Immigration System.

- **The immigration system itself creates insecurity and unnecessarily creates undocumented migrants.** Eight out of 10 migrants surveyed had **entered the UK through a legal route and later ‘fell out of status’**. Migrants are considered “temporary” for 10 years and must **reapply** for the right to remain in their homes and jobs **every 2.5 years**. Even migrants who can regularise their status by being granted leave to remain in the UK, are placed at risk of becoming undocumented again as the **immigration system requires them to frequently reapply** (costing thousand pounds each time) and provide extensive and complex evidence each time, in order to stay. There is no default position to allow someone to stay if they have been granted leave e.g., to join family or coming to the UK to work. Instead, **the default position is to remove that person’s status after two and a half years, unless they reapply**. Some people coming to the end of their visa may find that they simply have no legal route to renew it despite having built a life in the UK. They may also have no realistic way to leave if their family is in the UK
- If the time where they need to apply to renew their stay coincides with any personal crisis (e.g., violence and abuse), they can lose their status. **People can become undocumented for a variety of reasons outside their control**, including relationship breakdown, experiencing domestic abuse, poor legal advice, theirs, or a relative’s physical or mental health crisis, inability to pay

¹⁴ “Race” is usually associated with biology and linked with physical characteristics such as skin colour. “Ethnicity” is linked with cultural expression and identification. However, both are social constructs used to categorise and characterise seemingly distinct populations

¹⁵ <https://www.jcwi.org.uk/we-are-here-routes-to-regularisation-for-the-uks-undocumented-population>

extremely high fees, or a simple mistake. Some visa pathways have no route to extend or settle at all, meaning that there is no flexibility to protect migrants from becoming undocumented if their circumstances change while on that route.

- **Undocumented migrants are left deeply vulnerable to exploitation and harm** if they cannot escape an abusive relationship / abusive family because of their immigration situation. The Government's Hostile Environment¹⁶ is a significant barrier to migrants reporting exploitation or crimes to public authorities due to a fear that this could result in them being pursued for deportation.
- **NRPF restrictions leave migrant survivors without access to essential protection** due to restricted access to safe accommodation, health care and legal aid. Often their choices are either destitution or returning to the perpetrator/s.
- **The routes available to undocumented migrants to regularise their status are complex and expensive.** A child, even one born in the UK, is required to demonstrate having lived a minimum of seven or ten years, or half their lifetime in the UK to be eligible to obtain a regular immigration status, depending on their circumstances. For adults, the criteria include a requirement to demonstrate 20 years' residence before they are considered permanent enough residents to apply to regularise their status.
- The **detainment of migrant survivors is triggering and re-traumatising**, as well as breaching other human rights if their case has been mismanaged. Any enforced deportation of migrant survivors to a country of origin risks them being subjected to high levels of harm and/or death.

¹⁶ The Hostile Environment was a set of policies introduced by Government in 2012. "The aim is to create, here in Britain, a really hostile environment for illegal immigrants" (quote by the then-Home Secretary Theresa May). However, the Home Office itself has admitted that the "vast majority" of undocumented people have done, and will do, nothing wrong. Some use the term "hostile environment" to describe all policies which make life extremely difficult for migrants living in the UK who cannot show the right paperwork and the impact is that it treats them as less deserving of dignity and humanity than British citizens. The 'hostile environment' is now known as 'compliant environment'

4. Immigration control, who is subject to it, and the importance of independent immigration advice

4.1 Who is subject to No Recourse to Public Funds (NRPF)

Migrants who are excluded from claiming public funds because they are subject to immigration control will have **an NRPF condition on their visa**. These are set out in the table below alongside some implications and barriers if the person is a migrant survivor of violence and abuse:

Types of people subject to NRPF	Implications and barriers for migrant survivors
<p>1. Someone that does not have any form of leave to enter or leave to remain in the UK.</p> <ul style="list-style-type: none"> • This may include someone who has overstayed their visa; or seen not to have entered the UK legally 	<p>Perpetrators of migrant survivors often deliberately mismanage and/or let the application time lapse as a form of immigration abuse. Professionals often lack an understanding of immigration abuse and how this can impact on a survivors' ability to access safety and protection. Some survivors may have been trafficked to the UK and not been referred into and/or accepted by the National Referral Mechanism (NRM). Some may have fled their country of origin due to persecution but not applied for asylum in the UK due to fear that their applications will be rejected, and that they will be deported. Survivors without status are at greater risk of being criminalised and policed, rather than being safeguarded. If local authorities do not adhere to the Care Act, Children Act (S17) and Public Sector Equality Duty then these survivors are at greater risk of destitution and having their human rights breached.</p>
<p>2. Someone who has leave to enter or remain that is subject to immigration control. This includes those on a:</p> <ul style="list-style-type: none"> • Student visa. • Work visa. • Visitors' visa¹⁷; or • Someone with leave to remain granted under family or private life rules¹⁸ (5 & 10-year family route) 	<p>Many migrants will have travelled to the UK on a time-limited visa, work, student, family, or other visa. They may have become undocumented if their visa ran out, or they could not successfully renew or extend it (e.g., because of immigration abuse by their partner/family member). There are high costs and legal fees associated with current routes for someone trying to regulate their immigration status. Migrant survivors who have been economically abused are unlikely to be able to afford to keep their immigration status regularised. Survivors with visitor visas are often in the UK for a short time which does not leave enough time to</p>

¹⁷ Someone on a visitor visa is prohibited from working, alongside having NRPF

¹⁸ If someone is already residing in the UK, they can apply for settlement on the basis of family life as a parent or a partner. There are two routes, including the 5 year and 10-year route. If eligibility is not met for the 10-year route or the 5-year route, then discretionary leave may be granted outside of immigration rules on the basis of private life in the UK and when a refusal would constitute a breach of Article 8 European Convention of Human Rights.

	submit a new immigration application before their current visa lapses, leaving them without any status in the UK and at risk of immigration enforcement and deportation
<p>3. Dependent Partner Visa's (e.g., spousal visa) and someone who has leave to enter or remain in the UK that is subject to undertakings from a sponsor.</p> <ul style="list-style-type: none"> • A maintenance undertaking is a written pledge given by a friend or family member, under UK immigration rules, to be responsible for that person's financial support and accommodation. If they are granted immigration leave to enter or remain in the UK as a result of a maintenance undertaking, they're defined as a person subject to immigration control and as a result they won't be able to claim some welfare benefits for 5 years, unless the person who gave the undertaking has died. 	<p>This applies to migrant survivors who have entered the UK dependent on a partner's visa. Migrant survivors under this form of immigration control often feel unable to leave an abusive relationship as they are dependent on their partner as their sponsor. Without the right help and support they risk destitution if they leave their partner.</p> <p>An individual on a partner visa may apply for Indefinite Leave to Remain (ILR) (and therefore get recourse to public funds) under the Domestic Violence Rule if they entered the UK as the spouse, civil partner, or unmarried partner of a British Citizen or with ILR, but whose relationship has broken down due to domestic violence. However, many survivors on a partners' visas are incorrectly assessed by agencies as having 'NRPF' and refused safe accommodation and support when in fact they can access public funds under the DVR – and need to be referred to by and for services to help them do this.</p>
<p>4. Someone who has leave to enter or remain as a result of appealing an immigration decision or asylum claim.</p> <ul style="list-style-type: none"> • Asylum seekers and refused asylum seekers are excluded from accessing welfare benefits, homelessness assistance and social housing. • Instead, someone seeking asylum can be provided with Home Office housing and financial support¹⁹ if they have a pending asylum claim or appeal, or refused asylum seekers in certain circumstances. • Asylum seekers with an asylum claim pending can quickly become destitute if they have not yet claimed, or have been refused, Home Office asylum support. 	<p>A refused asylum seeker i.e., appeal rights exhausted (ARE) does not have access to public funds (unless they have a dependent child) but may be able to apply for Section 4 support under the Immigration and Asylum Act 1999 which includes accommodation and a pre-paid ASPEN card²⁰. In order to be eligible for this support, the individual must demonstrate that they are destitute and can prove they meet one out of five requirements (1) taking reasonable steps to leave the UK, (2) unable to leave due to health, (3) unable to leave due to there being no safe route of return, (4), they have been granted an appeal via judicial review and (5) not supporting them would constitute a human rights breach.²¹</p>

¹⁹ Under section 95 of the Immigration and Asylum Act 1999

²⁰ An 'Aspen Card' is a debit payment card, issued by the UK Home Office to asylum seekers. Asylum seekers with ongoing applications (called 'Section 95') can withdraw cash on their card, people with failed applications (known as 'Section 4') can only use it as a debit card. The Home Office can see exactly what has been purchased, and where and when it is purchased

²¹ <https://www.nrpfnetwork.org.uk/information-and-resources/rights-and-entitlements/support-options-forpeople-with-nrpf/home-office-support/section-4-asylum-support#guide-sections>

NRPF continues to apply to people who have temporary permission to be in the UK, including as part of a route to settlement or on discretionary protection grounds (which do not amount to refugee status).

It is important to remember that most **migrants enter the country legally²²**, and later **fall out of status. This happens to many migrant survivors of abuse, especially those whose partners/family members are perpetrating immigration abuse.**

NRPF is not always permanent. Some people's circumstances change over time so that they become eligible for public funds. One example of when NRPF can be temporarily lifted is under the Migrant Victims Domestic Abuse Concession but the MVDAC does not apply to all migrant survivors.

4.2 Independent Immigration Advice

Immigration advice is regulated, and immigration law is complex. Frontline professionals MUST NOT try and provide migrant survivors with advice about their immigration status, or how to regulate it²³. It is **unlawful to provide immigration advice** that relates to a person's specific circumstances **unless** the adviser is registered with the Office of the Immigration Services Commissioner (OISC), or is exempt from registration, for example, a solicitor registered with the Solicitors Regulation Authority.

Frontline professionals should refer anyone with immigration problems to a specialist immigration advisory service via the [Office of Immigration Services Commissioner](#) website or through the [Advisor Finder](#) site which lists advisers who are regulated by the OISC. This is **especially important if someone is applying for indefinite leave to remain.** Some solicitors have expertise around immigration law advice. **Immigration advisors are independent from the state.**

The **primary reason for establishing a person's nationality and immigration status** is because local authorities need to find out the persons **rights and entitlements** e.g. whether or not the person can only receive 'support or assistance' under Part 1 of the Care Act 2014, if such support is necessary to prevent a breach of their human rights or EU treaty rights. **Good practice dictates that this should be done in conjunction with independent third-party immigration advisors** as they can:

- Help survivors work out what their immigration status is.
- Help them regulate their status where eligible.
- Tell them what their rights and entitlements are to access housing or other support.
- Tell them what their rights and entitlements are to remain in the UK; and
- Effectively challenge if they are not provided with the support to which they have a legal duty to access. See Appendix 1 Case Study.

Whilst it is crucial for frontline professionals to help migrant survivors access independent immigration advice, they should also be aware of relevant immigration rules and policies so that they can identify when a person will need to be signposted to an immigration adviser (see [toolkit here](#))

²² E.g., on a visitor visa, other temporary visa routes including student, spouse, and work visas as well as some non-visa nationals

²³ If they are given the wrong advice and access any public funds that they are restricted from accessing, then this could ultimately result in them being deported to their country of origin and/or separation from any children. This will compound the trauma they have experienced.

Therefore, the accompanying toolkit contains more detailed information on:

- What 'subject to immigration control' means for different types of people subject to it.
- The types of immigration statuses and eligibility for support.
- The types of immigration status that DO have recourse to public funds.
- The types of immigration status that DO NOT have recourse to public funds.
- The types of immigration status that have exceptions
- The different public funds that can be accessed
- When NRPF can be lifted; and
- The importance of survivors getting independent immigration advice

5. Migrant Survivors with NRPf and Implications of Information Sharing

5.1. Information sharing between public services and immigration enforcement and the potential impact of immigration enforcement

The Domestic Abuse Commissioner's 'Safety Before Status' Report identified that in the absence of a firewall, currently:

- If public services share information about a victim with insecure immigration status with the Home Office, it could result in immigration enforcement²⁴. The **impact is that it can undermine trust** in the police and public services; **deter victims with an insecure immigration status from coming forward** for support; and allow perpetrators to go unpunished²⁵.
- While legislation such as the Data Protection Act and the Immigration Act indicates that information about a person's immigration status can be shared for the purpose of crime prevention, one of the main reasons staff in public services share information with immigration enforcement is for the **perceived purpose of safeguarding a victim**. The Angelou Centre's research with specialist 'by and for' services across the country found that specialist services have had to intervene in safeguarding meetings, including child protection conferences, when professionals suggested that they seek clarification about an individual's immigration status from the Home Office. **Data sharing in this capacity can put the victim or survivor at risk of immigration enforcement**, which, even in the form of a letter from the Home Office, can compound the experience of immigration abuse survivors' face. **This in turn pushes victims and survivors further away from support** due to a fear that they will face immigration enforcement if they come forward to services.
- Although the [HMICFRS super-complaint](#) (the Safe to Share Report) and [Home Office Review into data sharing](#) (see below) both focus on police activity in relation to data sharing, specialist 'by and for' services have expressed **concerns about data sharing among wider public services**, with Children and Adult Social Care in some local authorities sharing data or considering sharing data with the Immigration Enforcement as routine practice.

This indicates a **lack of awareness amongst frontline professionals about the implications of sharing information with the Home Office / Immigration Enforcement** and the potential enforcement activity which might be taken as a result.

The **safest course of action** is to **support survivors to access independent immigration advice** as soon as possible.

Anyone considering sharing migrant survivors' information with the Home Office should be able to robustly evidence why and how the sharing of that information would contribute to safeguarding a survivor first and foremost.

²⁴ Bradley, G. M. (2019), Care Don't Share. London: Liberty.

²⁵ Among migrant victims and survivors interviewed by the Latin American Women's Rights Service (LAWRS), more than half feared that they would not be believed by the police because of their immigration status (54%), and more than half felt that the police or the Home Office would support the perpetrator over them (52%).

5.2 Safeguarding first and foremost

A **survivor's experience of abuse must be viewed in its fullest context** and not simply through 'an immigration status lens.' A safeguarding referral should always be submitted to the relevant local authority in the event there are safeguarding concerns.

Survivors may be experiencing a wider range of abusive behaviours including coercive control, isolation, economic abuse, and other forms of immigration abuse. Some may have left their country of origin to come to the UK for a myriad of reasons such as persecution. Any information sharing with other agencies needs to consider this context and should be done **with the survivor's consent and for the purpose of safeguarding them first and foremost**. The abuse they are experiencing should be tackled as the priority and a referral to Immigration Enforcement can make a survivor's problems worse and harms their trust in the police and other agencies. See Appendix 1 Case Study.

The immigration status of a migrant survivor with NRPF will affect what their rights and entitlements will be, so it is important that services **carefully gather clear information from the survivor** about their circumstances to help them get the right support. This will include asking them for information about their nationality and what they know about their immigration status to establish if they can access public funds²⁶.

Reminder:

A **safe course of action** for frontline professionals would be **to always carefully consider what the impact could be if information was shared with Immigration Enforcement**.

Efforts should be made to help migrant survivors access an independent third party who can provide advice and assistance. E.g., by linking them to specialist legal advice from an **independent immigration advisor**; and/or helping them access independent advocacy from **'by and for' service** (such as a by and for ending VAWG organisation like the Angelou Centre or Southall Black Sisters). These third parties can help to clarify immigration status in a safe way, and/or provide support and advice to make an application to regularise their stay.

The Information Commissioner's Office (ICO) advises that under data protection law, if data has been collected for a specific purpose, **it cannot be further processed in a way that is incompatible with that purpose**.

Remember:

- **Survivors with insecure status should be treated as victims first and foremost.**
- **Any immigration issue should be treated as a secondary matter.**
- **Addressing a victim's vulnerability is the priority.**
- **Key signifiers of immigration abuse** are the inability of victims and survivors to explain their immigration status or be able to access their documentation.

5.2.1 Police Super-Complaint and Home Office Review of data sharing: migrant victims and witnesses of crime

The Home Office is the lead organisation that administers the UK's immigration system and the enforcement of immigration law. It is the government department that is responsible for maintaining immigration control. For the purpose of this guidance, we use the term Immigration

²⁶ If migrant survivors are given the wrong advice and access any public funds that they are restricted from accessing, then this could ultimately result in them being deported to their country of origin and/or separation from any children, compounding existing trauma.

Enforcement when referencing the Home Office, and its departments that comprise the Border, Immigration and Citizenship System, including Home Office Immigration Enforcement.

In 2020, the first ever Police super-complaint was raised by Liberty and Southall Black Sisters about the treatment of victims and witnesses of crime with insecure immigration status. The complaint was investigated jointly by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS), the Independent Office of Police Conduct (IOPC) and the College of Policing. The Review findings were published in the ['Safe to Share?' report](#). The complaint focused on two key areas:

- The police passing victim and witness data to the Home Office for immigration enforcement purposes; and
- The operation of and/or perception of a culture of police prioritising immigration enforcement over the investigation of crime and safeguarding.

One element of control to which migrant survivors are often subjected to by their perpetrator(s) focuses on their immigration status. Perpetrators often tell their victim that the police will not believe they are a victim and will just act on their immigration status. If the threats made by the perpetrator are then apparently carried out by the police (i.e., if the police refer the victim to Immigration Enforcement and Immigration Enforcement acts on this information) this leaves the perpetrator free to abuse. If Immigration Enforcement takes enforcement action in response to the information supplied by the police – or if there is a perception from the victim that enforcement action will be taken instead of them being safeguarded, then survivors may be denied access to advice and support on their potential right to remain in the UK.

Pending the outcome of a recommendation for the Home Office to consider a mechanism for establishing a Firewall²⁷, the first recommendation from the super-complaint report was an interim measure where if police officers only have **concerns or doubts about a victim's immigration status**, that they immediately stop sharing information on domestic abuse victims with Immigration Enforcement. Instead, police officers **should link the victim to a third party that can provide advice and assistance**. This applies where police officers have doubts about a victim's immigration status, not where they have evidence that an offence has been committed. **The National Police Chiefs Council (NPCC) did not agree with the Inspectorate's recommendations for Police Forces** as they believe information may still need to be shared (they state for safeguarding purposes but not for immigration enforcement unless a crime has been committed). This means that NPCC guidance has not been changed to reflect the recommendations in the HMICFRS report and no police forces have adopted this recommendation. **Northumbria Police however have reviewed their practice and have confirmed that they do not routinely share migrant survivors' information with the Home Office** and that they comply with the current NPCC guidance.²⁸

In [December 2021, the Home Office concluded a review](#) of data sharing around migrant victims and witnesses of crime – this reviewed the legislative and policy framework that governs the establishment of a Firewall and safe reporting mechanisms²⁹. Despite calls from the specialist by

²⁷ There is a recommendation for the Home Office to establish a firewall between police and immigration enforcement services for all migrant victims of crime with insecure immigration status.

²⁸ Information sharing with the Home Office where a victim or witness of crime is a suspected immigration offender (NPCC December 2020)

²⁹

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1040100/HO_Review_Police_and_HO_data_sharing_migrant_victims.pdf

and for services and the DA Commissioner, the Home Office rejected the option of a complete or time-limited Firewall. Instead, in the **context of police data sharing**, the Home Office propose to:

- Introduce an **Immigration Enforcement Migrant Victims Protocol** for migrant victims of crime that have been referred to Immigration Enforcement from the police. As part of this, the Home Office will carry out a medium-term piece of work to identify safeguards to mitigate the deterrence effect of data sharing. The **protocol will set out that no immigration enforcement action will be taken against that victim while investigation and prosecution proceedings are ongoing, and the victim is receiving support and advice to make an application to regularise their stay**. This **protocol will be supported with guidance and training**. Immigration Enforcement will work with the NPCC in its design and communication to police officers and promote awareness of the protocol through a range of outreach activities, existing community engagement partnerships and government information channels.
- The Home Office **fully acknowledges that immigration enforcement action should not be taken against vulnerable victims of crime and that even the threat of such action can be detrimental to the victim**. The Home Office believe that the onus should lie on Immigration Enforcement and not the police to ensure that this does not happen.

All victims of crime have the right to expect clear and consistent communication from the police and other public sector agencies. This **includes signposting them to the right support services regardless on their immigration status**. This has been recently clearly articulated in the Updated [Victims Code of Practice](#) by the Ministry of Justice which came into effect from 1st April 2021 and states in its introduction that **victims are 'entitled to services regardless of their resident status'**.

Nonetheless, with no Immigration Enforcement Migrant Victims Protocol yet in place, there is still a **long way to go** to ensure that victims with insecure or uncertain immigration status **are confident enough to report** crimes to the police **without fear** that their information will be shared with the Home Office for immigration enforcement and possible deportation. **Until victims have that confidence, reporting to the police (or to other statutory services) becomes almost impossible for them**; and perpetrators use this fear to further abuse and control, leaving victims un-supported.

In terms of medium-longer term future developments, the **Home Office has stated it will consider creating (or enhancing where extant) a routine referral pathway between the police and specialist domestic abuse services for all victims of domestic abuse, including those with insecure immigration status, when reporting to the police**. This option would require significant funding, which the **Home Office are not able to commit to at this stage**.

Northumbria has specialist by and for services for migrant survivors of violence and abuse (e.g., The Angelou Centre) as well as a network of other local by and for organisations for Black and minority ethnic communities who have strong links with one another.

There is nothing to prevent frontline professionals making a referral as soon as possible into the Angelou Centre or other local by and for service that supports Black and minority ethnic survivors **to ensure that the victim has access to a safe space to disclose any abuse and seek specialist support**. These specialist services would be able to provide emotional and practical support to victims, including linking victims with independent legal advice.

5.2.2 Safe and supported ways to determine a migrant survivor's immigration status.

When a person requests care and support from a local authority, the local authority will try and establish their nationality and immigration status. This is to help them understand if the person has entitlements to welfare benefits, housing assistance, employment or Home Office asylum support; and to identify whether the person is in an excluded group and so can only be provided with care and support where this is necessary to prevent a breach of their human rights or EU treaty rights.

Someone's nationality and immigration status can usually be found on the documents provided by the person requesting support. However, **many migrant survivors will have had their documents removed or destroyed by their perpetrator**. See Appendix 1 Case Study.

Because of the risks around information sharing with immigration enforcement (especially if a survivor is experiencing immigration abuse), this guidance **suggests safe ways to determine a migrant survivor's immigration status**.

Helping a survivor access third party independent advice from either an immigration legal advisor and/or from a 'by and for' specialist VAWG service as early as possible is seen as good practice. They will:

- Help to identify immigration abuse.
- Help identify their immigration status.
- Support them to become documented and eligible for support thereby reducing risks of destitution.
- Determine when they came to the UK and how long they are allowed to stay in the UK.
- Why they came to the UK (e.g., to join their husband, as a student, domestic worker).
- Identify if there are any conditions or restrictions upon them staying in the UK (e.g., were they told they must not work or claim benefits)
- Find out if they have their passport and other essential visa or immigration documents.

If these have not been confiscated by their perpetrator, migrant survivors should try and take these documents with them when they see an immigration solicitor / legal advisor / by and for service as most of the essential information that will be needed will be in these documents. An immigration advisor will advise them on what their immigration status is, what rights they have to stay in the UK and what steps (if any) they can take to remain in the UK, if they are afraid to return to the country they came from.

Independent legal representatives and/or specialist by and for services can contact the Home Office if information is needed from them.

Decisions made by frontline professionals that consider contacting the Home Office to assess someone's immigration status should ideally be taken on a case-by-case basis and in consultation with a specialist 'by and for' ending-VAWG organisation and reviewed by a senior manager (considering the serious potential outcome of that contact). Automatic information sharing with the Home Office and sharing without consent places the victim-survivor at further risk and harm and destitution. **Possible consequences of the Home Office becoming aware of a migrant's presence in the UK when they have no current immigration permission (often due to immigration abuse) could be that enforcement action is undertaken**, that they are detained, or that they are issued with reporting instructions to attend an immigration centre on a regular basis. Frontline staff must inform the victim how and why information about them may be shared with other parties and confirm this by written agreements. Permission will be required to share or obtain information from legal representatives and voluntary sector agencies. **Any sharing of information should be based around informed consent and data protection.**

5.2.3 Local Authority Duty to Inform the Home Office and Status Checks

There is a duty on local authorities (Schedule 3 of the Nationality Immigration Asylum Act 2002³⁰) to inform the Home Office when a person requesting support is, or may be, excluded from receiving care and support on the basis that they are:

- Suspected or known to be unlawfully present in the UK,
- A refused asylum seeker who has not complied with removal directions, or
- A refused asylum seeker with dependent children who have been certified by the Secretary of State as having failed to take steps to leave the UK voluntarily.

This duty should be explained to a person when they present to the local authority and by any agencies referring people to social services. Local authorities using the **NRPF Connect database** would meet this requirement when they create a new case to obtain an immigration status check.

If survivors are unable to explain their immigration status or are unable to access their documentation this should trigger enquiry into whether they are experiencing domestic abuse including immigration abuse. They can be supported by specialists to regulate their immigration status so that they are not unlawfully present in the UK. **If they are supported to secure an immigration status which will allow recourse to mainstream welfare benefits and housing services, it will help provide a more sustainable solution to a person's risk of destitution.**

The [NRPF Network](#)³¹ has [NRPF Connect](#)³² which is an immigration status checking, case-prioritisation, and case-management solution for councils supporting people with no recourse to public funds.

The Intervention and Sanctions Directorate (ISD) at the Home Office is responsible for providing immigration status information to local authorities. Local authorities signed up to use the NRPF Connect database can obtain a status check by creating a new case on the system and a response will be provided in line with the service level agreement. Once a case has been created, the local authority can obtain further updates via NRPF Connect from the Home Office whilst the person remains in receipt of support and can update the Home Office about a change of circumstances. NRPF Connect can improve outcomes for people with NRPF who are provided with safety-net support, with the database being a key tool to support effective service delivery and case resolution when accommodation, and financial support, is provided and funded through local authority budgets.

³⁰ Paragraph 14 of Schedule 3 of the Nationality Immigration Asylum Act 2002 requires a local authority to inform the Home Office when a person requesting support is, or may be, excluded from receiving care and support on the basis that they are: suspected or known to be unlawfully present in the UK; a refused asylum seeker who has not complied with removal directions, or a refused asylum seeker with dependent children who have been certified by the Secretary of State as having failed to take steps to leave the UK voluntarily.

³¹ <https://www.nrpfnetwork.org.uk/>

³² <https://www.nrpfnetwork.org.uk/nrpf-connect>

6. Overview of support available in the context of rights and entitlements of migrant survivors of violence and abuse

The Government's [VAWG National Statement of Expectations](#) states that all **local areas should respond to the needs of victims and survivors with insecure immigration status**. It is important that public sector agencies and government departments **uphold migrant survivors' rights** to accommodation and other support where they are eligible.

An **exclusion does not mean that support can automatically be refused to a person** who is in an excluded group, because Schedule 3 of the **Care Act allows for the provision of care and support where it is necessary in order to avoid a breach of a right under the European Convention on Human Rights** (most commonly Article 8).

When assessing whether it is necessary to provide assistance, **the local authority must look at the effects of not providing support**. When establishing eligibility for care and support, local authorities must identify whether there are any legal or practice barriers preventing a person's return to their country of origin, as return cannot be considered unless these are cleared. This is done by undertaking a **human rights assessment**.

Assistance under the Care Act 2014 and Children Act 1989 is **not classed as 'public funds'**.

Whilst support needs must arise out of the vulnerabilities set out in the eligibility criteria (e.g., mental / physical ill health, age, substance misuse etc.) under The Care Act 2014³³:

- **Migrant survivors are entitled to a care and support needs assessment** and local authorities have a **statutory duty to conduct one**. All adults with NRPF should be offered an assessment regardless of their immigration status, care and support needs (even if there are no appearance of care and support needs), or residence in the local area (adults with NRPF have no habitual residence and can request an assessment in any local authority).
- They **may meet urgent needs for care and support whilst undertaking the relevant assessments**.
- A local authority has a **duty to meet a person's eligible needs** for care and support and the **power to meet non-eligible needs**, where: *'...the adult is ordinarily resident in the authority's area or is present in its area but of no settled residence.'* Such people therefore should be treated in the same way as a person who is ordinarily resident in the local authority's area.
- A local authority has a **duty to undertake enquiries, or cause others to do so, if it has reasonable cause to suspect that an adult with care and support needs is experiencing, or may be at risk of, abuse or neglect and as a result of those needs is unable to protect themselves against the abuse or neglect or the risk of it**. This happens whether or not the local authority is providing any care and support services to the adult. The aim of the enquiries is to decide what, if any, action is needed to help and protect the adult.
- There is **no prohibition** on a local authority to undertake its general duties with regards to **providing information and advice**

³³ There are a number of considerations local authorities are required to make when assessing the needs of a person with NRPF under the Care Act 2014, associated regulations and the [Statutory Guidance](#)³³.

- The provision of care and support, prevention, or information and advice must **focus on the needs and goals** of the person requiring assistance *“The core purpose of adult care and support is to help people to achieve the outcomes that matter to them in their life.”*

If support is provided to a destitute child, then support should also be provided to their non-abusing parent regardless of the parent having NRPF.

NHS care is not classed as 'public funds' for the purposes of section 115 of the Immigration Act³⁴.

A person subject to immigration control qualifies for assistance if their need for care and support is due to circumstance **other than those that have arisen solely because of destitution**.

In brief, examples of support (if they are not excluded under other existing legislation) includes:

- The Domestic Violence Rule (DVR) and the Migrant Victims Domestic Abuse Concession (MVDCA)
- Accommodation Support
- Social Services Support (adult and child)
- Safeguarding support
- Home Office Asylum Support
- Southall Black Sisters No Recourse fund (non-statutory)
- No Woman Turned Away Initiative (non-statutory)

This guidance recognises that **systemic oppression has resulted in unmet need for particular groups**, and that **demand for additional support is in fact the result of systemic barriers which disproportionately affect survivors with NRPF**. This guidance also recognises the importance of providing support for victim/survivors regardless of their local authority of origin.

There is more detail in the accompanying toolkit provides on how to meet **the rights and entitlements of migrant survivors** including:

- Schedule 3 Exclusions and Human Rights Exceptions
- Domestic Violence Rule (DVR) and the Migrant Victims Domestic Abuse Concession (MVDCA) setting out who is eligible to apply for Indefinite Leave to Remain (ILR) under the DVR and who is not eligible under the DVR. Dependent partners of someone on a work or study route can apply to the MVDAC to help access public funds for a 3-month period but they are not eligible to apply for ILR as a victim of domestic abuse. This cohort of victims are disconnected from the indefinite leave route.
- Access to social housing, refuge, and homelessness assistance for migrant survivors
- Provision under The Care Act³⁵: access to care and support services (including accommodation)
- Children’s Act 1989: accommodation and/or financial assistance for families
- Support for Asylum Seekers (Care Act Support; Home Office Asylum Support; Support for Appeal Rights Exhausted Asylum Seekers; and Refuge Accommodation and Asylum Seekers
- Southall Black Sisters No Recourse Fund (SBS NRF) – Non-Statutory Support

³⁴ Those with valid visas and NRPF should have unrestricted access to the NHS. The main issue for NRPF cases is where a migrant survivor has no leave to remain at all, e.g., if they arrived as a visitor and overstayed or for some reason their leave lapsed and was not valid at the time, they required healthcare. They would be charged for healthcare and potentially incur negative immigration consequences due to any debt owed to the NHS.

³⁵ <http://guidance.nrpfnetwork.org.uk/reader/practice-guidance-adults/eligibility-for-care-and-support/#32-duty-to-assess>

- Support for EEA Nationals

The accompanying toolkit also provides a list of useful helplines, resources and weblinks for:

- Organisations who specialise in supporting migrant survivors of violence and abuse
- Organisations who specialise in the rights and entitlements of asylum seekers and appeals rights exhausted (ARE) asylum seekers
- Resources on the rights and entitlements of those with insecure immigration status
- Resources on trafficking and modern slavery
- Links to organisations who provide Immigration Advice and Legal Services
- The Pre-Action Protocol (PAP) Project: to challenge decisions by government

7. Acknowledgements

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Appendix 1 Case Study

Referral Context:

The Angelou Centre received a phone call from a local authority professional. They explained that they were working with a 26-year-old woman, Gloria (pseudonym) from Somalia (pseudo location) with three children. They stated that Gloria had been arrested for allegedly attacking her husband with a knife and as a result she was removed from her home address into a local hotel, with bail conditions imposed and her three children left in the care of their father. The professional advised that after speaking with Gloria, she disclosed being a victim of domestic violence.

Angelou Centre Assessment:

Upon initial assessment with an advocate that spoke her language, Gloria disclosed being subject to high levels of physical abuse, domestic slavery, sexual abuse, economic abuse, coercive control, and honour-based violence perpetrated by her husband and her in-laws, who she lived with. On the night in which Gloria was arrested, she explained that her husband became aggressive and began beating her. Gloria stated that she continually tried to get away from her husband as he was beating her and told him that she would call the police. The perpetrator picked up a knife and said if she called the police, he would cut her into pieces. A neighbour heard Gloria's screams and contacted the police.

Gloria states that as her husband heard the sirens, he began cutting his own arm with the knife. When the police attended, he stated that Gloria had tried to kill him. Gloria stated she was arrested and placed in a cell overnight. Gloria continuously asked for an interpreter so that she could understand what was happening, but this was not provided.

Immigration Abuse and Threats:

Gloria disclosed experiencing high levels of immigration abuse throughout the marriage - that is Gloria's insecure immigration status was used as way to threaten and abuse her. Gloria was not given access to any of her immigration documents; she knew she had entered the UK on a spouse visa but was told by the perpetrator that she now had no status in the UK and if she were to leave him, she would be deported and lose custody of her children. When Gloria was arrested, she was unable to disclose her immigration status to the police. As a result, the police contacted the Home Office to clarify her status. When this was explained to Gloria (without the use of an interpreter), she was further traumatised fearing that the police would have her deported, just as her husband had always threatened to do if she accessed support. As a result, Gloria would not disclose her experience of violence to the police for fear that she would be deported, and her children forcibly removed. Gloria explained that she did not think the police would care or listen to her, as their focus appeared to be only on her immigration status.

Data Sharing and Human Rights Breaches:

The police, the Local Authority and professionals involved in Gloria's case failed to provide her with any access or recourse to legal advice around her immigration status, wrongly assuming she had NRPF. The police and other agencies shared her data with the Home Office, failing to follow multi-agency safeguarding protocols and without consent. Gloria had her Article 4, 5 and 8 rights breached, and her children removed from her care without proper assessment with an interpreter- consequently she was denied Section 17 (Children Act) support. Gloria was subject to further traumatisation and her abusers were enabled to exert power and control over Gloria via her assumed lack of 'legal' immigration status and refusing her access to see her children by manipulating services. Gloria was inappropriately placed in a hotel the day after being arrested subjecting her to further risk and failing to support her into a safe and secure refuge. Gloria was also

left destitute by professionals as she was not given food or subsistence whilst professionals said they were 'waiting' to hear back from the Home Office. Gloria described this process as being like 'torture.'

Angelou Centre Support: 2020-2021

Gloria was given immediate support from the Angelou Centre, including subsistence and remote institutional advocacy support. Within 48 hours of the Angelou Centre receiving the referral, Gloria was supported to move into the Angelou Centre refuge. Gloria received wrap around intensive support from a multi-lingual advocate. She was provided with independent immigration advice by a solicitor that clarified she was in fact in the UK on a spouse visa and therefore eligible for a DDVC Concession (this was before the change from DDVC Concession to MVDAC). Her legal representative advocated on her behalf with the Home Office. Gloria has now been supported to apply for benefits and her ILR application has been submitted. In the time it took for her benefits to be granted, Gloria was provided with financial support by the Angelou Centre. Gloria was supported by a family law solicitor to apply for a non-molestation order which was granted and to engage in private law proceedings in order to gain custody of her three children. Gloria was supported to have criminal law representation, and the police dropped all charges against her and are now pursuing the disclosures of domestic and sexual violence Gloria made against her husband and in-laws. She is engaging with the criminal justice system with the active support of her allocated refuge advocate.

After being denied contact access to her children, including one child she was breastfeeding, Gloria was supported to have regular contact with her children and is now having her children regularly sleep over at the refuge whilst her family court matters are being resolved. Gloria was also referred into weekly therapeutic sessions and a variety of wellbeing training and courses to support her social and economic independence. Gloria attends monthly VAWG Women Voices Steering groups and feedback is central to the development of the holistic services that the Angelou Centre provides.