



NORTHUMBRIA  
**POLICE & CRIME  
COMMISSIONER**

# TOOLKIT<sup>1</sup>

## Northumbria<sup>2</sup> Multi-Agency Toolkit

How to safely respond to migrant survivors of violence and abuse and upholding the rights and entitlements of those with no recourse to public funds (NRPF)

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<sup>1</sup> Final version as of August 2023

<sup>2</sup> 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 toolkit and accompanying guidance 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 toolkit and accompanying guidance will be updated as and when there are any significant policy changes. However, any frontline practitioners are 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 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 toolkit and accompanying guidance 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 toolkit and guidance 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.*

# 1. Purpose of this multi-agency toolkit and context

This toolkit aims to **provide a consistent approach across Northumbria when responding to migrant survivors** who have insecure or uncertain immigration status. It will help **frontline practitioners and senior and strategic leads** within statutory services (such as police, housing, health and child and adult social care) provide **safe and appropriate service responses, solutions, and signposting to expert help** so that survivors are safeguarded first and foremost. This will help mitigate risks of destitution and ensure that their safety and protection is considered paramount and that their rights and entitlements are upheld.

PLEASE NOTE ANY SAFEGUARDING CONCERN NEEDS TO BE REPORTD TO THE APPROPRIATE LOCAL AUTHORITY

This toolkit will help frontline professionals:

- Better **understand the range of immigration statuses and support options available** for migrant survivors of domestic abuse with different insecure immigration status in the UK, and the conditions and eligibility for support attached to each. This includes those who have insecure or unsettled immigration status, because immigration control can restrict a persons' access to certain public funds.
- **Understand the role that specialist 'by and for' services** can play in supporting victims and the **importance of independent legal advisors** who can help migrant survivors regulate their immigration status.
- **Safely respond to migrant survivors** who are often some of the most vulnerable and marginalised victims of violence and abuse; and
- **Uphold the statutory duties** under the Care Act, Children's Act; and equality duties as they relate to migrant survivors. It highlights the duties on public services and how they should respond.

This toolkit accompanies a separate guidance document (downloadable [here](#)) that raises awareness of the many barriers faced by migrant survivors and the signs than someone is experiencing immigration abuse (a form of coercive control that creates additional barriers to support) alongside the risks of inappropriately sharing a migrant survivor's information with immigration enforcement and the implications of this

The target audience for this toolkit is any frontline professional or manager who come into contact with migrant survivors of violence and abuse who may have insecure immigration status, such as staff in:

- Health and adult social care
- Children's services
- Housing
- Police and other criminal justice agencies
- Education
- Voluntary and community sector
- Specialist services who support those living with violence and abuse
- Those who support people with insecure/uncertain immigration status.

## 2. Glossary, notes on language and definitions of key terms

### 2.1 Victims/survivors and perpetrators

The terms victim and survivor are used interchangeably throughout this guidance to refer to people who have or are currently experiencing domestic abuse or other forms of violence and abuse.

The term perpetrator is used throughout to refer to the person or people committing the abuse.

### 2.2 Gender informed guidance

Women and men experience domestic abuse and harmful practices<sup>3</sup>, but the overwhelming majority of victims are women and the perpetrators men. The guidance therefore recognises the gendered nature of violence and abuse. The context for this is:

- 89% of victims of domestic abuse who have been subject to repeat victimisation (over four incidents) are women<sup>4</sup>;
- Women are more likely to experience higher levels of fear and are also much more likely to be killed by their partners or former partners than men.<sup>5</sup>
- The vast majority of victims/survivors requiring safe accommodation will be women. The interventions provided to maintain safety for women within safe accommodation should also be gender informed.

### 2.3 Coercive control and ‘Space for Action’

This toolkit recognises that coercive control is the primary tactic used by perpetrators of violence and abuse. This is not a series of incidents of physical violence but a systematic pattern of coercive and controlling behaviour which restricts the everyday lives of survivors. Perpetrators use coercive control to micro-regulate survivors’ everyday lives in order to hurt, intimidate and isolate them.

The impact of an abuser’s behaviour is that the victim will adapt their behaviour to cope. Coercive control severely diminishes a survivor’s ‘space for action,’ a term introduced by Professor Liz Kelly to describe a woman’s ability to be fully self-determining. The diagram below sets out the ten areas of a survivor’s life where their thinking and actions become narrower as their space for action becomes more restricted and **limits their ability to:**

- Seek help.
- Make a decision to leave an abuser.
- Protect their children; and
- Even imagine a life free from violence and abuse.

Coercive control is often described by victims/survivors as the most significant and serious harm caused to them.

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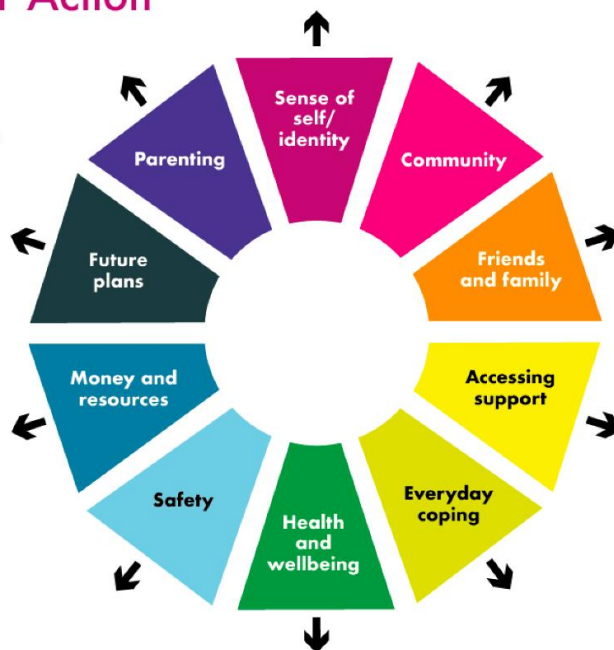
<sup>3</sup> such as forced marriage

<sup>4</sup> Walby, Sylvia and Allen, Jonathan (2004) Domestic violence, sexual assault and stalking: Findings from the British Crime Survey. Home Office Research Study 276. (London: Home Office)

<sup>5</sup> [Successful Commissioning: a guide for commissioning services that support women and children survivors of domestic violence. 2014 Imkaan and Women’s Aid England](#)

## Space for Action

The ten domains or areas of a survivor's life where her space for action can be narrowed as a result of coercive control



"Simply living in the body of an oppressed person is traumatic and exhausting"  
(Women Making Waves  
Volume 18, Issue 3, 2007)

Support to increase her "space for action"

What freedoms and restrictions does she have?

### 2.4 Immigration abuse (a form of coercive control/economic abuse)

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. It is a form of coercive control. A fuller definition of immigration abuse is included within the multi-agency guidance document, downloadable [here](#)

One of the **key signifiers of immigration abuse** is the inability of victims 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.

### 2.5 Insecure immigration status and undocumented migrants

This section reinforces information in the accompanying guidance as important context for this toolkit.

An **insecure or uncertain status** is a classification given to **someone whose immigration status has yet to be determined**. People with an insecure immigration status are those whose status is temporary or insecure due to them waiting for a decision about their permission to stay in the UK, or because they are dependent on their partner's, spouse's, or other family member's status. Their stay is usually limited.

Under the Immigration and Asylum Act 1999 (section 115), someone with insecure or uncertain status will be "a person subject to immigration control". This means a person who is not a national of an EEA State and who—

- a) requires leave<sup>6</sup> to enter or remain in the UK but does not have it.
- b) has leave to enter or remain in the UK which is subject to a condition that he/she does not have recourse to public funds.
- c) has leave to enter or remain in the UK given as a result of a maintenance undertaking; or
- d) has leave to enter or remain in the UK only as a result of paragraph 17 of Schedule 4.

The **vast majority of migrants enter the country legally**<sup>7</sup>, and later **fall out of status** (i.e., become “**undocumented**”); often through no fault of their own<sup>8</sup>. Undocumented migrants do not have legal rights to stay but there are some routes people can go down to regulate or secure their immigration status.

The number of undocumented migrants in the UK could be between 800,000 and 1.2million people<sup>9</sup>. The undocumented population has increased following the deadline for EU citizens to register for the EU Settled Status Scheme (designed as an application process).

Broadly speaking, a person is **most likely to become undocumented** if they:

- i. Travelled to the UK on a time-limited visa, work, student, family, or other visa and after their visa ran out, they could not successfully renew or extend it.
- ii. Travelled to the UK in a clandestine manner and never successfully applied for any regular migration status.
- iii. Have been refused asylum but have remained in the UK
- iv. Were born in the UK but not successfully regularised their status or obtained British citizenship.
- v. Were undocumented for reasons i.-iv. above, then managed to regularise their status, but were then unable to remain regularised, e.g., could not afford prohibitive costs and legal fees associated with current routes to regularisation.
- vi. Were in the UK lawfully until the Government made changes to the conditions of their residence status, which they were unaware of, or unable to fulfil, new criteria.

If there has been a poor assessment or lack of involvement from services who specialise in supporting migrant survivors, then many migrant victims are often incorrectly considered to have insecure and/or uncertain immigration status and no recourse to public funds (NRPF). If this happens, their rights are not being upheld and they miss getting the specialist support they are entitled to.

## 2.6 Indefinite Leave to Remain (ILR)

Indefinite leave to remain (ILR) is an immigration status given to non-EEA nationals who wish to settle in the UK without time restrictions. If someone is granted ILR it means they have the right to live permanently in the UK.

Once granted, ILR is a permanent status that enables someone to enter and remain in the UK for as long as they wish, without the need for travel, work or study visas and cannot be revoked unless they leave the UK for more than 2 years or commit a serious crime.

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<sup>6</sup> i.e., permission

<sup>7</sup> E.g., on a visitor visa, other temporary visa routes including student, spouse, and work visas as well as some non-visa nationals

<sup>8</sup> Equalities and Human Rights Committee, 2017; Safety4Sisters, 2016

<sup>9</sup> The Joint Council for the Welfare of Immigrants (JCWI)<sup>9</sup> [report](#) April 2021



However, before ILR can be granted there is a lengthy process to go through. If someone loses their immigration status or their right to remain then **the 10-year period to be eligible** to be granted ILR is **reset**. Migrant survivors often become undocumented if their perpetrator withholds their paperwork/documents; cause them to miss their deadline to renew their leave; or withhold the funds needed to apply/re-apply for status.

## 2.7 Immigration Acts and No Recourse to Public Funds (NRPF)

Under the Immigration Act 1971, British citizens have an automatic right to abode, meaning they are allowed to live, work and access public services in the UK without being subject to any immigration restrictions. They do not need a visa to come to the UK and can live indefinitely in the UK (i.e., they have 'Indefinite Leave to Remain' or settled status).

Non-British citizens with **no right to abode and means they are 'subject to immigration control.'**

Those subject to immigration control, who do not have ILR or settled status are often (but not always) **prohibited from accessing the types of public funds that are specified under the Immigration Act 1999** (section 115). This can include **restricted access to work, health care, social housing, renting accommodation, and opening bank accounts** – this restricted access is called having 'No Recourse to Public Funds' (NRPF).

**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<sup>10</sup> as part of their permission to enter or remain in the UK.

## 2.8 European Economic Area (EEA) Nationals

All EEA nationals who entered the UK after 30<sup>th</sup> June 2021 that did not apply for status under the EU Settlement Scheme, are viewed as residing in the UK **without permission** (living in the UK unlawfully) **and will be without recourse**. This created many thousands of new undocumented migrants overnight.

## 2.9 Destitution

A person is destitute if they do not have adequate accommodation, or means of obtaining it, whether or not their essential living needs are met. Or, where they have adequate accommodation, or means of obtaining it, but cannot meet other essential living needs. Destitution is absolute poverty, where people cannot afford the essentials, they need to be safe, warm and fed. It has a severe impact on physical and mental health and wellbeing.

Migrant survivors who have NRPF can quickly become destitute. If they have experienced immigration abuse from their perpetrator, been economically abused, and/or have relied on their abusive partner for their accommodation and basic essentials then they're particularly at risk of destitution. Dealing with the trauma of the abuse alongside destitution/risk of destitution makes migrant survivors especially vulnerable.

## 2.10 Domestic Violence Rule (DVR)

The Domestic Violence Rule (DVR) was introduced in 1999 in response to the impacts that the immigration rules and the NRPF requirement were having on migrant survivors of domestic abuse. It was brought in after decades of committed campaigning from specialist 'by and for' services such as

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<sup>10</sup> Section 115 Immigration and asylum Act 1999 <https://www.legislation.gov.uk/ukpga/1999/33/section/115>

Southall Black Sisters. The DVR is intended to help prevent (some) migrant victims of violence and abuse from facing the impossible choice between abuse, deportation, and destitution<sup>11</sup>. The rule **applies ONLY if the migrant survivor is in the UK** as the spouse, partner, or civil partner (**on a spousal visa**) of someone who is British or has Indefinite Leave to Remain.

## 2.11 Migrant Victims Domestic Abuse Concession (MVDAC)

If someone's immigration status means that they do not have leave to remain in the UK and therefore NRPF, then the Migrant Victim Domestic Abuse Concession (MVDAC) may be an option that allows them to apply for public funds and therefore live independent of their abusive partner. However, the **MVDAC is linked to the DVR** meaning it **only applies** to migrants who are in the UK on a **spousal visa** and that **relationship has broken down due to domestic abuse**. The MVDAC allows people fleeing domestic abuse the right to access public funds for a three-month period while they submit their application. During this time, the UK Visas and Immigration department considers their application to settle in the UK.

The **MVDAC was introduced in 2024 (prior to this it was called the Destitute Domestic Violence Concession - DDVC)**. The MVDAC allows certain survivors who have leave to enter or remain as a partner to gain access to public funds following a relationship breakdown due to domestic abuse. Survivors are only eligible to apply if they have, or were last granted leave on one of the following grounds:

- a partner of a person who is either British, settled, an EEA national with limited leave granted under the EU settlement scheme;
- a refugee, a member of HM Armed Forces; or
- a person with permission to enter or stay in the UK on a work and economic route, student or graduate route.

It is important to note that a survivor of domestic abuse who has leave to enter or remain as a partner on a work and economic route, or as a student or graduate will not be eligible to apply for ILR on the basis of being a victim of domestic abuse. They will only be eligible for 3 months of recourse to public funds, and will then have limited options available to them to apply for further leave.

National guidance that explains the eligibility criteria to apply for temporary permission to stay in the UK under the MVDAC is available here: [Victims of domestic violence: caseworker guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/victims-of-domestic-violence-caseworker-guidance)

## 2.12 'By and For' Ending-VAWG<sup>12</sup> Services

By and for services is the term used to describe organisations that are designed and delivered by and for the communities they serve including race, disability, sexual orientation, transgender identity, religion, or age. By and for services may include wrap-around holistic recovery and support that address a victim/survivor's full range of needs. Some by and for services are also specialists in ending violence against women and girls (VAWG).

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<sup>11</sup> Eaves & Southall Black Sisters (2013) Destitution Domestic Violence Concession – Monitoring Research Report: <http://i3.cmsfiles.com/eaves/2013/12/DDV-Concession-Scheme-Monitoring-Report-Final-f14013.pdf> )

<sup>12</sup> Violence against women and girls (VAWG)

In the context of this toolkit, references to by and for ending VAWG services are primarily made in the context of support for women from Black and minority ethnic communities<sup>13</sup> experiencing violence and abuse. These services have a specialist understanding of violence and abuse as a gendered issue and as a cause and consequence of inequality between women and men which intersects with other inequalities.

Women with NRPF often require high levels of support over an extended period of time and so specialist by and for ending VAWG services are the most suitable avenues of support due to:

- Their language specialisms.
- Their institutional advocacy and ability to challenge oppressive systems and structures.
- Their expertise in understanding harmful practices (e.g., so-called honour-based abuse, forced marriage, female genital mutilation, immigration abuse as a form of domestic and sexual abuse etc.) within a wider spectrum of VAWG; and
- Their expertise in relation to immigration, discrimination, racism, and gender dynamics within family and community structures<sup>14</sup>

The Government's [VAWG National Statement of Expectations \(2022\)](#) indicates that **victims and survivors with protected characteristics**, such as those insecure immigration status, **are best served by specialist 'by and for' services**, which are run by highly specialist staff, whose work is designed to meet their specific needs.

In **Northumbria**, specialist 'By and For Led' Ending-VAWG Organisations include: [The Angelou Centre](#) who support women who have experienced domestic/sexual violence often in addition to immigration abuse and harmful practices which are perpetrated through varying cultural and social lenses by intimate partners, family members and or community members. They support migrant women who also have complex immigration issues, NRPF, face racial discrimination and harassment, hate crime and economic exploitation.

**Nationally**, there are a number of by and for ending-VAWG charities, such as [Southall Black Sisters](#) who specialise in supporting migrant survivors with NRPF. They can help refer survivors to a solicitor or legal adviser if they have not managed to find legal advice and representation.

See section 6 for more information on these specialist local and national by and for VAWG providers

## 2.13 Intersectionality

Coercive control is interdependent on and reinforced by all forms of oppression. While all survivors may share some common ground in their experiences, there will be differences related to their marginalisation, background, and identity. These create barriers to accessing support including refuge accommodation for survivors who face severe and multiple disadvantage such as those from Black and minority ethnic communities, Deaf and disabled, LGBTQ+, and those with NRPF. Victims are not a homogenous group and their experiences of inequality have an effect not only on how they experience and understand abuse but also how and where they access support and justice. All services must be mindful of this and should continually examine how their decisions and actions may be contributing to systems of oppression and practices of exclusion and marginalisation while also seeking to remove the barriers identified. All organisations and services should monitor for, and respond to, the needs of all diverse communities of survivors in their area.

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<sup>13</sup> Some by and for services prefer to use the term 'Black and minoritised women.'

<sup>14</sup> Anitha, 2010

### 3. Introduction to immigration control, NRPF, eligibility for support and the importance of independent legal/immigration advice

The primary legal barrier to support is the one created through the NRPF condition - and the NRPF condition is attached to most insecure immigration status categories, including those with no form of leave to enter or remain, those on a variety of visas (visitor, student and work visas), 5 and 10-year family routes, and refused asylum seekers.

Some immigration statuses entitle victims to support under certain conditions – such as victims of domestic abuse who have settled status under the EU Settlement Scheme and those that were last granted permission as a partner of someone who is either British, settled, an EEA National, a refugee, a member of the HM Armed Forces, or a person with permission to enter or stay in the UK on a work, student, or graduate route. **However, this leaves many migrant survivors unsupported and unprotected**, especially those with no children, those not on spousal visas or those that are in the UK on their own work/student visas (rather than dependent on their partners), and those who are not former EEA citizens.

This section of the toolkit therefore covers:

- Who is subject to immigration control
- Who is subject to NRPF
- The types of immigration statuses and eligibility for support
- The types of immigration status that do have recourse to public funds
- When NRPF can be lifted
- Which public funds those subject to immigration control are excluded from accessing, and the exceptions
- Which public funds that people who are subject to immigration control can access; and
- The importance of survivors getting independent immigration advice

Under the Immigration Act 1971, people in the UK fall into two groups:

- i. Those with a right to abode (who have **no immigration restrictions** on them<sup>15</sup>)
- ii. Those with no right to abode (who are **subject to immigration control**)

Those '**subject to immigration control**' covers all migrants whose entitlement to public funds is restricted by their immigration status. Being subject to immigration control means a person:

- Has needed to have permission from the UK government (Home Office) to be in the UK. This is commonly called having 'leave to enter' or 'leave to remain'
- Has not had permission to be in the UK – meaning they are not in the UK legally<sup>16</sup>.
- Has had permission to be in the UK but has breached the conditions of their permission<sup>17</sup> – meaning they are not in the UK legally.

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<sup>15</sup> British citizens have an automatic right to abode so they can live, work and access public services in the UK without being subject to any immigration restrictions

<sup>16</sup> The by and for ending VAWG sector do not use the term 'illegal' (which is used by numerous international states and is replicated by state institutions). They believe it aggravates the dehumanisation of people according to their immigration status and importantly contravenes international human rights obligations.

<https://www.gov.uk/standard-visitor-visa>

<sup>17</sup> It is important to remember that migrant survivors are likely to experience immigration abuse from an abusive partner e.g., perpetrators can cause their partners to breach their immigration status by deliberately withholding documentation

A person who is subject to immigration control<sup>18</sup> is prohibited from accessing certain public funds that are [prescribed by law](#) unless there are exemptions (case-by-case).

### 3.1 Who is subject to immigration control?

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.

|  |  |
|--|--|
| <p><b>Indefinite leave to remain (ILR)<sup>19</sup> = settled status</b></p> | <p><b>Not subject to immigration control</b> – as they have a settled immigration status and are able to live, work and access public services / public funds. For non-UK nationals, ILR is not a permanent status i.e., not a permanent right to abode.</p>   |
| <p><b>Subject to immigration control = unsettled or insecure status</b></p>  | <p><b>Subject to immigration control</b> – there will be an NRPF condition on them which limits them accessing employment; health care; having a bank account; social housing; and renting housing.</p> <p>Those <b>subject to immigration control</b> generally fall into one of the following categories:</p> <ul style="list-style-type: none"> <li>• <b>People with a NRPF condition on their visa.</b> This is where they have leave (permission) to enter or remain in the UK <b>on condition that they have NRPF.</b></li> <li>• <b>Someone who needs leave (i.e., permission) to enter or remain in the UK but does not have it</b> e.g., if they are an asylum seeker with temporary admission; or they have overstayed their leave to enter or remain.</li> <li>• <b>Appeal rights exhausted (ARE) asylum seekers.</b></li> <li>• <b>EU nationals with pre-settled status.</b></li> <li>• <b>Someone with leave (permission) to enter or remain in the UK as a result of someone providing a maintenance undertaking.</b></li> <li>• Those who have <b>no current permission</b> to be in the UK.</li> </ul> |

When a person has **leave to remain with NRPF**, then **‘no public funds’ will be written on their immigration documents** which could include:

- Biometric Residence Permit<sup>20</sup> (BRP) – this is now issued to most people who have been granted leave to enter or remain for longer than six months
- Immigration status document
- Visa or residence permit in passport
- Stamp in passport
- Asylum registration card (ARC)
- Home Office issued convention travel document – for a refugee
- Certificate of travel – for a person with humanitarian protection who cannot get a national passport

<sup>18</sup> as defined by section 115 of the Immigration and Asylum Act 1999

<sup>19</sup> Even if someone has settled immigration status (ILR) this is not a permanent status i.e., not a permanent right to abode. A person’s immigration status can lapse for a number of reasons such as having gone on to live outside of the UK continuously for more than 2 years.

<sup>20</sup> A biometric residence permit is a document, shaped like a bank card, issued by the immigration authorities as proof of someone’s right to stay in the UK.

- EEA family permit / residence card / permanent residence card / derivative residence card issued to the family member of an EU national
- Home Office letter

If there is no such statement then it can be assumed that a person has recourse to public funds, although they would need to satisfy the relevant benefit or housing eligibility requirements in order to access these.

Remember – in the context of violence and abuse, **migrant survivors are highly likely to have had their documents taken from them by their perpetrator(s)**. It is therefore important that you help them to seek legal advice from a solicitor or an immigration advisor (see section 3.7). Information is also available from a number of agencies listed in section 6.

### 3.2 Which types of immigration status DO have recourse to public funds?

People with the following types of immigration status **DO have recourse** to public funds:

- Settled status i.e., indefinite leave to enter or remain or no time limit (apart from an adult dependent relative)
- Right of abode
- Exempt from immigration control
- Refugee status
- Humanitarian protection
- Discretionary leave to remain, for example:
  - Leave granted to a person who has received a conclusive grounds decision that they are a victim of trafficking or modern-day slavery
  - Migrant Victims Domestic Violence Concession (MVDAC)
- Limited leave to remain granted under family and private life rules where the person is accepted by the Home Office as being destitute
- Unaccompanied asylum-seeking child who is under 17.5 years old and has been refused asylum but there are no reception arrangements in their country of origin

### 3.3 Summary of immigration statuses and eligibility of support attached to each

This summary table below will help staff to navigate and understand the range of immigration statuses and support options available for people with insecure immigration status in the UK, and the conditions and eligibility for support attached to each.

| Immigration status  | Eligibility for Support  |
|---|--|
| <p><b>1. No form of leave to enter or leave to remain</b></p> <p>(e.g., an individual that has overstayed their visa or is undocumented).</p> <p><b>NRPF Under Section 115 of the Immigration Act</b></p> | <p>NRPF under Section 115 of the Immigration Act: prohibited from accessing all forms of support, including access to work, social housing, renting accommodation, health care and opening bank accounts.</p> <p>Prohibited from access to housing under Part VII of the Housing Act.</p> <p>Excluded from some commissioned (non-housing related) advocacy or support services.</p> |

| Immigration status                                      | Eligibility for Support  |
|---|--|
|   | <b>BUT - migrants with children</b> are entitled to accommodation and other forms of support from their local authority under Section 17 of the Children Act.  |
| <b>2. Visitor Visa</b>                                  | Individuals with visitor visas have NRPF and are prohibited from working.<br><br><b>BUT - migrants with children</b> are entitled to accommodation and other forms of support from their local authority under Section 17 of the Children Act.   |
| <b>3. Student Visa</b>                                  | Individuals with student visas have NRPF and their right to work is dependent on the course and the hours of paid employment.  |
| <b>4. Work Visa</b>                                     | Individuals with work visas have NRPF. An individual is only granted this visa if they can speak, read, write, and understand English and their employer has been approved by the Home Office.   |
| <b>5. 5 &amp; 10-year family route</b>                  | Individuals with leave to remain granted under family or private life rules have NRPF, <b>with the right to work.</b>  |
| <b>6. Asylum Seeker</b>                                 | Under section 95 of the Immigration and Asylum Act 1999, a person seeking asylum <b>can be provided with Home Office housing and financial support.</b>  |
| <b>7. Refused Asylum Seeker</b>                         | A refused asylum seeker (appeal rights are exhausted) has NRPF <b>BUT - may be able to apply for Section 4 support</b> under the Immigration and Asylum Act 1999, which includes accommodation and a pre-paid ASPEN card.  |
| <b>8. Dependent Partner Visa's (e.g., spouse visas)</b> | An individual on a partner visa <b>may apply for ILR</b> (and therefore recourse to public funds) <b>under the Domestic Violence Rule</b> 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. |
| <b>9. EU Settlement Scheme: Settled Status</b>          | EEA citizens who have lived in the UK for 5 years or more (and have been granted settled status) are <b>eligible for public funds if they are habitually resident in the UK.</b>   |
| <b>10. EU Settlement Scheme: Pre-Settled Status</b>     | EEA citizens who have lived in the UK for less than 5 years will need to be qualifying right to reside to be eligible for public funds.  |

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).

### 3.4 When can NRPF be lifted?

**NRPF is not always permanent.** Some people's circumstances change over time so that they become eligible for public funds. NRPF **may be lifted** when:

- Asylum seekers have been granted refugee status, humanitarian protection or old-style discretionary leave to remain. They are then entitled to claim welfare benefits because they are granted leave to remain with recourse to public funds.
- A visa over-stayer who has made a successful human rights application and as a result has been granted limited leave to remain without a restriction on public funds.
- Someone receives a conclusive grounds decision that they are a victim of human trafficking,
- Temporarily lifted under the destitution domestic violence concession (DDV); and
- Unaccompanied Asylum-Seeking Child (UASC) leave which permits temporary access to public funds.

### 3.5 Which public funds are survivors subject to immigration control excluded from accessing, and what are the exceptions?

The rules are complicated around what financial support people with immigration problems are entitled to. Government has a Public Funds document called "[Migrant access to public funds, including social housing, homelessness assistance and social care](#)"<sup>21</sup> which sets out what those subject to immigration control can and can't access and where there are exceptions.

A person subject to immigration control as defined by section 115 of the Immigration and Asylum Act 1999 is not eligible to the public funds listed in Box 1A below – this is because they have NRPF.

#### **Box 1A**

**Restricted public funds specified under the Immigration Act 1999** that those subject to immigration control are prohibited from accessing:

- Attendance allowance
- Carer's allowance
- Child benefit
- Child tax credit
- Council tax benefit
- Council tax reduction
- Disability living allowance
- Discretionary support/ welfare payment made by a local authority
- Housing benefit
- Income-based jobseeker's allowance
- Income-related employment & support allowance
- Income support
- Personal independence payment
- Severe disablement allowance
- Social fund payment: budgeting loan, sure start maternity grant, funeral payment, cold weather payment and winter fuel payment
- State pension credit
- Universal credit
- Working tax credit

<sup>21</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/970377/public-funds-guidance-v17.0-gov-uk.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/970377/public-funds-guidance-v17.0-gov-uk.pdf)



Section 118 of the Immigration and Asylum Act 1999 excludes a person subject to immigration control from being entitled to access an allocation of **social housing** through the council register and **homelessness assistance**.

There are **however several EXCEPTIONS to the rules regarding public funds**, which are set out in the [Home Office Modernised Guidance on Public Funds](#). This means that a person who has leave to remain with NRPF may be able to claim certain benefits without this affecting their immigration status when they:

- are a national of a country that has a reciprocal arrangement with the UK.
- have an EEA national family member, including a British citizen.
- make a joint claim for tax credits with a partner who has recourse to public funds; or
- have indefinite leave to enter or remain as an adult dependent relative during the first five years they are in the UK (during which time they can claim non-means tested benefits

**Having NRPF is not necessarily a problem for everyone subject to immigration control.** Some NRPF migrants can be studying, working, or living in the UK providing they meet the required immigration controls and can support themselves. However, having NRPF will be a problem if a migrant survivor has never been, or is no longer self-sufficient, or whose immigration status has changed or was never regularised, or who is likely to present as NRPF with no means of support.

### 3.6 Which public funds are survivors subject to immigration control allowed to access?

There are **many publicly funded services that are NOT classed as public funds under section 115** of the Immigration and Asylum Act 1999. This means that whilst those with NRPF are not entitled to welfare benefits or public housing, **there are some publicly funded services that migrants with NRPF are allowed to access such as healthcare** (although these may still be subject to some restrictions based on nationality and immigration status). The 'public funds' that those with NRPF are **ALLOWED** to access are listed in Box 1B

**Box 1B: Public funds and services which those subject to immigration control (NRPF) can access**

- Contribution based Jobseeker's Allowance
- Guardian's allowance
- Incapacity benefit
- Contribution-based Employment and Support Allowances
- Maternity allowance
- Retirement pension
- Statutory maternity pay
- Statutory sickness pay
- Government funded childcare for 3–4-year-olds
- Widows benefit and bereavement benefit

**NHS treatment is not classed as a public fund for immigration purposes** and can be accessed by persons regardless of their immigration status, including a person who is subject to the NRPF condition. However, a person's immigration status will affect whether they are required to pay<sup>22</sup> for some types of treatment.

See **section 5 for more details on the exceptions around public funds for social housing, homelessness assistance and social care.**

<sup>22</sup> <https://www.nrpfnetwork.org.uk/information-and-resources/rights-and-entitlements/nhs-treatment>

### 3.7 The importance of helping survivors get independent immigration advice

It is important that frontline professionals know how to help migrant survivors access independent immigration advice. This is regulated and may only be given by a specialist immigration advisor or lawyer. A person's immigration status could be impacted by sleeping rough or if they mistakenly try to access public funds they are not entitled to. **Anyone with immigration problems** or worries about breaching immigration rules **should be referred** to a regulated immigration adviser or immigration lawyer for specialist advice on their options<sup>23</sup>. This is **especially important if someone is applying for indefinite leave to remain**.

#### **Immigration Advisors and Immigration Lawyers**

An immigration adviser is someone who is not a lawyer but who has the knowledge and skills necessary to give advice on immigration law. To help a migrant survivor **find a regulated immigration advisor visit the [Office of Immigration Services Commissioner](#)** (OISC) website or go direct to the [Advisor Finder](#) site which lists advisers who are regulated by the OISC. You can also check whether an immigration adviser is regulated by the OISC by contacting the OISC directly on 0345 000 0046

Other advisers who provide immigration advice and services, such as practising solicitors, barristers, and legal executives, are not found on the Advisor Finder list. **Some solicitors have expertise around immigration law advice**. Solicitors are represented by the Law Society [www.lawsociety.org.uk](http://www.lawsociety.org.uk) and are regulated by the Solicitors Regulation Authority (SRA) [www.sra.org.uk](http://www.sra.org.uk) You can check that a solicitor is regulated by the SRA by using the 'find a solicitor' search engine on the Law Society website <http://solicitors.lawsociety.org.uk/> or by contacting the SRA directly on 0370 606 2555.

The Office of the Police and Crime Commissioner provides funding to the North East Law Centre for an immigration solicitor, through the Ministry of Justice's domestic and sexual violence community fund. [Immigration and Asylum Law | North East Law Centre \(nelawcentre.co.uk\)](http://nelawcentre.co.uk)

Remember: it is a **criminal offence to give immigration advice in the course of business** (whether for profit or not) **if you are not regulated by an appropriate body** such the OISC or the SRA. If you are supporting someone who needs immigration advice and you are not a registered immigration adviser, you should refer them for external independent advice.

Immigration advisors are independent from the state. They can challenge agencies if the migrant survivor is not provided with the support they have a legal duty to access. 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 and/or remain in the UK; and

Frontline professionals can ask survivors about their **support needs** (e.g., mental health, physical health, substance use, life skills, training and employment, welfare benefits). Information gathered should be **for the purpose of safeguarding** and **informed consent should be sought to record and store information** signed by the client. This should **only be shared with other services for safeguarding purposes**.

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<sup>23</sup> Accessing public funds that they are restricted from accessing 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.

#### 4. A safe response/reporting pathway in Northumbria and flowchart

The Home Office acknowledges that **immigration enforcement action should not be taken against vulnerable victims of crime** and even the threat of such action can be detrimental to the victim<sup>24</sup>.

Statutory and voluntary sector services on the local Safeguarding Boards and Domestic Abuse Partnerships across Northumbria can exercise regional good practice to ensure there are safe reporting pathways for migrant survivors by ensuring that:

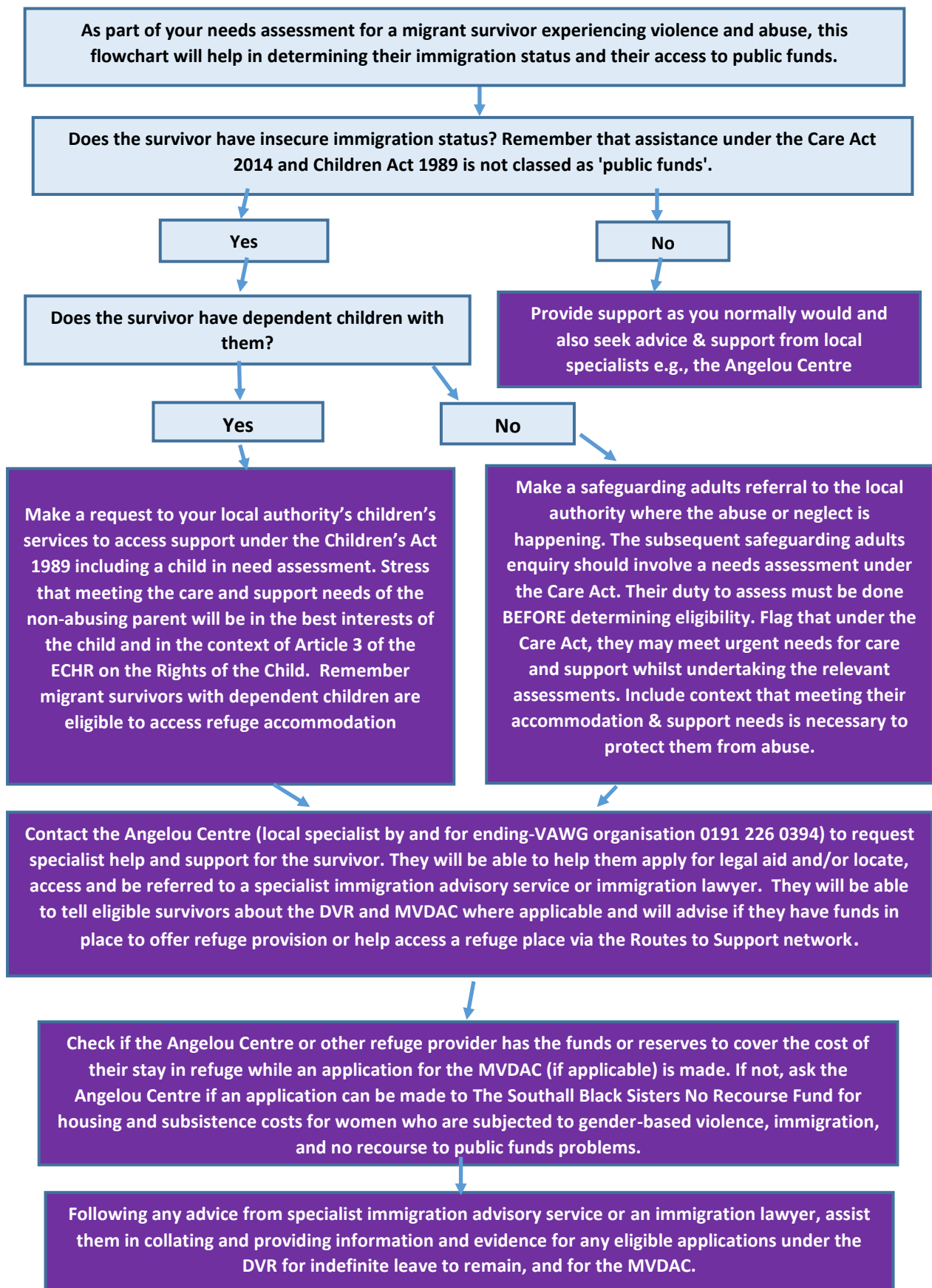
- The **safety and protection of a migrant survivor is prioritised over any immigration related issues and relevant services**. Professionals should respond to survivors' disclosures in a victim-centred way, without any immigration enforcement agenda. Safeguarding is first and foremost.
- Staff working with migrant survivors should signpost them immediately to access independent legal immigration advice who are best placed to clarify immigration status and ensure the necessary steps are taken to regularise their status.
  - This would be the preferred way of checking someone's immigration status and
  - Staff can contact the **Angelou Centre's NRPF Helpline which can be accessed by calling 0191 226 0394**, who can signpost to relevant immigration specialists.
- All agencies should give migrant survivors the option of being supported by specialist by and for services, such as the Angelou Centre, who can accurately and effectively identify risk and need.
  - The Angelou Centre is the largest by and for ending VAWG service operating in Northumbria. There are also services operating across the 6 Local Authority areas in Northumbria who support Black and minority ethnic communities but who are not VAWG specialists. Survivors should be offered the options. The Angelou Centre can also provide consultancy support and guidance to other specialist services if required.
  - By and for services are best placed to identify immigration abuse and provide support and can provide expert support to migrant survivors as they navigate complex and often distressing immigration processes.
- Multi agency safeguarding processes such as MASH's, MARACs and MATACs should consider whether a victim's immigration status puts them at a heightened risk of harm and ensure that there are agreed actions amongst partners to mitigate this risk. Given that individuals heard within MARAC are at high risk of serious harm or death, referring organisations should consider referring the victim to a 'by and for' service (The Angelou Centre has qualified IDVAs).
- Agencies who attend MARACs should review and ensure their policies and protocols include guidance that the most appropriate referral pathway for migrant survivors to access specialist support is through specialist by and for services. The Home Office is not a safeguarding agency or a safe referral pathway for migrant survivors.
- Local Authorities in Northumbria operate within a Rights-Based Framework that is compliant with International VAWG obligations<sup>25</sup> and their statutory duties. Migrant survivors with NRPF should be provided with support under the Care Act and Section 17 of the Children's Act.
- The flowchart primary referral pathway is via safeguarding but a needs assessment can be requested outside of a safeguarding adults referral if there are no concerns about abuse/neglect

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<sup>24</sup> The Home Office is developing an 'Immigration Enforcement Migrant Victims Protocol' for migrant victims of crime that have been referred to Immigration Enforcement from the police  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1040100/HO\\_Review\\_Police\\_and\\_HO\\_data\\_sharing\\_migrant\\_victims.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1040100/HO_Review_Police_and_HO_data_sharing_migrant_victims.pdf)

<sup>25</sup> CEDAW <https://www.ohchr.org/en/hrbodies/cedaw/Pages/CEDAWIndex.aspx> Istanbul Convention  
<https://www.coe.int/en/web/istanbul-convention/text-of-the-convention>

## Flowchart of safe support actions



## 5. Support available to uphold the rights and entitlements of migrant survivors of violence and abuse

### 5.1 Context

This section **sets out what frontline staff should do to ensure they uphold the rights and entitlements of migrant survivors**. It also includes some examples of specialist non-statutory support for those with NRPF but the latter is limited in its capacity.

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

**NHS care** is **NOT** classed as 'public funds' for the purposes of section 115 of the Immigration Act<sup>26</sup>.

**This means some assistance is still available** to persons subject to immigration control who are in the UK lawfully but with a requirement not to have recourse to public funds.

**They are not excluded** from accessing accommodation, care and support and/or financial assistance **to which they are entitled as long they meet the eligibility criteria**.

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**.

Examples of support in this section (as long as they are not excluded under other existing legislation) includes:

- The Domestic Violence Rule (DVR) and the Migrant Victims Domestic Violence Concession (MVDAC)
- 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)

The NRPF Network have produced **practical [guidance as a reference document](#)** for local authorities in England **when applying statutory duties and powers in relation to providing housing and financial support to vulnerable adults with NRPF**. It provides advice when applying discretionary powers, and when exclusions apply to certain immigration status types. It also clarifies that **Schedule 3 of the Nationality, Immigration and Asylum Act 2002 does NOT prevent local authorities from carrying out the following Care Act functions:**

- Assessments
- Meeting urgent needs pending assessment
- Providing information and advice
- Engaging in general prevention measures

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<sup>26</sup> 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.

This document does not repeat the NRPf network's non-statutory guidance. Instead, it reinforces key points and highlights some **key considerations** in the context of the rights and entitlements of migrant survivors.

It is important that public sector agencies and government departments (e.g., local authorities and the Home Office) **uphold migrant survivors' rights** to accommodation and support **where they are eligible**.

**Migrant survivors are entitled to a care and support needs assessment** and local authorities have a **statutory duty to conduct one**.

**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.**

The Public Sector Equality Duty and the Equality Act 2010 are important for context and this guidance aligns with these to ensure survivors with protected characteristics as well as those who face multiple disadvantages have access to the safe accommodation and support services they need.

It is against the law to discriminate against someone because of:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

The Equality Act recognises that, in certain circumstances, substantive equality will only be achieved if people with different protected characteristics can be treated differently, for example, to reflect their needs (e.g., commissioning single sex services to meet particular needs).

This toolkit 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 No Recourse to Public Funds**. This toolkit also recognises the importance of providing support for victim/survivors regardless of their local authority of origin.

## 5.2. Schedule 3 Exclusions and Human Rights Exceptions

Schedule 3 of the Nationality, Immigration and Asylum Act 2002 places a bar on a local authority from providing support under the Care Act 2014 or section 17 of the Children Act 1989 to a person who is 'in breach of immigration laws', **unless** this is necessary to prevent a breach of human rights.

Note: The High Court determined<sup>27</sup> that a decision which compels a person to sleep rough, or be without shelter and without funds, usually amounts to inhuman treatment and therefore engages Article 3 of the European Convention on Human Rights (ECHR)

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<sup>27</sup> In the case of R (Limbuella) v Secretary of State (2004)

An **exclusion from support** that is based on a person's immigration status **only applies to some** adults with NRPF, who request support under the Care Act 2014.

Schedule 3 **exclusions** from support applies to:

- People in the UK in breach of immigration laws who are not asylum seekers such as a visa overstayer, illegal entrant, or appeal rights exhausted (ARE) asylum seekers (i.e., failed asylum seekers)
- Failed asylum seekers (with or without) dependent children who do not co-operate with removal directions / who are not taking reasonable steps to leave the UK or to put themselves in a position to leave the UK
- People granted refugee status by another EU/EEA state and their dependants

If an adult is in one of these excluded groups, then **social services' support can only be provided where this is necessary to prevent a breach of the adult's human rights, or the wellbeing of a child** is in question

This means that in addition to the local authority's duty to carry out a needs assessment, **social services will also need to undertake a human rights assessment** – this is to establish whether the adult can return to their country of origin to avoid a situation of destitution in the UK, or whether there is a legal or practical barrier that means that the person cannot be expected to return.

Schedule 3 therefore **does not prohibit a local authority from providing assistance** where it is necessary in order **to avoid a breach of a right under the European Convention on Human Rights**

When assessing whether it is necessary to provide assistance, the local authority **must look at the effects of not providing support. Failure to have proper regard** to someone having no access to welfare benefits; insecure or no housing; and not be able to work/access other services, **is likely to be unlawful**<sup>28</sup>.

#### **Human Rights and Violence and Abuse**

Violence and abuse are **a violation of the fundamental human rights of victims**, including rights to liberty, equality, dignity, freedom from torture and freedom from fear. Consideration should always be given to whether a failure to provide support could breach the survivor's (and their child's) rights under the **European Convention of Human Rights (ECHR)** if they are likely to have no other option but to return to their perpetrator(s). For example, this could be contrary to Article 3 of the ECHR i.e., that no one shall be subjected to torture or to inhuman or degrading treatment or punishment. In this context, it is also important to remember that domestic abuse and coercive control is often called 'intimate terrorism.'<sup>29</sup>

See sections 5.5-5.6 for further information on social services support (adults and children's).

<sup>28</sup> This is either within assessments or when identifying what advice and information should be provided to a person with NRPF ineligible for care and support

<sup>29</sup> See research by Evan Start and also <https://womensaid.scot/wp-content/uploads/2017/07/EverydayTerrorismReport.pdf>

## 5.3 Migrant Victims Domestic Violence Concession (MVDAC) and the Domestic Violence Rule (DVR)

### 5.3.1 Who can apply for the MVDAC?

A person will be eligible to apply for the MVDAC if their relationship has broken down because of domestic abuse AND, they have or last had permission to live in the UK as the partner of someone:

1. British; OR
2. Settled in the UK; OR
3. EEA National with pre-settled status under the EU Settlement Scheme and their permission is other than as a joining family member; OR
4. A refugee; OR
5. A member of HM Armed Forces; OR
6. The partner of a person with permission on a work route; OR
7. The partner of a person with permission as a student.<sup>30</sup>

If the survivor successfully applies, they **will be granted leave outside the rules for 3 months only to allow access to public funds**. The ability to receive public funds means a survivor could also apply for housing benefit or the housing element of universal credit meaning they would be able to access specialist domestic abuse refuge accommodation. **Please note that survivors do not need to be destitute/prove destitution to apply for the MVDAC.**

**Applying for the MVDAC is covered by Legal Aid** and this **includes the application for recourse to public funds as well as the application for settlement**. The survivor should take **legal advice** before starting the process as it is **slow and complicated**<sup>31</sup> and needs to be undertaken quickly once started.

Once an application is submitted it can take over two weeks for the concession to be granted which eats into their 3-month period of being able to access public funds/benefits and also places them at risk of continued abuse from their perpetrator(s).

Additional barriers include:

- The survivor not having knowledge of the existence of the MVDAC.
- Isolation from sources of support due to the domestic abuse, making it more difficult to find support with the application process especially given recent cuts to legal aid.
- The survivor not having access to an independent advocate or legal advisor to give them timely advice around applying and supporting them through the process of applying.
- Capacity issues in the specialist by and for services who support migrant survivors, meaning it may take some time for survivors to get support to apply.

In order to remain in the UK beyond 3 months, another immigration application needs to be made before the 3 months expires. Victims MAY be eligible to apply for ILR as a victim of domestic abuse (DVR).

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<sup>30</sup> <https://www.rightsofwomen.org.uk/wp-content/uploads/2024/06/Final-Immigration-Guide-Migrant-victims-of-domestic-abuse-concession.pdf>

<sup>31</sup> Those applying for a the DDVC are required to understand complex immigration rules (Anitha, 2011). This would also apply for the new MVDAC



### 5.3.2 Who can apply for ILR via the Domestic Violence Rule?

Survivors may be eligible to apply if they have, or had, permission to live in the UK as the partner of someone:

1. British; OR
2. Settled in the UK; OR
3. EA National with pre-settled status under the EU settlement scheme and their permission is other than as a joining family member; OR
4. A refugee; OR
5. A member of the HM Armed Forces

Survivors need to **seek legal advice to know for certain.**

### 5.3.3 Who cannot apply for ILR via the Domestic Violence Rule?

Survivors will not be eligible if they have or had permission to live in the UK as the partner of a person with permission on a work route or as the partner of a student. If this is the case, survivors should seek legal advice BEFORE applying for the MVDAC as there may be better legal options available to them.

## 5.4. Accommodation: access to social housing, refuge, and homelessness assistance for migrant survivors

Victims and survivors with NRPF cannot access Housing Benefit which is used to fund most refuge bed spaces and other forms of safe accommodation for people fleeing domestic abuse. However, in the context of migrant survivors:

- When a person presents to the local authority without any accommodation, or funds to acquire housing, the authority **can provide interim accommodation pending the outcome of an assessment where this is needed to prevent a breach of the person's human rights** which might be the consequence of remaining destitute and homeless. This can be done **whilst the local authority is establishing whether it has a duty to provide assistance.**
- Local authorities should not apply a blanket policy but **should consider each person's individual circumstances** in order to establish whether interim accommodation might need to be provided, along with any other elements of care and support.
- Local authorities can also use section 19(3) of the Care Act to **provide accommodation when a person presents to social services with urgent needs and their place of ordinary residence cannot be easily established**, or where they are in an excluded group so **need to carry out a human rights assessment as well as a needs assessment.**

Even when subject to immigration control, some migrants can be granted a non-secure tenancy, or licence of housing accommodation by a local Housing Authority. This list is not exhaustive but includes:

- Those owed duties under part 7 of the Housing Act 1996 (This only applies to certain homelessness duties - homelessness legislation)
- Those owed a duty under the Care Act 2014 (England)
- A child in need, or their parent, carer, or guardian, where a local authority is under a duty to provide support under the Children Act 1989 (England)

|   |
|---|
| <b>Migrant survivors with dependent children ARE ELIGIBLE to access refuge accommodation.</b> |
|---|

For those without children, specialist services in Northumbria, like the **Angelou Centre**, have access to some limited refuge accommodation for migrant survivors with NRPF but the number of refuges across the country with spaces for those with NRPF is extremely low. Women's Aid have their '**No Woman Turned Away**' Project and can try and secure refuge provision for those with NRPF if all other routes have been exhausted. **Refuge providers should not turn away migrant survivors on the basis of their immigration status, as this is in violation of equality duties.** Refuge providers can take advice from The Angelou Centre.

If migrant survivors are not helped to access specialist by and for support, then their inability to pay for a refuge space leaves them at risk of destitution or dependent on a range of non-specialist, unsupported alternative emergency accommodation, including Bed & Breakfasts (B&Bs), mixed-sex hostels and accommodation centres<sup>32</sup>. Where temporary accommodation is not an option, some women with NRPF have been forced to turn to religious institutions within their communities as a point of last resort, which brings with it the potential for pressures to return to abusive marital homes on religious or cultural grounds<sup>33</sup>.

## 5.5 Care Act<sup>34</sup> access to care and support services (including accommodation)

Care and support needs can be met in a number of ways, including by providing accommodation. The general position is that for a duty to provide accommodation under the Care Act 2014 to arise, the person must have been assessed as in need of care and support that cannot be met without providing them with somewhere to live. **A stand-alone need for accommodation is not a need for 'care and support' within the Act.** Where the local authority is providing services under the Care Act, there may be a duty to provide accommodation if the services are classed as accommodation related.

The **NRPF condition**<sup>35</sup> **does not prevent** care and support being provided by social services if they are eligible and so **a person with NRPF should be assessed and provided with this in the same way as any other adult.** Under the Care Act, local authorities will need to take account of:

- Their **safeguarding adults duties**. 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.
- Their **well-being duty**: In the context of a survivor of violence and abuse with NRPF, **social services should pay particular attention to** how their social and economic well-being and their suitability of living accommodation, is impacting on their physical and mental health, and emotional well-being. People with NRPF will often have an unsettled address history or have spent time rough sleeping and so may not therefore have a place of ordinary residence. They may also be in urgent need of accommodation if no other sources of support are available to them (e.g., if their abusers are partners or wider family/community members).

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<sup>32</sup> Anitha 2010, Imkaan, 2008

<sup>33</sup> Imkaan, 2008

<sup>34</sup> <http://guidance.nrpfnetwork.org.uk/reader/practice-guidance-adults/eligibility-for-care-and-support/#32-duty-to-assess>

<sup>35</sup> Not all migrants subject to NRPF are barred from accessing social services support.

- **Their duty to assess:** This is the authority's duty to undertake a **needs assessment** for a person in need of care and support. 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). A person who does not have eligible needs will still be entitled to receive some tailored help, which may be limited to the information and advice necessary to reduce, prevent and delay current and future needs. For a person with NRPF, who may not have accessed services previously, this is an opportunity for them to be given **essential information and advice**, even if they are not eligible for the provision of services. This could include helping them access independent legal / immigration advice, and support from a by and for specialist provider.
- **Completing the needs assessment**<sup>36</sup> - this **must be carried out BEFORE determining eligibility**. The process should be adapted to best fit with the person's needs, wishes and goals whilst following core statutory requirements. Local authorities must ensure that people with NRPF are identified at the point of referral and that practitioners who are responsible for these assessments **have sufficient knowledge of how immigration status may impact on a person's well-being, their support options and whether the exclusions to social services' support apply**. This may be more difficult to comply with if the local authority does not have specialist NRPF workers.
- **Care and support eligibility criteria.** Once a person's needs have been identified, the local authority must determine whether these needs meet the eligibility criteria<sup>37</sup>. It may be possible for a person to have eligible needs that are not related to their ability to perform personal care activities. However, any **eligible needs must arise from or be related to a physical or mental impairment or illness**, rather than being the consequence of a person's immigration status or lack of housing/funds. The assessment must therefore be clear about how a person's needs have arisen.

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

Also, as a result of violence, abuse or coercive control by an intimate partner or wider family/community, some migrant survivors may not be able to maintain personal relationships, use facilities in the community, or carry out their caring responsibilities for their dependent child(ren).

- **Exceptions:** There is a specific provision that prevents a local authority from being required to meet the needs of some groups of people with NRPF where their needs have arisen **solely due to destitution** (Section 21 of the Care Act 2014). However, when an adult is in an **excluded group, social services can still:**
  - Undertake a social care **needs assessment**
  - Provide **emergency support** when this is required whilst the social care and human rights assessment are being carried out

<sup>36</sup> Requirements for the needs assessment are set out under Section 9 of the Care Act 2014 and the Care and Support (Assessment) Regulations 2014 and must be read in conjunction with chapter 6 of the Statutory Guidance.

<https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance>

<sup>37</sup> In accordance with section 13(1) of the Care Act 2014 and the Care and Support (Eligibility Criteria) Regulations 2015.

In summary, assistance under the Care Act 2014 and Children Act 1989 is **not classed as 'public funds'**.

Whilst support needs have to 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 2014<sup>38</sup>, it:

- **Does not prevent** local authorities from undertaking **needs assessments** for people requiring care and support and carers.
- 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.
- There is **no prohibition** on a local authority to undertake its general duties with regards to **providing information and advice**
- 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."*

## 5.6 Children's Act 1989: accommodation and/or financial assistance for families

Under section 17 of the Children Act 1989 social services may provide **the whole family of a child in need with accommodation and financial assistance** e.g., money for a deposit or rent in advance to help the family secure private rented accommodation.

An **assessment of a child in need must be taken** to determine whether support can be provided under section 17 to an NRPF family. This should follow the Department for Education's statutory guidance, 'Working together to safeguard children.'

Section 17 creates a target duty which **provides a local authority with the discretion to decide how to meet a child's assessed need**. Local authorities may take a family's scarce resources/other support options available to them into account and must decide what intervention is required on the facts and evidence **of an individual case**.

The [NRPF Network sets out practice guidance](#) that addresses the additional considerations that need to be made when determining whether assistance under Section 17 can be provided to a NRPF family - as the parent's immigration status will affect what support options may be available. This can be used alongside NRPF Network's [web tool on support for migrant families](#) which can be used to identify where migrant families can get help with housing and financial support when they have NRPF.

**Again, domestic abuse context is important.** In cases of **violence and abuse**, the non-abusing parent will be a protective factor and will be doing everything they can to keep themselves and their children safe from the abuse perpetrated against them. **Meeting the care and support needs of the non-abusing parent will be in the best interests of the child.** This should also be

<sup>38</sup> 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](#)<sup>38</sup>.

considered in the context of Article 3 of the ECHR on the Rights of the Child and would potentially breach both the child's rights and the non-abusing parent's rights to a family life under Article 8 of the ECHR.

The **impact on the child of the parent's lack of access to employment, welfare benefits and social housing due to their immigration status must be taken into account** when establishing if a child in an NRPF family is a **child in need**. Accommodation is often the most pressing need and so housing and financial support can be provided **to a child and their family** in order to safeguard and promote the welfare of the child in need. **If a child in a NRPF family is assessed as having care and support needs, then social services should provide support to the non-abusing parent** even if they are not assessed as having eligible care and support needs themselves.

Also remember, if a migrant survivor has applied for the Destitute Domestic Violence Concession for leave to remain under the Domestic Violence Rule, it means **they can access public funds while they submit their application**. The local authority may have a duty to support the applicant (and any children) under section 17 of the Children Act 1989 or section 21 of the National Assistance Act 1948. The usual assessment criteria apply when accessing this support; and support may include:

- **Temporary housing until the MVDAC application has been processed** and the applicant is able to make a homelessness application or access a refuge
- **Financial support** until the applicant is in receipt of benefits.

## 5.7 Asylum Seekers – Care Act Support and Home Office Asylum Support

Asylum seekers are not allowed to access mainstream housing/homelessness support and welfare benefits, and in most cases, they are also not allowed to work. However, this section sets out what routes are available for destitute asylum seekers. This is based on [Home Office Guidance on "Domestic abuse: responding to reports of domestic abuse from asylum seekers"](#) and so this section should also be read in conjunction with the Home Office Guidance.

There is also a helpful Asylum Support Appeals Project (ASAP) [Factsheet on Asylum Support for Survivors of Domestic Abuse](#) which looks at the Home Office guidance and how the Home Office, its housing contractors, and Migrant Help should react when an asylum-seeker experiences domestic abuse in the UK and needs safe housing and support. The Factsheet is relevant to women who are already in receipt of asylum support and to those who are not already on support but who may be eligible for it. It covers women who have an ongoing asylum claim and to those who have been refused asylum but still eligible for asylum support i.e., they will need to be destitute and, if applying for section 4 support (see below) they will need to satisfy the additional eligibility criteria for that form of support.

If someone's asylum claim is successful (e.g., granted refugee status; humanitarian protection; or discretionary leave to remain in the UK) they are then usually allowed to work and/or claim mainstream benefits.

### 5.7.1 Care Act Support for Asylum Seekers

Support under the Care Act is not available if the person is entitled to assistance under different legislation. The **only exception is accommodation provided by the Home Office to asylum seekers** under the Immigration and Asylum Act 1999: **if an asylum seeker meets the criteria for assistance from social services under the Care Act, social services have a duty to provide accommodation and support even if the asylum seeker is housed by the Home Office**. Councils must adequately consider whether it might be under a duty to provide accommodation and consider how effective a

care and support plan would be if the support plan was provided outside of a home environment i.e., would such support be 'effectively useless' if the survivor was rough sleeping?

If social services are responsible for providing Care Act support for an adult asylum seeker, then UK Visas and Immigration (UKVI) is financially responsible for any other family members such as dependent children.

#### 5.7.2 Home Office Asylum Support

Where an asylum seekers' needs do not meet the eligibility criteria under the Care Act, **a destitute asylum seeker is allowed to apply for accommodation and/or assistance support from the Home Office** (Under section 95 of the Immigration and Asylum Act 1999) **while their asylum application or any asylum appeal is being considered.** Due to the time it can take to apply for support under Section 95, an asylum seeker can also apply for emergency support under section 98 which may be provided whilst the Home Office makes a decision on their eligibility for section 95 asylum support.

There is helpful guidance from the NRPF Network on [Section 95 Asylum Support](#)

Section 95 support is withdrawn if a person is granted leave to remain. They are then given a 28-day move-on period to enable the person to make a claim for benefits and access housing assistance from their local council. It is also withdrawn if their asylum claim is unsuccessful and they become 'appeal rights exhausted' (ARE) and they do not have a child under eighteen in their household.

The type of support that can be available is usually very low and often there is no choice on the accommodation provided by the Home Office. However, **asylum support for survivors of violence and abuse, should be considered in the full context of the individual's situation** so that the support or accommodation meets their needs and those of any dependent children.

The Home Office guidance acknowledges the impact of domestic abuse on children and references the Home Office duty to children under the Borders, Citizenship and Immigration Act 2009 s55. It specifies that any **need for specialist support for children, to help them recover from the impact of domestic abuse, should be taken into account when the Home Office is considering safe accommodation options for a woman and children.**

#### **For survivors who are already on asylum support:**

- At the point an asylum seeker discloses abuse to the Home Office, they must be believed and not required to provide corroborating evidence of the abuse
- A safe means of communicating with the survivor must be agreed so as not to be put at further risk by communications being intercepted by the perpetrator
- Home Office accommodation providers must immediately offer safe alternative accommodation that is suitable for their needs and those of their children. Examples could include being accommodated near specialist VAWG support services for black and minoritised women or a Rape Crisis centre
- The survivor should be referred to a specialist VAWG service for advocacy and support (ideally a by and for service).
- The Home Office should then act on recommendations from that specialist VAWG service in relation to safe accommodation options.
- The survivor may wish to remain in their current accommodation (e.g., to retain existing support networks; to prevent children having to move schools etc.) and so the Home Office may need to consider moving the perpetrator. Under no circumstances is an accommodation provider permitted to expect a survivor to return to accommodation with the perpetrator
- This includes consideration of support to help children cope and recover

**For survivors who need access to asylum support and have an active claim:**

- Survivors should be believed at the point of disclosure of violence and abuse and not required to provide corroborating evidence of the abuse
- Survivors should never be required to provide evidence of their destitution at the initial stage following a disclosure of violence and abuse.
- Survivors should never be asked to seek destitution evidence from their perpetrator(s)
- It should be recognised that if survivor's current accommodation increases their risk of violence and abuse then this is not adequate accommodation, and so they should be eligible for alternative Home Office funded accommodation that is safe and adequate.

### 5.7.3 Support for Appeal Rights Exhausted (refused) Asylum Seekers

The [Asylum Support Appeals Project](#) (ASAP) provides information on how '**appeals rights exhausted**' (ARE) asylum seekers can try and apply for support under section 4 of the Immigration and Asylum Act 1999. The ASAP project aims to reduce destitution experienced by asylum seekers by helping them to obtain housing and welfare support. The ASAP also has a series of [Factsheets](#) and in particular the [Factsheet on Asylum Support for Survivors of Domestic Abuse](#).

**For migrant survivors applying for section 4 support:**

- There is no explicit Home Office commitment to accommodating survivors in safe alternative accommodation before their eligibility for section 4 support is established..
- However, the guidance does specify that if the survivor is a failed asylum seeker and not therefore eligible to receive support under sections 95 and 98, they may still be eligible to receive accommodation under section 4(2). This may also be provided in a refuge or through the provision of initial accommodation as a last resort in an emergency situation. This implies that the Home Office will offer alternative safe accommodation for women in emergency situations, prior to a full assessment of s4 eligibility being established

### 5.7.4 Refuge Accommodation and Asylum Seekers

The [Home Office Guidance on "Domestic abuse: responding to reports of domestic abuse from asylum seekers"](#) states that if a report of domestic abuse is received from a victim who is not accommodated at the time by the Home Office, but who is eligible for section 95 asylum support, then they may be provided with section 98 (interim) support. This **means the Home Office is required to find safe alternative accommodation** (e.g., refuge accommodation) for the victim and any children, as a matter of urgency. If they are a failed asylum seeker, they may be eligible for section 4 support and so may be provided with refuge accommodation following a disclosure of violence and abuse (and applying the same principles as a person already accommodated by the Home Office).

The Home Office would be required to take over the funding of the refuge accommodation space if an asylum seeker already in refuge makes an asylum claim and applies for section 95/98 support – and if that is the most appropriate accommodation.

## 5.8 Southall Black Sisters No Recourse Fund (SBS NRF) Non-Statutory Support

There still remain significant legislative gaps in the entitlement to statutory support for some of the most vulnerable migrant survivors with NRPF. This especially applies to those who have no children in their care, are not on spousal visas; are not former EEA citizens; and who do not have care and support needs arising from a disability, illness, or mental health condition.

As a **last resort, when all statutory avenues have been tried**, migrant survivors with NRPF can obtain help with their housing and living costs from the Southall Black Sisters No Recourse Fund (SBS NRF) <https://southallblacksisters.org.uk/no-recourse-fund/>

SBS have campaigned for many years for all women with NRPF to have access to public funds. This includes:

- A campaign to extend to period of the old DDVC from 3 to 6 months while they apply to remain in the UK indefinitely under the DVR (this extension was supported by the VAWG sector and the Domestic Abuse Commissioner); and
- A campaign to extent the old DDVC and DVR to all women facing gender-based violence and to those on non-spousal visas (currently only applies to victims on spousal visas).

Sadly, these extensions were not included in the Domestic Abuse Act 2021 and so the SBS NRF continues to provide a vital safety net for those not entitled to public funds through existing legislation.

The SBS NRF aims to **enable women and their children in the UK to enter a refuge or safe accommodation** to escape domestic and sexual violence, including prostitution and trafficking and harmful practices such as forced marriage and so called 'honour' based violence.

**The SBS NRF is subject to the following conditions** (also [see the SBS website](#) for more detailed and current guidance notes):

- It is open to women facing gender-based violence with NRPF in the UK but **is subject to sufficient funds being available**.
- It contributes to rent and subsistence **for a limited time** and may pay only part of the rental and living costs. Women without dependent children can be paid for a maximum of 16 weeks and those with children or other vulnerabilities up to 2 weeks while they apply for help from social services.
- It is a **'last resort' fund**, meaning that all other entitlements to cover rent and subsistence must be pursued, including (where relevant) the MVDAC and social services support.
- **Only non-statutory organisations can apply**, and payments will be made in arrears. These organisations need to pay the rent and subsistence costs for, or to, the applicant, which is then refunded by the SBS NRF. In terms of **how to apply**, there are two routes (the second route only applies to London). **Route 1** is through the SBS general NRF for non-government organisations who want to support a woman in England, including London, to escape gender-based violence. <https://southallblacksisters.org.uk/no-recourse-fund/>
- All organisations must return proof of expenditure and monitoring outcome surveys before refunds are released.
- Applicants and organisations may be requested to participate in a follow up interview.

Because only non-statutory organisations can apply, this reinforced the need for migrant survivors to be helped to access specialist by and for ending-VAWG support services.

## 5.9 Support for EEA Nationals

Those with settled status are eligible to access housing and benefits. All EEA nationals who enter the UK after 30<sup>th</sup> June 2021 that have not applied for status under the EU Settlement Scheme, will be viewed as residing in the UK **without permission** (living in the UK unlawfully) **and will be without recourse**. There are resources available on the EU Settlement Scheme and the rights of EEA nationals on the NRPF Network <https://www.nrpfnetwork.org.uk/>



## 6. Summary of Good Practice Points

- Frontline professionals should aim to **link any migrant survivors to an independent third party to provide the right advice and assistance**. This can include:
  - Local or national specialist **'by and for' ending-VAWG organisations** who support migrant survivors and those with insecure immigration status. This is especially important should there need to be any communications with the Home Office.
  - Another individual/organisation that can act as an intermediary and advocate on the survivor's behalf.
  - Independent legal/immigration advisors who are experts in helping **migrant survivors to regularise their immigration status**. This is important if migrant survivors' need help with getting permission to stay in the UK. Immigration advisers can help them with most things to do with immigration, including helping them to fill in the right forms and representing them at a tribunal. Frontline professionals should always check if the adviser is registered and if they charge a fee before they use them (see section 3.7)

To find an immigration advisor visit the [Office of Immigration Services Commissioner](#) (OISC) or click on this [Advisor Finder](#) link. All immigration advisers must be registered with OISC or be a member of an approved professional body, for example The Law Society.

Also, the North East Law Centre has an immigration solicitor, funded through the Ministry of Justice's domestic and sexual violence community fund. [Immigration and Asylum Law | North East Law Centre \(nelawcentre.co.uk\)](#)

- The requirement to undertake a Care Act needs **assessment is based on an appearance of need and is not dependent on the person's immigration status**.
- **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.
- Whilst Immigration law is in place regarding immigration status and who is eligible to access public funds, **local authorities and other services must use their judgment in assessing** what support they **may lawfully give** to each person on an individual basis, considering that person's specific circumstances and support needs<sup>39</sup>. **Some local authorities use their discretionary powers, and some have stated their commitment to continuing to house and support people with no recourse to public funds** (especially during the covid-19 pandemic).
- A specialist and targeted response is required to administer services effectively. **Ideally, local authorities should ensure there is an identified lead practitioner or team to deal with NRPF cases**. Local authorities who don't have a specialist NRPF worker should ensure that any staff who undertake needs assessments for people with NRPF are **adequately supported** because any practitioner carrying out an assessment under the Care Act 2014 **must have: 'the skills, knowledge and competence to carry out the assessment in question and is appropriately trained', and where knowledge is lacking, 'must consult a person who has expertise in relation**

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<sup>39</sup> Supporting people with NRPF Guidance for homelessness services (Homeless Link)

*to the condition or other circumstances of the individual whose needs are being assessed in any case where it considers that the needs of the individual concerned require it to do so’.*

- NRPF cases should be identified at the point of referral. This may include how discretionary powers are exercised towards particular groups, e.g., pregnant women without children.
- Provide an interpreter if this is required. Agencies may have their own arrangements for interpreting services. Some North East Councils use [Everyday Language Solutions](#)<sup>40</sup> (Tel: 01642 603203) Family members must never be used as interpreters.
- A local authority will usually establish whether it has a duty to provide support to an adult with NRPF by undertaking two steps:
  - Pre-assessment screening – establishing the facts of the case prior to assessment
  - Assessing need – determining eligibility for the provision of services
- Under the Care Act, for those with NRPF, **local authorities may meet urgent needs for care and support whilst undertaking the relevant assessments.** There is **no prohibition** on a local authority undertaking its general duties with regards **to providing information and advice.**
- **Refer to the proposed safe reporting pathway in Northumbria (section 4) together with the flowchart** below that aims to set out how to safely respond to a migrant survivor, remembering that the NRPF condition does not prevent care and support being provided by adults and children’s services.

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<sup>40</sup> Everyday Language Solutions is a not-for-profit organisation that provides a comprehensive range of interpretation and translation services to the North East community and beyond. They provide language support for non-English speakers 24/7, 365 days a year. This is achieved through face-to-face interpretations, telephone interpreting and translation of any document into any language and format.

## 7. Useful Helpline, Resources and Websites

### 7.1 Organisations who specialise in supporting migrant survivors of abuse

- The Angelou Centre are based in the North East and specialise in supporting black and minoritised women and children who have been subject to domestic and sexual violence, face multiple forms of discrimination and often have associative complex needs. They provide a holistic violence against women and girls' service comprising of refuge accommodation (including provision for women without recourse to funds), specialist advocacy, outreach, therapeutic support, and recovery programmes for survivors.  
General office number: 0191 226 0394  
General email: [admin@angelou-centre.org.uk](mailto:admin@angelou-centre.org.uk)  
Secure referral email: [referrals@angelou-centre.org.uk](mailto:referrals@angelou-centre.org.uk)
- [Southall Black Sisters](#), SBS provides specialist advice, information, casework, advocacy in several community languages, information, practical help, counselling, and a referral service on a wide range of issues including domestic abuse immigration/asylum, housing and homelessness and matrimonial rights. Helpline 0208 571 0800; General office number: 0208 571 9595 or email: [southallblacksisters@btconnect.com](mailto:southallblacksisters@btconnect.com)
- Women's Aid [No Woman Turned Away \(NWTa\) project](#) has been funded by the Department for Levelling Up, Housing and Communities (DLUHC) since January 2016. It provides dedicated support and telephone advocacy to women experiencing domestic abuse who face barriers in accessing a refuge space or safe accommodation. A team of specialist domestic abuse practitioners receive referrals from Women's Aid member services, and they conduct detailed monitoring and analysis of survivors' experiences alongside this. Women's Aid also has a [Survivor's Handbook](#)

### 7.2 Organisations who specialise in the rights and entitlements of asylum seekers and appeals rights exhausted (ARE) asylum seekers

- Asylum Support Appeals Project (ASAP) is an independent charity who provide legal advice and representation to asylum seekers at the Asylum Tribunal. They have a specific [Factsheet "Asylum Support for Survivors of Domestic Abuse"](#)
- Rights of Women: [Domestic violence and immigration law: "the domestic violence rule"](#) and their website has a section on [immigration and asylum law](#)
- [The Refugee Council](#) - a national body working for refugee rights. Also see their section on [Asylum Support](#)
- [Refugee Action](#) - an independent national charity that works with refugees to build new lives in the UK.
- [UKLGIG](#) - UK Lesbian & Gay Immigration Group (formerly the Stonewall Immigration Group): immigration rights for same sex couples and asylum seekers.

- [Asylum Aid](#): Charity working to help those in need of asylum.
- [British Red Cross](#): Provides practical and emotional support for refugees and asylum seekers
- [Right to Remain](#) (formally known as the National Coalition of Anti-Deportation Campaigns): This is a voluntary organisation providing practical help and advice to people facing deportation. They provide a network for campaigns throughout the country allowing them to support each other. Tel: 0121 554 6947 or email: [ncadc@ncadc.org.uk](mailto:ncadc@ncadc.org.uk)
- There is also the Home Office Guidance on [“Domestic abuse: responding to reports of domestic abuse from asylum seekers”](#).

### 7.3 Resources on the rights and entitlements of those with insecure immigration status

- [Asylum Support Appeals Project](#) (ASAP): provide free legal advice and representation to asylum seekers at the Asylum Support Tribunal; run an advice line for advice agencies; and engage in policy work to improve asylum support law. Their advice line for those services advocating for asylum seekers is Tel: 020 3716 0283 (Mondays, Wednesdays, and Fridays, 2–4pm). [www.asaproject.org](http://www.asaproject.org) Note that they do not give immigration advice nor are they able to give advice to individual asylum seekers.
- [Rights of Women](#) are experts in [Immigration Law and have a section of their website](#) dedicated to this and they have 3 immigration advice lines
  - EU settlement scheme advice line 020 7118 0267
  - Immigration and asylum law line 020 7490 7689 for women who need advice on their immigration status. They can advise migrant survivors on immigration law including domestic violence; long residence and family life; the rights of Europeans and their families in the UK; claiming asylum; trafficking; and financial support options including for women with NRPF
  - Professionals’ Advice Line 020 8138 8028 (limited operating days) for non-legal professionals and OISC registered advisers supporting vulnerable migrant women.
 The Rights of Women website on [immigration and asylum law](#) (Note – the legal information on the webpage is not legal advice) includes information on:
  - Immigration
  - Domestic Violence Rule
  - Women, families, and Article 8
  - Immigration Act 2016
  - Further information for non-European Union primary carers of British children
  - Asylum
  - Seeking Refuge? A handbook for asylum seeking women
  - Trafficking; and trafficking and modern slavery
- [Migrant Help UK](#) who can support people who have, or intend on claiming, asylum in the UK. Migrant Help provides independent advice and guidance to assist asylum seekers in

the UK move through and understand the asylum process. **Asylum Help UK** is part of Migrant Help UK and they run a free asylum helpline available 24/7/365 and accessible to all asylum seekers in the UK. Tel 0808 8010 503.

- [Joint Council for the Welfare of Immigrants](#) (JCWI): An independent voluntary organisation for justice and combating racism in immigration and asylum law and policy. They provide free advice and casework, training courses and a range of publications. Tel: 020 7251 8706 (Helpline – Tues and Thurs, 2pm-5pm) or 020 7251 8708. Email: [info@jcwi.org.uk](mailto:info@jcwi.org.uk)
- [Electronic Immigration Network](#): EIN is the UK's largest specialist provider of information on immigration and asylum case law via the internet. They provide an online resource for immigration practitioners and for others with an interest in immigration, including immigrants and asylum seekers, students, journalists, judges, & academics/researchers.
- [Office of the Immigration Services Commissioner](#) (OISC): Responsible for ensuring that all immigration advisers fulfil the requirements of good practice. There is a list of registered immigration advisers on the website. Tel: 0845 000 0046 (helpline).

#### 7.4 Resources on trafficking and modern slavery

- Home Office [National Referral Mechanism Guidance](#)
- Salvation Army: [Supporting Survivors](#) and their 24/7 helpline 0900 808 3755
- NRPF network – [Victims of trafficking and modern slavery](#)
- [Rights of Women: Trafficking and the National Referral Mechanism](#)
- [Unseen UK](#): Modern Slavery 24/7 Helpline 0800 01 21 700

#### 7.5 Immigration Advice and Legal Services

- For immigration-related issues, the following organisations may be able to offer help and advice:
  - [North East Law Centre](#) has an immigration solicitor, funded through the Ministry of Justice's domestic and sexual violence community fund.
  - [Joint Council for the Welfare of Immigrants](#): Deal with all areas of asylum and immigration law. Provide legal advice and run a national helpline on 020 7553 7470.
  - [Office of Immigration Services Commissioner \(OISC\)](#) is a department of the Home Office. The Office of the Immigration Services Commissioner (OISC) regulates immigration advisers and provides a search to locate advisers. 0845 000 0046. To find a regulated immigration advisor visit the [Office of Immigration Services Commissioner](#) (OISC) website or go direct to the [Advisor Finder](#) site which lists advisers who are regulated by the OISC. You can also check whether an immigration adviser is regulated by the OISC by contacting the OISC directly on 0345 000 0046

- [Community Legal Service](#) For details of Legal Aid solicitors, Citizens Advice Bureaux, law centres and independent advice centres. They can provide details of specialists in immigration law and/or family law. Tel: 0845 345 4345.
- [Immigration Law Practitioners Association \(ILPA\)](#) Established to promote and improve the advising and representation of immigrants. Tel: 0207 251 8383 or email [info@ilpa.org.uk](mailto:info@ilpa.org.uk).
- [Law Centres Federation](#) Free and independent legal service to people who live or work in their catchment areas. They specialise in those areas of law including welfare rights, immigration and nationality, employment rights and sex and race discrimination. Websites provides details of local law centres. Tel: 0207 387 8570 or email: [info@lawcentres.org.uk](mailto:info@lawcentres.org.uk).
- [Law Society](#) For details of solicitors' legal aid cannot be accessed. They can put survivors in touch with solicitors in their local area. You can also help them search the Law Society website for specialists in immigration law and/or family law. Tel: 0870 606 6575.

## 7.6. Pre-Action Protocol (PAP) Project: to challenge decisions by government

- The PAP project is an innovative project where front line organisations are provided with e-learning training and supervision from DPG solicitors to enable them to prepare formal pre-action letters to challenge decisions made by or on behalf of Government. More details and how to get involved can be found on the [PAP website](#) together with a short film about PAP. Issues dealt with include section 4 delays, section 95 delays, failures to conduct Care Act assessments, failures to conduct Children Act assessments, homelessness gatekeeping, and suitability of accommodation provided under section 4 and section 95, delays in granting support following decisions etc.

## 8. Acknowledgements

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- The Angelou Centre and Safety4Sisters, including information on Immigration Acts and NRPF Restrictions.
- Police Super-complaint (HMICFRS Dec 2020), [Safe to share?](#) Report on Liberty and Southall Black Sisters' super-complaint on policing and immigration status.
- The Joint Council for the Welfare of Immigrants<sup>41</sup> [report](#) April 2021
- Welsh Women's Aid [Shut out from safety – the survivors of domestic abuse with no recourse to public funds](#)
- Welsh Women's Aid Toolkit on ['Rights of Survivors of VAWG who are Subject to Immigration Control'](#)
- Women's Aid: [Nowhere to Turn Report](#)
- Women's Aid ['Shadow Pandemic – Shining a light on domestic abuse'](#)
- [New guidance for MARACs \(Multi-Agency Risk Assessment Conferences\)](#) on sharing information in relation to victims who may have insecure immigration status (SafeLives and Southall Black Sisters 2021)
- Rights of Women ["Domestic violence and immigration law: the "domestic violence rule"](#)
- Rights of Women: [Domestic violence, immigration law and "no recourse to public funds"](#)
- Rights of Women: <https://www.rightsofwomen.org.uk/wp-content/uploads/2024/06/Final-Immigration-Guide-Migrant-victims-of-domestic-abuse-concession.pdf>
- Scotland's [Strategy to Improve Support for People with No Recourse to Public Funds Living in Scotland 2021-2024](#)
- Anitha, S (2010). [No recourse, no support: state policy and practice towards South Asian women facing domestic violence in the UK](#). British Journal of Social Work, 40 (2). pp462-479.
- Anitha, S (2011). [Legislating Gender Inequalities: The Nature and Patterns of Domestic Violence Experienced by South Asian Women with Insecure Immigration Status in the United Kingdom](#), Violence Against Women, 17:10, pp. 1260-1285.
- The Domestic Abuse Commissioner's ['Safety Before Status'](#) Report (October 2021)
- Shelter: [Help for adults from abroad who are ineligible for homelessness assistance](#)
- [Home Office Guidance on "Domestic abuse: responding to reports of domestic abuse from asylum seekers"](#)
- Asylum Support Appeals Project (ASAP) [Factsheet on Asylum Support for Survivors of Domestic Abuse](#)
- NRPF Network [Assessing and supporting adults who have no recourse to public funds \(England\): Practice guidance for local authorities](#)

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<sup>41</sup> <https://www.icwi.org.uk/we-are-here-routes-to-regularisation-for-the-uks-undocumented-population>

## 9. Local Authority Contacts for Needs Assessments and Adult<sup>42</sup> and Child Safeguarding

|                       | To request an adult needs assessment  | To make a safeguarding adults referral  |
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| <b>Gateshead</b>      | <p><a href="#">Request an assessment online</a></p> <p><b>Adult Social Care Direct</b><br/> <b>Phone:</b> 0191 433 7033 (24 hours a day, 7 days a week)</p>   | <p><a href="#">Report online</a></p> <p>For more information, click <a href="#">here</a></p>                                      |
| <b>Newcastle</b>      | <p><b>Community Health and Social Care Direct</b><br/> <b>Email:</b> <a href="mailto:scd@newcastle.gov.uk">scd@newcastle.gov.uk</a><br/> <b>Phone:</b> 0191 2788377<br/> <b>Mobile:</b> 0796 8474891<br/> <b>Fax:</b> 0191 278 8312<br/> <b>Opening hours:</b> Monday to Friday, 8am to 5pm<br/> <b>Out of Hours:</b> 0191 278 7878</p> | <p><a href="#">Refer online</a></p> <p>For more information, visit: <a href="#">Report a Concern - Newcastle Safeguarding</a></p> |
| <b>North Tyneside</b> | <p><b>Gateway Service</b></p> <p><a href="#">Online reporting form</a></p> <p><b>Telephone:</b> 0191 643 2777</p> <p><b>Out of Hours:</b> 0330 333 7475 (evenings and weekends)</p> <p><b>Email:</b> <a href="mailto:childrenandadultscontactcentre@northtyneside.gov.uk">childrenandadultscontactcentre@northtyneside.gov.uk</a></p>   | <p><a href="#">Online reporting form</a></p> <p>For more information visit <a href="http://www.NTSAB.org">www.NTSAB.org</a></p>   |

<sup>42</sup> 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.



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| <b>Northumberland</b> | <p><b>One call</b></p> <p><b>Phone: 01670 536 400</b></p> <p><b>Email address:</b> onecall@northumberland.gov.uk</p>   | <p><a href="#">Report online</a></p> <p>For more information, click <a href="#">here</a></p>  |
| <b>South Tyneside</b> | <p><b>Let's Talk Team (Adult Social Care)</b></p> <p><a href="#">Request support with care online</a></p> <p>Email: <a href="mailto:LetsTalk@southtyneside.gov.uk">LetsTalk@southtyneside.gov.uk</a></p> <p>Telephone: 0191 424 6000 (Monday to Thursday, 8.30am to 5pm and Friday, 8.30am to 4.30 pm)</p> <p>0191 456 2093 (In case of an emergency outside the above office hours)</p> | <p><a href="#">Refer online</a></p> <p>For more information, click <a href="#">here</a></p>   |
| <b>Sunderland</b>     | <p><b>Health &amp; Wellbeing</b></p> <p>Phone: 0191 5205552</p> <p>Opening hours: Monday to Friday, 8.30am to 5.00pm</p> <p><a href="#">Apply for adults needs assessment online</a></p>   | <p><a href="#">Report a safeguarding adults concern online (professionals)</a></p> <p><a href="#">Report a safeguarding adults concern online (public)</a> or phone: 0191 5205552</p> <p>For more information visit: <a href="#">Worried about someone? - Sunderland City Council</a></p> |

| <b>To make a safeguarding children referral</b> |   |  |
|---|---|--|
| <b>Gateshead</b>                                | <p>If you are worried about a child phone Gateshead Council's Children's Services (in confidence) on: <b>0191 433 2653</b> (office hours: Monday - Friday, 8.30am to 5pm) or on: <b>0191 477 0844</b> (out of hours, at night, at weekends and bank holidays)</p> <p>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.</p>   | <p>All professionals must make a referral using this form: <a href="#">Refer a concern</a></p>       |
| <b>Newcastle</b>                                | <p>If you are ever concerned that a child is in immediate danger call the police on 999.</p> <p><b>During office hours</b><br/> If you are concerned about a child or young person call us on <b>0191 277 2500</b> (weekdays 8:45am to 5pm).<br/> 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).<br/> You can also complete our <a href="#">online referral form</a>.<br/> If you are a professional then please use the <a href="#">professional online referral form</a>.</p> <p><b>Out of office hours</b><br/> If the issue cannot wait until the next working day, call our Emergency Duty Team on <b>0191 278 7878</b>.<br/> You can also complete our <a href="#">online referral form</a>.</p> | <p>Report a concern about a child or young person at Newcastle City Council <a href="#">here</a></p> |

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| <b>North Tyneside</b> | <p>Telephone: 0345 2000 109</p> <p><b>Out of Hours:</b> 0330 333 7475 (evenings and weekends)</p> <p>Report your concern-<br/> <a href="https://my.northtyneside.gov.uk/category/488/are-you-worried-about-child">https://my.northtyneside.gov.uk/category/488/are-you-worried-about-child</a></p>   |   |
| <b>Northumberland</b> | <p><b>One call:</b> Phone: <b>01670 536 400</b></p> <p><b>Email address:</b> onecall@northumberland.gov.uk</p>   | <p><a href="#">Report online</a></p> <p>For more information, click <a href="#">here</a></p>  |
| <b>South Tyneside</b> | <p><b>MASH (Children and Families Social Care)</b></p> <p><a href="#">Worried about a child</a></p> <p>Tel: <b>0191 424 5010</b></p> <p>Monday to Thursday - 8.30am to 5pm<br/> Friday - 8.30am to 4.30pm</p> <p><b>0191 456 2093</b> (In case of an emergency outside of above times)</p>   | <p>Child <a href="#">Safeguarding Referral Form</a></p> <p>For more information about reporting a concern for a child, click <a href="#">here</a></p>   |
| <b>Sunderland</b>     | <p>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)</p> <p>In an emergency always call 999</p> | <p><a href="#">Together for Children – Sunderland Referral Form</a></p> <p>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.</p> <p>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.</p> <p>Please send referrals to <a href="mailto:Safeguarding.Children@togetherforchildren.org.uk">Safeguarding.Children@togetherforchildren.org.uk</a></p> |