

Destitution Domestic Violence Concession – Monitoring Research Report

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Executive Summary

A monitoring research project funded by Unbound Philanthropy
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eaves
putting women first



About Eaves

Established in 1977, Eaves is a London-based charity, which provides high-quality support, advice and advocacy to vulnerable women who have experienced violence such as trafficking, prostitution, domestic violence and sexual violence. The Research and Development team at Eaves conducts research, advocacy, capacity building and training on a host of Violence Against Women and Girls (VAWG) issues. This includes undertaking research to strengthen the evidence base around tackling and preventing VAWG and educating a variety of audiences on VAWG. In all of our work we strive to reflect the particular needs and experiences of women and girls whose lives are affected by violence and we work in partnership, coalition and networks with women's sector groups and government working groups. (www.eavesforwomen.org.uk)

About Southall Black Sisters

Southall Black Sisters (SBS) is a not-for-profit organisation set up in 1979 to meet the needs of black (Asian and African-Caribbean) and minority ethnic women. SBS provides holistic information, advice, advocacy, counselling and support services to enable black and minority women to gain the knowledge and confidence they need to assert their human rights. SBS provide specialist advice on gender-related issues such as domestic violence, sexual violence, forced marriage, 'honour' based violence and their intersection with the criminal justice, immigration and asylum systems, health, welfare rights, homelessness and poverty. SBS also undertakes local, national and sometimes international educational, developmental, policy and research work (such as providing evidence to the Home Affairs Select Committee, Council of Europe and the UN CEDAW committee) aimed at tackling the underlying cause of violence against black and minority women. In the last 20 years, it has led campaigns, cases and policies on reforming domestic violence, immigration and the no recourse to public funds rule in the UK. (www.southallblacksisters.org.uk)

About Unbound Philanthropy (Funder)

Unbound Philanthropy is a private grant-making foundation dedicated to ensuring that migrants, refugees, and their families are treated with respect and dignity; are able to contribute fully in their new communities; and can ultimately thrive in a society that is comfortable with the diversity and opportunity that immigration brings. (www.unboundphilanthropy.org)

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1. Executive Summary

Background

In the UK, many migrant women who are victims of domestic violence have insecure immigration status and some have the restriction of 'no recourse to public funds' even when they have a valid leave to stay in the country. The No Recourse to Public Funds (NRPF) rule is a condition attached to a residence permit in the UK, showing that a person who is subject to immigration control or without secure immigration status has no entitlement to most welfare benefits, tax credits or housing assistance measures that are paid by the state. This rule applies to many migrants including those on spousal or partner visas, people on student visas and their dependants, people on work visa and their dependants, refused asylum seekers and over-stayers. The NRPF restriction, therefore, has made it very difficult for many women who are victims of domestic violence to leave abusive situations. In most cases these women are forced to either remain in the abusive relationship or face destitution.

Since 1992, Southall Black Sisters (SBS), a women's organisation working for and with ethnic minority women, have led an extensive national campaign calling for reforms to the immigration rules and the NRPF requirement so that women experiencing violence are not facing the stark choice between abuse, deportation and destitution. Following this campaign, in 1999, the Government announced a concession, the Domestic Violence rule, to allow those on spousal or partner visa and whose relationship has broken down as a result of domestic violence, to obtain Indefinite Leave to Remain (ILR) if they can prove that the relationship actually broke down due to domestic violence.

Although this concession was a positive step forward, in terms of solving the immigration side of the problem, it still did not address the problem of destitution as the women concerned continue to have to find ways of supporting themselves financially as they remain under the NRPF rule whilst applying and waiting for an ILR decision to be made. To address this problem the Government set up the Sojourner pilot project in November 2009, a project run by Eaves, to provide financial support to those fleeing domestic violence while applying for ILR under the DV rule. In April 2012, a new scheme, the Destitution Domestic Violence (DDV) Concession scheme replaced Sojourner, mainstreaming the financial support provided to those applying for ILR under the DV rule.

Following the introduction of the DDV Concession scheme, Eaves obtained funding from Unbound Philanthropy to monitor the implementation of the scheme and to provide training to professionals who work with women using the Concession across the UK.

The DDV Concession scheme monitoring research project focused on four key areas:

- Regularising immigration status through the scheme
- Accessing financial support and benefits through the scheme
- The support needs of women and the organisations supporting them through the DDV Concession scheme
- Providing recommendations for future policy and practice.

Monitoring

The monitoring was conducted through a combination of engagement methodologies including surveys, focus group meetings with women using the scheme and consultations with stakeholders.

Findings

Regularising immigration status through the scheme

- Notification to change leave status

The notification stage, which is the initial step a woman takes in using the DDV Concession, is where a victim applies to change her leave status in order to access public funds while applying for Indefinite Leave to Remain (ILR) under the Domestic Violence (DV) rule. At this stage the application was reported to be straight forward and the response from UKBA/Home Office very quick. However, many attributed this to the availability of specialist services and organisations that support women. Women in the vast majority of cases were only able to know about the process and send the relevant forms to the appropriate agency because support organisations explained the process to them, interpreted and/or translated for them, and above all linked the women with immigration advisors. At the same time, these agencies also provided women with the necessary emotional, financial and physical support that was required in going through this process.

- Biometric details registration

Right after a confirmation of receipt of the DDV Concession application, UKBA/Home Office sends applicants a biometric notification letter with instructions on how to enrol biometric details. When the DDV Concession scheme was first introduced last year, biometric registration was not required until the woman made an ILR application, which made the process of acquiring the Limited Leave to Remain (LLR) much quicker. The new requirement to register biometric details at the start of the process has meant that women have to wait longer before they are able to get the change in their leave status and access any financial support while applying for ILR. Besides, even though the process of registering biometric details was said to be straight forward, problems have been reported around women not being able to easily access Post Offices that provide the service; some had to travel to the another town or city. It was also reported that sometimes the registration did not work the first time which meant women had to go back for re-registration, which was particularly difficult for women who had to travel from afar. There have also been reports of women expected to pay for registering their biometric details even though they are exempt from such payments under the DDV Concession.

- Indefinite Leave to Remain Application

There were several problems reported at the second stage of regularising immigration status under the DDV Concession, which is ILR application. Similar to application for LLR those who were able to easily make the application for ILR were only able to do so because they got all the necessary support from different agencies, especially legal advice around their application. According to the findings of the monitoring, this was not always easy as there were many reports about the difficulties of getting experienced immigration advisors who understand the issues and complexities of these cases.

According to the findings of the monitoring, women using the Concession, in almost all cases needed language support when making an ILR application with 95% of the monitoring survey respondents reported that they have provided language support. In addition to language support agencies also provided IT support as in most cases the applications were made via email. While making the application women also received emotional support, financial advice, housing advice and practical information around benefits, health and education.

One of the major hurdles reported at this stage of the process was the problem with gathering the necessary evidence to prove that domestic violence has occurred. Without providing the appropriate evidence as to the existence of the domestic violence it is impossible to make a complete ILR application. Eighty-eight percent of monitoring survey respondents reported that they had encountered several problems when gathering the evidence required. Police and health professionals who had contact with the victims as a result of domestic violence were either very slow to send their reports or in some cases even unwilling to write a report which details the domestic violence situation they have come across when the victim came to them for help. This problem is exacerbated by the requirement of submitting ILR applications within the three month timeframe stated on the LLR. In light of all of this, respondents stressed that the three month time limit is not enough and should be extended to at least six month.

Accessing financial support and benefits through the scheme

The second significant element of the DDV Concession is accessing benefits. After all, the whole purpose of putting the new scheme in place is to enable women to access financial assistance or benefits while they make an ILR application under the DV rule, which has been in place since 2002. Sixty percent of survey respondents reported that women they supported had encountered some kind of problem when trying to access benefits.

One of the major issues reported in this regard, was the limited awareness or in some cases total lack of awareness of the DDV Concession by Jobcentre Plus (JCP) staff. That was also true for the Jobseekers

Allowance DV Easement, a policy that was introduced in April 2012, to provide victims of DV an exemption from meeting the labour market conditions.

Women who went to JCP offices to access benefits through the DDV Concession were often asked to provide unnecessary information or documents, and some were expected to meet the Habitual Residence Test and the Labour Market Conditions; which they are meant to be exempt from. In some cases, benefits have been unduly stopped after the three month period and support agencies have had problems with obtaining back-dated payments of benefits.

Women using the Concession and those supporting them also reported difficulties around receiving the benefit they are entitled to because they were not able to open bank accounts or Post Office accounts, as benefits are usually paid directly into bank, building society, credit unions or a Post Office account. To open a bank or Post Office account a person needs to provide proof of identity and proof of address. In some cases women cannot provide such documents, either because they left their documents behind when leaving the abusive situation, or have sent their passport to UKBA/Home Office with an ILR application. It is also difficult for them to provide proof of address, such as utility bills, as in most cases they are staying in temporary accommodation or cannot give the address of a refuge for safety reasons.

Another concern raised by many who took part in the monitoring research was the failure to offer or provide appropriate interpreters for women who do not speak or understand English. This has meant that women were not able to understand what they have been told or even worse; what they are signing. Organisations expressed the view that there seems to be high reliance and expectations placed on support agencies and women's organisations to interpret for women and support them through the process. Even though these organisations are doing their best, most are financially struggling in the current economic climate and will not always be able to provide the required support without additional financial assistance or funding.

The amount of time it takes to process and receive benefits was also one of the significant concerns raised by most of those involved in the monitoring research, with some benefits, like Child Benefit, taking up to or more than 12 weeks to be processed.

Support needs of women and organisations supporting them through the scheme

Around 26% of the agencies that responded to the survey reported that even though they were approached by women for support under the Concession they were not able to provide the necessary support. One of the reasons given for not providing the support was that they did not have the required knowledge to support women effectively through the scheme. Some were concerned that taking

these women into their services would have financial risk for their organisation, and others felt that the cases are too complicated for them to handle. Many mentioned lack of training on the Concession as a huge problem. Others said that they were not able to support the women because of past negative experience with DWP and local authorities, especially in terms of failure to reimburse support agencies for housing and other payments and failure to backdate payments when required. The main reason organisations gave for not supporting women under the DDV Concession, however, was the lack of funding and refuge space, which clearly shows that despite all the concerns, as long as organisations have adequate funding they will try to support these women to the best of their abilities.

Those organisations who were able to support women under the Concession reported to have provided a range of services such as; emotional support, housing, language support, legal advice, advocacy and liaising with other agencies such as DWP with or on behalf of the women concerned.

Recommendations

This section lists practical recommendations; informed by the findings of the monitoring survey, experience of agencies supporting women under the DDV Concession and what women said in the focus groups when asked, 'what would you recommend or say should change?' The recommendations are aimed at all agencies who are involved in the implementation of the DDV Concession, including but not only, UKBA/Home Office, DWP, local authorities, funders and other relevant support agencies.

Recommendation 1 – Training

Target audience – DWP, local authorities and support agencies

There is an urgent need for training JCP staff and other agencies both around the new scheme and domestic violence and its effect on ethnic minority women.

Recommendation 2 – Information

Target audience – DWP, UKBA/Home Office and local authorities

Agencies entrusted in implementing the scheme, especially DWP and UKBA, have to invest in providing general information about the scheme and the available support for this group of women.

Recommendation 3- Funding

Target audience – Funders/commissioners, DWP, local authorities and UKBA/Home Office

As the implementation of the scheme is dependent on the support provided by specialist agencies; funders, commissioners, UKBA/Home Office and DWP need to recognise the gaps and fund agencies supporting ethnic minority and migrant women who flee domestic violence.

Recommendation 4 – Specialist workers

Target audience – DWP

As having a specialist team at UKBA/Home Office with experience and training in dealing with this group of women have been of paramount importance, DWP should also have specialist workers at JCP offices that are expertly trained on domestic violence and the implementation of both the DDV Concession and the JSA DV Easement.

Recommendation 5 - Fast tracking benefits

Target audience - DWP

DWP should take into account the unique situation these women are in and fast track their benefit application as in addition to applying for benefits they are also trying to regularise their immigration status.

Recommendation 6 - Alternative ways of paying benefits

Target audience - DWP

Alternative ways of paying benefits should be considered by DWP as many women using the scheme have had problems with opening bank or Post Office accounts by which benefits are usually paid.

Recommendation 7 - Interpreters

Target audience - DWP and funders/commissioners

Appropriate interpreters need to be provided by DWP for women who need language support when accessing the scheme and adequate funding should be allocated for that purpose.

Recommendation 8 - Extension of the three month time frame

Target audience - UKBA/Home Office

As many have struggled to gather all the necessary evidence to make a full ILR application within the three month time period many who participated in the monitoring research have recommended an extension of this deadline to at least six month.

Recommendation 9 - Agencies providing evidence of DV

Target audience - Police, health authorities and other support agencies

Agencies such as the police and health professionals should have a set target time within which they respond to report requests from victims of domestic violence using the DDV Concession scheme and women should be exempt for making payments for such reports.

Recommendation 10 - Biometric Registration

Target audience - UKBA/Home Office and funders/commissioners

More Post Offices should be providing biometric registration services across the country to make it accessible for women to use the service and in the meantime there should be immediate financial support/funding for women who have to travel to different towns/cities in an attempt to access such service.

Recommendation 11 – Refuges and other support agencies

Target audience – Support agencies

Support agencies need to understand that women under the Concession, especially after they have changed their leave status to LLR, have recourse to public funds and refusing to support such women could be in breach of equality legislation and very detrimental to the women concerned.

Recommendation 12 – Regular monitoring of the scheme

Target audience – DWP and UKBA/Home Office

There needs to be a regular monitoring of the implementation of the DDV Concession Scheme both by UKBA/Home Office and DWP, especially evaluating how many women who receive LLR are actually accessing benefits and addressing discrepancies, if any.

Recommendation 13 – Other women with NRPF

Target audience – UKBA/Home Office

This concession applies only to very specific group of migrant women, there needs to be similar provisions to enable all women in the UK, irrespective of their immigration status, have access to safety and justice.