

Changes to the Destitute Domestic Violence Concession

The information in this presentation is accurate to 1 March 2024

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Destitute Domestic Violence Concession



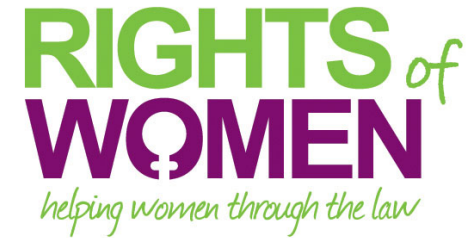
- Home Office policy for migrant victims of domestic abuse
- Only accessible to those who had a certain kind of partner visa
- Successful application changed immigration status to a temporary 3 months visa enabling access to public funds
- During the 3 months visa, expected to apply for indefinite leave as a victim of domestic abuse
- DDVC operated in conjunction with immigration policy on indefinite leave for victims of domestic abuse

Changes to the DDVC



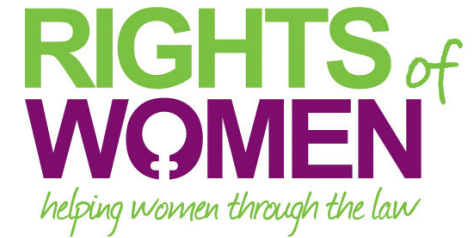
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- Government published changes to the DDVC on 16 February 2024
 - new policy guidance
<https://www.gov.uk/government/publications/victims-of-domestic-violence>
 - new application form
<https://www.gov.uk/government/publications/application-for-benefits-for-visa-holder-domestic-violence>
 - Stated to be a response to the findings of the Support for Migrant Victims Scheme pilot

What has stayed the same



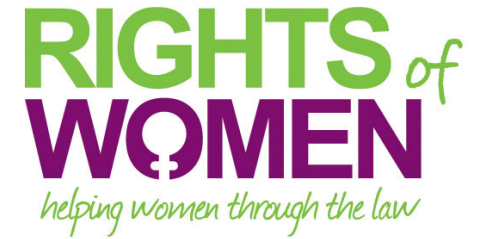
- No reduction in scope
 - Everyone who used to qualify under the DDVC before the 16.02.2024 changes can still qualify.
 - There have been no cohorts removed from eligibility.
- Previous cohorts continue to qualify for settlement
 - Everyone who used to qualify under the DDVC also retains the connection with the Home Office policy that allows victims of domestic abuse to apply for indefinite leave after relationship breakdown.
- Don't have to have a valid partner visa to apply. What matters is the last visa that was granted.

What has stayed the same



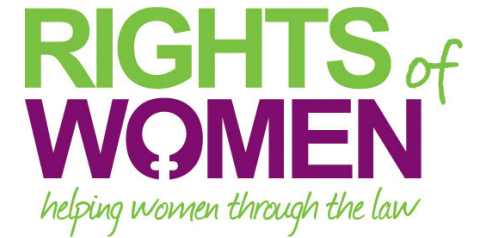
- Advice & support still regulated
 - An application to the Concession is still an immigration application which can change a person's immigration status permanently.
 - Advice and support to apply is still regulated which means it is a criminal offence for anyone who is not a regulated legal professional to advise a person to apply.
- Still 3 months visa
 - A successful application to the Concession still results in a grant of a 3 months visa.
 - This is 'leave outside the rules'. It has no conditions attached to it which means work, study and access to public funds is permitted.

What has changed



- Name
- Destitution
- Expanded scope
- Children
- Application form

The name



- The 'Destitute Domestic Violence Concession (DDVC)' has been re-named.
- It is now called the 'Migrant Victims of Domestic Abuse Concession' (MVDAC).

Requirement of destitution

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- It is no longer necessary to be destitute to apply to the new Concession.
 - Instead, the new MVDAC application form only asks if the person wishes to apply for access to public funds to support themselves and any dependant children.
 - Women who may have savings or are currently working can still apply if they need access to public funds.
 - Women who do not currently need access to public funds but might in future can also apply.

Expanded scope – who else can qualify

- The Concession has been expanded to include those who have, or last had, a visa as the **dependent partner of a someone on a work or study route**
 - most of the visa categories under the immigration rules relate to work or study
 - Gov.uk lists the broad range of different types of work routes <https://www.gov.uk/browse/visas-immigration/work-visas>
 - not all work or study routes allow for dependent partners to be granted visas, but where they do, they are included under the Concession
- Important to ascertain what permission the woman has or was last granted to check if she is eligible.

Uncoupling from indefinite leave route



- Dependent partners of someone on a work or study route are **not** eligible to apply for Indefinite Leave to Remain as a victim of domestic abuse. This cohort of people are disconnected from the indefinite leave route.
- Remember, applying for the MVDAC means cancelling & replacing the previous permission permanently.
- Legal advice before applying is needed

Dependents of workers / students: the problem



- They cannot apply for indefinite leave as a victim of domestic abuse, what other options are available?
 - no one size fits all answer
 - each case will need to be considered carefully on its individual facts with the assistance of a specialist regulated immigration adviser
- If the MVDAC is granted, this gives 3 months leave outside the rules 'LOTR'.
 - But many visa categories prevent people from qualifying if they have LOTR

Dependents of workers / students: best practice



- Need specialist immigration advice before any application is made to understand:
 - what the MVDAC offers (3 months visa with access to public funds, loss of any existing visa)
 - consequences of remaining in UK after 3 months without having made another immigration application
 - cannot apply for indefinite leave SET (DV)
 - what, if any, immigration application options she would have with 3 months visa
 - what, if any, immigration applications she could make now instead of MVDAC

Children

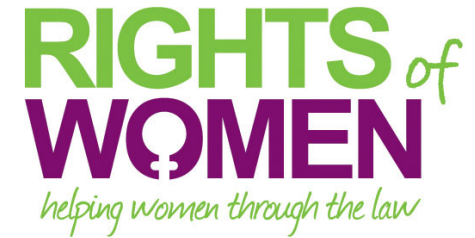


- Dependent children can be included in the application form if they also require permission to remain outside the rules
- Children's immigration status will be changed permanently if they are included in the form.
- It may be better for a child to stay on their current visa than to be included in the application
- seek immigration advice on best options for child.

Children: best practice

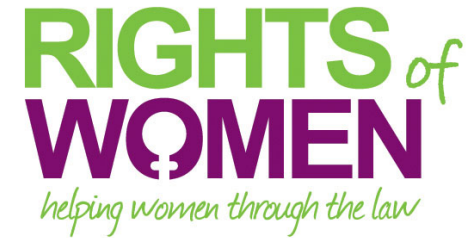
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- Need specialist immigration advice before any application is made to consider:
 - what the child's status currently is
 - if British / settled, cannot be included
 - what the child's needs around status and access to public funds are
 - whether the child's status and route to settlement is impacted by the relationship breakdown
 - may not be in which case may be best for them to keep existing status
 - how being included on the form would impact their status & route to settlement
 - may not be in their best interests to include them in the application

Application form



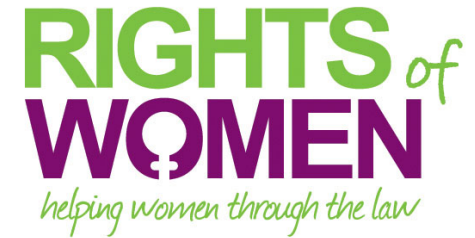
- Confirms eligible types of leave to apply
- Confirms if questions are not relevant or the applicant does not know the answers, sections of the form can be left blank – this can be explained in the 'Additional information' box
- Confirms the form can be signed digitally including by typing name into the signature box
- Asks for information about the applicant, their partner and any dependent children included on the application, including whether applicant still lives with partner and whether child lives with them and, if not, why not
- Asks for contact details for the applicant and, if relevant, any legal representative

Application form



- Asks applicant to confirm yes / no:
 - Has your relationship with your partner broken down due to domestic abuse?
 - Do you need permission to stay in the UK that is independent from your partner?
 - Do you wish to apply for public funds to support yourself and any dependent children in the UK?
- Self-declaration – no need to provide evidence of any of these elements of eligibility for the MVDAC.

Application form



- Asks for information about biometric residence permits, including whether they can be returned and, if not, why not
- Signed declaration:
 - Applying for permission to stay with access to public funds under MVDAC for self and any dependent children included on the form
 - Understand it is not an application for public funds and a separate application for public funds will need to be made
 - Understand it is an application for 3 months leave and this leave will replace any existing leave
 - Understand if no application for further leave is made, they will be expected to leave the UK and may be removed

Getting legal advice



- Legal Aid

- Free legal assistance through legal aid may be available to those who are applying for Indefinite Leave to Remain as a victim of domestic abuse and can show they do not have enough money to pay a lawyer.
- Legal Aid is not available to those people applying for the MVDAC only who are not eligible for Indefinite Leave as a victim of domestic abuse. This means that it is not available to dependent partners of workers or students, regardless of their financial circumstances.

Getting legal advice from Rights of Women



1. Our Immigration and Asylum advice line
Mondays & Thursdays 10am – 12pm and 2pm – 4pm
Call: 020 7490 7689

2. Our Professionals' advice line
Fortnightly on Fridays 10am-12pm (dates on our
website)
Call: 020 8138 8028

<https://www.rightsofwomen.org.uk/get-advice/immigration-and-asylum-law/>