

Immigration guide

Indefinite leave for victims of domestic abuse



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Who this guide is for

This guide is written for women who want to find out if they can live in the UK where they have permission to be in the UK as a partner, or have had permission to be in the UK as a partner, and their relationship has broken down due to domestic abuse. A partner means a wife or unmarried partner or civil partner.

This guide will also explain how an application can be made to live in the UK as a victim of domestic abuse.

This guide explains the law that is relevant for women who want to live in the UK and have or had permission to be in the UK as a partner and whose relationship has broken down due to domestic abuse. People with pre-settled status should first read our guide for pre-settled status holders who have suffered domestic abuse, which can be found [here](#)

You can read more about the immigration rule that this guide explains by reading Appendix Victim of Domestic Abuse which can be found [here](#).

The government department that will be handling any application is called the Home Office. The person who will be deciding any application is called a caseworker and they would be looking at 'guidance' written by the Home Office, which is a document that tells them more about the rules so they can make the right decision. The guidance can be found [here](#).

The point of this guide is not to set out the law in detail, but to explain when you might be able to apply for permission to live in the UK as a victim of domestic abuse and how you might apply.

This guide is not intended to replace legal advice and representation.

You should get legal advice before making any application.

In some circumstances, it is possible to get free legal advice and assistance for an application for permission to live in the UK as a victim of domestic abuse. This is called Legal Aid and it may be available if you cannot afford to pay for a lawyer and you need to apply for indefinite leave as a victim of domestic abuse. There is information about how to get help to apply later in the guide.

If you have any questions after you have read this guide, you may also want to read the ['Frequently Asked Questions'](#) to see if your question is answered there.

Note: if you have suffered domestic abuse in the UK and you need 'access to public funds' which means money from the Government such as benefits including Universal Credit (UC), please read our separate guide on the ['Migrant Victims of Domestic Abuse Concession'](#).

Please note that the law explained in this legal guide is as it stood at the date of publication. The relevant law and procedure may have changed since then.

Rights of Women cannot accept responsibility for any reliance placed on the legal information contained in this guide.

Rights of Women, June 2024

Relationship breakdown and immigration status

If you have permission to live in the UK with your partner (your partner might be your husband or the person you live with but are not married to) under the family immigration rules and your relationship breaks down, it can affect your immigration status.

If you have been given permission to live in the UK as a partner, the reason you were given permission was to allow you to enjoy your relationship with your partner in the UK.

When that relationship ends, your permission to live in the UK may be cancelled by the Home Office.

Your partner does not have the power to cancel your visa. Only UK Visas and Immigration (UKVI) has the power to issue or cancel visas. UKVI are sometimes called the immigration authorities or the Home Office.

If the authorities receive information about your relationship breakdown, they may write to you to tell you that they have cancelled your visa; this is sometimes known as curtailment. The letter from the authorities should tell you when your visa will expire (commonly in 60 days) and should also tell you that you can make a further application to remain in the UK if you have reason to do so. If you receive such a letter, you should seek legal advice urgently from our advice line, a solicitor or an immigration advisor.

When you have permission to be in the UK as a partner and your relationship with your partner breaks down, you should tell the Home Office about the breakdown.

If your relationship has broken down permanently due to domestic abuse, you may be able to apply for indefinite leave. Indefinite leave is permission to live in the UK permanently.

This guide explains when you might be able to apply to live in the UK permanently as a victim of domestic abuse and how you might make the application.

If you are eligible to apply to live in the UK permanently as a victim of domestic abuse, you can notify the Home Office of the breakdown of your relationship and your change of circumstances through your application for indefinite leave as a victim of domestic abuse.

You should obtain legal advice before informing the Home Office of any change in your circumstances. If you have, or have had, permission to live in the UK as a partner and your relationship has broken down for any reason, it is very important to get legal advice.

Exceptions:

1. If you have pre-settled status as a partner, you do not need to tell the Home Office about your relationship breakdown.

This is because people with pre-settled status are not at risk of losing their immigration status following relationship breakdown in the same way as people with permission to live in the UK as a partner under other parts of the immigration rules.

Victims of domestic abuse with pre-settled status are able to keep their pre-settled status and continue to qualify for settled status (another name for indefinite leave) under the EU Settlement Scheme after relationship breakdown. Please see the section of this guide on pre-settled status. Rights of Women have prepared a guide for pre-settled status holders who have suffered domestic abuse, which you can find [here](#).

2. If you are in the UK with permission as a partner on the Hong Kong British National (Overseas) route (also known as the BN(O) route) and your relationship breaks down, you do not need to tell the Home Office about your relationship breakdown.

This is because any further application for permission to stay or for indefinite leave to remain on the BN(O) route does not require a partner to show their relationship with the main applicant of the BN(O) visa is subsisting (which means ongoing).

Even after a relationship breaks down, the partner on the BN(O) route will be able to continue on the same route and make a further application for permission to stay or apply for indefinite leave to remain without relying on the main applicant. Therefore, this guide will not be relevant to partners under the Hong Kong British National (Overseas) route.

Who can apply to live in the UK as a victim of domestic abuse

You can apply for indefinite leave as a victim of domestic abuse if

1) Immigration Status – You have, or have had, permission to live in the UK – leave to enter or remain – as the partner of someone who is British or has one of the specified types of leave in the UK.

{You can look at the letter from the Home Office which should tell you what kind of permission you have, or had if you no longer have permission to stay in the UK}.

AND

2) Your relationship with your partner has broken down **permanently as a result of domestic abuse.**

{Permanently means forever}

AND

3) If you are applying from outside the UK, you have been **abandoned outside the UK.**

{Abandoned means to be left behind} Please also go to the section 'Applying from outside the UK' which explains what abandonment means in more detail.

If you are successful with your application for permission to live in the UK as a victim of domestic abuse, you will be granted indefinite leave which is permission to live in the UK permanently.

NOTE: If you are a victim of domestic abuse and you have a child or children who are dependent on you, then they will need to show something different to apply to live in the UK. Please see the section on '[Children](#)' for further information.

We will explain each part of the rules that you need to meet to be granted indefinite leave as a victim of domestic abuse below.

1) Immigration status

To be eligible for indefinite leave as a victim of domestic abuse:

You must have, or you must have last been granted, permission to live in the UK under family immigration rules or under the EU Settlement Scheme as the partner of someone who is:

- British;
- Settled in the UK – meaning they have indefinite leave or settled status;

- An EEA national with pre-settled status under the EU Settlement Scheme and their permission is other than as a joining family member - see below;
- A refugee¹; or
- A member of HM Armed Forces;

or

You must have, or have last been granted, permission outside the rules under:

- the Migrant Victims of Domestic Abuse Concession (MVDAC) or the Destitute Domestic Violence Concession (DDVC);

and

- You previously had permission to live in the UK under family immigration rules or under the EU Settlement Scheme as the partner of one of the above types of people.

You must have been granted permission to live in the UK as a partner under family immigration rules or under the EU Settlement Scheme. If you have been granted another type of permission to live in the UK, for example as the dependant partner of a worker, you will not be eligible to apply for indefinite leave as a victim of domestic abuse.

If you have pre-settled status as a partner, you will be eligible to apply for indefinite leave as explained in this guide. If you have pre-settled status, but this has been granted to you as an EEA national who has been living in the UK since before 31.12.20 or because you are the family member of an EEA national other than a partner (for example, your child or parent is an EEA national), you will not be eligible to apply for indefinite leave as explained in this guide even if your relationship has broken down permanently due to domestic abuse.

If you have pre-settled status, please see the section of this guide entitled pre-settled status. Please also see the separate [Rights of Women guide for pre-settled status holders who have suffered domestic abuse](#).

¹ This means someone who has been recognised to be a refugee and does not include people with other forms of Protection Status

What immigration status do I have?

You may be able to confirm the type of immigration status you have by looking at your immigration status document – usually a Biometric Residence Permit or Card or a document in your passport – or by looking at any online immigration status you have.

If you have pre-settled status, your immigration status, which is online, will simply state that you have pre-settled status – it will not confirm whether you have status as a partner or not. If your partner is an EEA national or a British national and you have pre-settled status and you know it has been granted to you because of your relationship with your partner, you will be eligible to apply for indefinite leave as explained in this guide.

If you are not able to work out the type of immigration status you have from your immigration status document or your online immigration status, you should look at any paperwork that was given to you when you received your decision giving you permission to live in the UK. This paperwork should explain the basis on which you were granted permission to live in the UK.

Permission to live in the UK as a partner under the family immigration rules is usually granted for a period of 30 months (or 33 months if you have leave to enter) whilst pre-settled status is granted for a period of 5 years. If you have been granted a longer or shorter period of permission to live in the UK, it may be that you have not been granted permission to live in the UK as a partner. Other types of permission can also be granted for 30 months, for example, permission as a parent.

If you are unsure whether you have been granted permission to live in the UK as a partner, it is important to get legal advice before applying as a victim of domestic abuse.

You **MUST** have had permission granted to you to live in the UK as a partner under family immigration rules or under the EU Settlement Scheme, but you do not have to have valid permission to live in the UK at the time that you apply for indefinite leave as a victim of domestic abuse – **this means it is possible to apply when you are an overstayer or otherwise when your leave has expired.**

If you do have permission to live in the UK, you should make your application before your permission runs out, if at all possible. This is because if you make an immigration application when you still have permission to live in the UK, that permission will continue with the rights of that permission until you receive a decision on your application. This means that if you are able to work or access benefits, you will be able to continue to work or access benefits whilst the Home Office is considering your application.

2) Relationship with your partner has broken down permanently as a result of domestic abuse

To apply for indefinite leave as a victim of domestic abuse, your relationship with your partner must have broken down permanently as a result of domestic abuse since you were granted permission to live in the UK as a partner.

This means you need to satisfy the Home Office that:

- There has been domestic abuse;

AND

- the domestic abuse is the reason your relationship has broken down permanently. Permanently means forever.

Domestic abuse

It is important to understand what the Home Office considers domestic abuse. The Home Office guidance on domestic abuse in immigration applications can be found [here](#).

Domestic abuse can include, but is not limited to:

- psychological
- physical
- sexual
- financial
- emotional
- violence
- threatening
- controlling
- coercive behaviour

Domestic abuse includes forced marriage, honour-based violence, dowry-related abuse and transnational marriage abandonment.

The law makes clear that no distinction should be made between psychological (mental) abuse and physical abuse when assessing if a person has been the victim of domestic violence or abuse.

The domestic abuse does not have to be from your partner. It could be, for example, that a family member of your partner such as your mother-in-law subjected you to domestic abuse and your partner did not protect you from this abuse.

You do not need to have been the direct victim of domestic abuse, but the domestic abuse must have led to the permanent breakdown of your relationship. For example, if your partner has been abusive towards your child, this may have led your relationship with your partner to break down even if your partner was not abusive towards you directly.

If you are applying from outside the UK, you also need to show

3) You have been abandoned outside the UK

Where you are applying from outside the UK, you also need to satisfy the Home Office that you have been abandoned outside the UK.

The Home Office Guidance says that abandonment is when the partner who has sponsored someone to get a visa to live in the UK, or the family members of the partner, abandons or strands the person (who has, or was given, the visa) abroad, usually without financial resources, usually with the aim of preventing their return to the UK.

In practice, this may mean that a woman is taken, or persuaded to travel, outside the UK and, once outside of the UK, she is left, either with family or alone, without the means to return to the UK. This can mean that a woman does not have the financial resources to return to the UK and / or that any documents she might need to return to the UK, such as a passport and any immigration documents issued by the UK authorities, are taken from her or otherwise not in her possession.

Examples of situations when you are not eligible to apply for indefinite leave as a victim of domestic abuse

If your most recent grant of permission to live in the UK was not as a partner of one of the above categories of people or granted under the MVDAC or the DDVC when you had previously been granted permission to live in the UK as a partner of one of the above categories of people, you will not be able to apply for indefinite leave as a victim of domestic abuse.

Savita who is Mauritian came into the UK 3 months ago to join her husband Rikesh who is very controlling. Rikesh applied for Savita to come into the UK as a visitor and did not speak to her before he applied. Rikesh's controlling behaviour has got worse since Savita's arrival and she cannot take any more. Savita will not be able to apply for indefinite leave as a victim of domestic abuse because although Rikesh is British and Savita is a victim of domestic abuse, she was granted a visit visa and not a partner visa to enter the UK.

Rhonda came to the UK on a skilled work visa from the USA 3 years ago with her husband Brad. They are both US citizens. Around 6 months ago Brad started drinking heavily after being dismissed from his job as a chef and started abusing Rhonda. At first, he was shouting and swearing at her, but 2 weeks ago he slapped her and pulled her hair. A few days ago after some heavy drinking he came home and punched Rhonda in her eye. Rhonda no longer wants to stay with Brad as she fears for her life. Rhonda cannot apply for indefinite leave as a victim of domestic abuse because although she is a victim of abuse, she has a work visa and Brad is her dependent.

If you have been given permission to live in the UK as a dependent on your partner and your partner has a temporary form of permission to be in the UK, such as a work visa or a student visa, you are not eligible for indefinite leave as a victim of domestic abuse.

Nazreen came to the UK from Pakistan to join her husband Farook 2 years ago, as his dependent. Her husband is a student and he arrived in the UK six months before Nazreen. The couple had an Islamic marriage in Pakistan 4 years ago and Farook has always been abusive both verbally and physically to Nazreen. She thought his behaviour would get better once they were both in the UK, but this hasn't happened and Farook has not changed. Nazreen's health is suffering because of the abuse and she cannot take any more. Nazreen cannot apply for indefinite leave as a victim of domestic abuse because she is not in the UK as a partner of someone with one of the statuses that would make her eligible to apply. See the section entitled 'Who can apply to live in the UK as a victim of domestic abuse' for a reminder of eligible statuses.

You are not eligible for indefinite leave as a victim of domestic abuse if you have pre-settled status, but this has been granted to you as an EEA national who has been living in the UK since before 31.12.20 or because you are the family member of an EEA national other than a partner (for example, your child or parent is an EEA national).

For victims of domestic abuse with pre-settled status as a family member, there are different protections available under the EU Settlement Scheme set out within Appendix EU of the immigration rules. If you have pre-settled status as a family member see the separate [Rights of Women guide for pre-settled status holders who have suffered domestic abuse](#).

Mary, who is Ghanaian, has an adult daughter, Jenny, who is an Italian national. Mary came to the UK with her daughter in November 2020. Both Jenny and Mary applied for pre-settled status under the EU Settlement Scheme and were granted this status in May 2021. In September 2023, their relationship broke down because Jenny was being abusive to Mary. Mary cannot apply for indefinite leave as a victim of domestic abuse as, although she has pre-settled status, this was granted to her as a parent. She qualifies under the EU Settlement Scheme as a family member of an EEA national who has retained her rights of residence and can apply for settled status under the EU Settlement Scheme in November 2025.

What if I cannot apply to live in the UK as a victim of domestic abuse?

If you cannot apply for indefinite leave as a victim of domestic abuse and you wish to live in the UK, you should obtain legal advice about any other immigration options that might be available to you to apply for permission to live in the UK.

Pre-settled status

If you have pre-settled status as a partner and your relationship with your partner has broken down due to domestic abuse, you are eligible to apply for indefinite leave as a victim of domestic abuse, as explained in this guide.

It is important to understand that if you have pre-settled status as a partner, whilst you are eligible to apply for indefinite leave as a victim of domestic abuse as set out in this guide, you do not need to make an immigration application when your relationship breaks down due to domestic abuse and you can choose whether to make an application for indefinite leave as a victim of domestic abuse or not.

The decision whether to apply for indefinite leave as a victim of domestic abuse can be a complex one and it is important to get legal advice before making an application outside of the EU Settlement Scheme if you have pre-settled status.

In this section of the guide, we highlight factors that are relevant to a decision whether to apply for indefinite leave as a victim of domestic abuse when you have pre-settled status. Rights of Women has prepared a separate guide for pre-settled status holders who have suffered domestic abuse, which you should read first if you have pre-settled status and have suffered domestic abuse. The guide can be found [here](#).

Pre-settled status is not only granted to partners.

You will not be eligible for indefinite leave as a victim of domestic abuse as set out in this guide if you have been granted pre-settled status but you were not granted it as a partner.

If you have been granted pre-settled status because you are an EEA national who has been living in the UK since before 31.12.20 or because you are the family member of an EEA national other than a partner (for example, your child or parent is an EEA national), you will not be eligible for indefinite leave as a victim of domestic abuse as set out in this guide even if your relationship has broken down permanently due to domestic abuse.

There are protections available to people with pre-settled status as a family member – as a partner or as another family member, such as a parent – under the EU Settlement Scheme where their relationship has broken down permanently due to domestic abuse. Rights of Women has prepared a separate guide for pre-settled status holders who have suffered domestic abuse, which you should read if you have pre-settled status as a family member and have suffered domestic abuse. The guide can be found [here](#).

Pre-settled status holders are in a different position to people who have been given permission to live in the UK under other parts of the immigration rules.

No requirement to inform the Home Office of relationship breakdown and no risk to status

Unlike people with visas as partners under other parts of the immigration rules, people with pre-settled status as a partner are not required to inform the Home Office when their relationship breaks down.

People with pre-settled status also do not lose their immigration status when their relationship breaks down because of domestic abuse.

This is because the EU Settlement Scheme rules protect victims of domestic abuse allowing them to keep their pre-settled status and qualify for settled status under the EU Settlement Scheme after relationship breakdown.

Many people with pre-settled status therefore do not need to think about changing their immigration status after relationship breakdown.

Indefinite leave under the EU Settlement Scheme

People with pre-settled status as a partner retain their immigration status when their relationship breaks down due to domestic abuse and remain on a free route to settlement.

Under the EU Settlement Scheme, generally, a person is not eligible for settled status (settled status is another name for indefinite leave) until they have lived in the UK for 5 years. This includes people who have pre-settled status as partners and whose relationship has broken down permanently due to domestic abuse.

This means that whilst some people with pre-settled status may be eligible to apply for settled status under the EU Settlement Scheme at the time their relationship breaks down due to domestic abuse because they have lived in the UK for 5 years by the time their relationship breaks down, other people with pre-settled status may not be eligible to apply for settled status under the EU Settlement Scheme for many months or years after their relationship breaks down due to domestic abuse.

Accessing public funds

Unlike people with visas as partners under other parts of the immigration rules, people with pre-settled status do not have a 'no recourse to public funds' restriction on their visa.

People with pre-settled status are permitted to access public funds, but when they apply for welfare benefits or social housing they have to meet what is called a 'right to reside' test. Many people with pre-settled status can satisfy the 'right to reside' test, but it can be

complicated and accessing public funds can be a challenge for some people with pre-settled status.

For those people who cannot access public funds with pre-settled status, changing their immigration status to indefinite leave by making an application as a victim of domestic abuse can resolve this problem.

Application for indefinite leave as a victim of domestic abuse – impact on pre-settled status

If you have pre-settled status as a partner under the EU Settlement Scheme and you are not eligible for settled status under the EU Settlement Scheme at the time your relationship breaks down due to domestic abuse and / or you are not able to access public funds, it may be that applying for indefinite leave as a victim of domestic abuse as explained in this guide is the right thing for you to do.

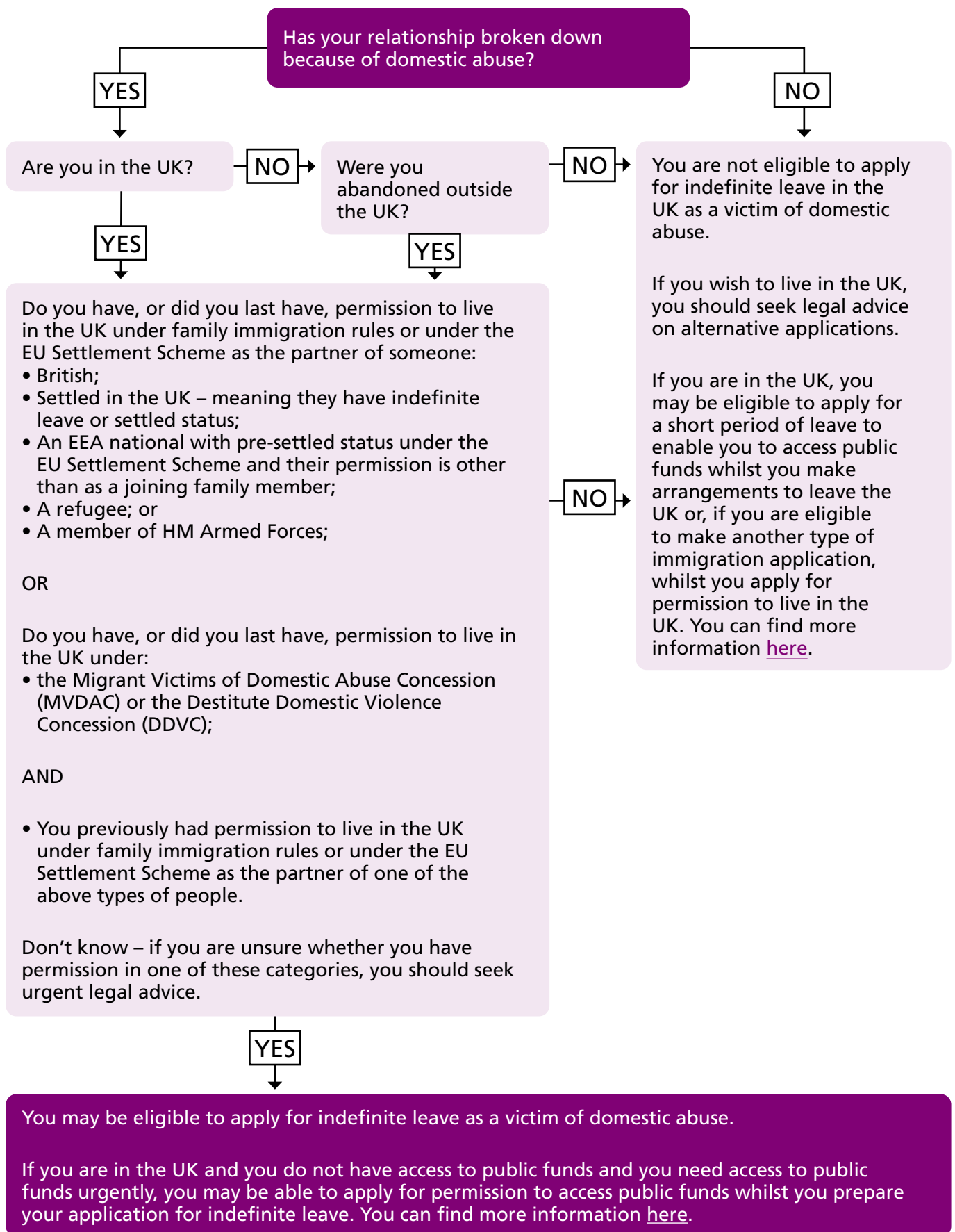
It is important to understand that if you have pre-settled status and you successfully make an immigration application that is not under the EU Settlement Scheme, your pre-settled status will be replaced by any permission you are granted to live in the UK, including any grant of indefinite leave to remain as a victim of domestic abuse.

Giving up pre-settled status may have significant consequences. This is because there are enhanced rights that people with pre-settled status may have because of the unique nature of these rights deriving from the agreement made between the UK and the EU and giving up pre-settled status risks losing some of these rights.

It is, therefore, extremely important that anyone with pre-settled status gets legal advice before they make an application that might change their immigration status – this includes an application for indefinite leave as a victim of domestic abuse and an application under the Migrant Victims of Domestic Abuse Concession.

If you have pre-settled status under the EU Settlement Scheme and you have suffered domestic abuse and would like advice on your immigration options, you can contact Rights of Women through our advice lines. You can find information about our immigration advice lines [here](#).

Can I apply to live in the UK as a victim of domestic abuse?



Children

The child of a victim of domestic abuse can apply for indefinite leave if they are dependent on their parent and their parent is applying for indefinite leave as a victim of domestic abuse at the same time or has already been granted indefinite leave as a victim of domestic abuse. Children cannot qualify if their parent has not applied.

Dependent children under the age of 18 can apply. Dependent children who are 18 years and older may be able to apply if they were last granted permission in the UK as the dependent child of their parent or parents.

Dependent children can qualify if they are not leading an independent life. This means they must not have a partner and they must be living with their parent (unless they are living away from home as part of their full-time education).

The application form will require you to explain what arrangements have been made for your child's care and accommodation in the UK.

The child must have either been:

- Born in the UK; or
- Born outside the UK and have last been granted permission as a child of their parent who is applying under the domestic abuse route; or
- Born outside the UK after their parent was granted permission to live in the UK as a partner.

Children must be financially supported without the parent having additional recourse to public funds. If the parent receives more benefits because they have a child, or has larger social housing because they have a child, this is likely to mean this requirement is not met. If you are applying for indefinite leave for yourself and a dependent child / dependent children and you are not able to financially support and accommodate your child without benefits or other public funds, you should get legal advice before applying for your child / children.

Children who are 18 years or over will need to meet additional requirements on English language (most likely involving an English language test) and pass a Life in the UK test. In exceptional circumstances, these requirements do not have to be met. You should seek legal advice if your child cannot meet the requirements.

What are the requirements?	What does your child need to show?	How can they show it?
Applying with, or after, their parent on the domestic abuse route	<ul style="list-style-type: none"> – They are applying under the domestic abuse route at the same time as you are applying; OR – You have already been granted indefinite leave under the domestic abuse route. 	Apply with you or provide confirmation of your grant of status or application reference if they are applying after you.
Permission as a dependent child, or born in the UK, or born outside of the UK after the parent was granted permission as a partner.	<ul style="list-style-type: none"> – They were last granted permission to be in the UK as your dependent child; OR – They were born in the UK; OR – They were born overseas after you were granted permission to live in the UK as a partner. 	Provide a copy of their previous grant of status or application reference OR their UK birth certificate OR their overseas birth certificate and confirmation of your grant of status or application reference.
Not leading an independent life	<ul style="list-style-type: none"> – They are not leading an independent life. This usually means they are still living with you and have not married or had children of their own. 	Provide information about who they live with and their personal circumstances – for example, they are unmarried, live with you and attend college full-time.
Financial support and accommodation	<ul style="list-style-type: none"> – There is adequate financial support and accommodation for your child without recourse to additional public funds. <p>This means that, after income tax, national insurance contributions and housing costs have been deducted, there must be available to the person or family the level of income or funds that would be available to them if the person or family was in receipt of benefits.</p> <p>Note: if you are applying for yourself and a dependent child / dependent children and you are not able to financially support and accommodate your child / children without benefits or other public funds, you should get legal advice before applying for your child / children.</p>	<p>Provide evidence of your financial circumstances, for example, a letter from your employer, payslips for 6 months+ and bank statements for the same period.</p> <p>Provide evidence of your accommodation, for example a tenancy agreement and a letter from your landlord confirming your child / children is / are permitted to live at the accommodation if they are not named on any tenancy agreement.</p> <p>Funds must be shown as specified in Appendix FM-SE of the immigration rules.</p>
Under 18 and care arranged	<ul style="list-style-type: none"> – They must be under the age of 18 on the date of application; AND – You must have made arrangements for your child's care and accommodation in the UK. <p>Note: the Home Office recognises in their guidance that where someone is applying from abroad having been abandoned they are not likely to have accommodation in the UK arranged at the time of their application and an application should not be refused for this reason.</p>	<p>Provide a copy of their birth certificate and information about where they will live and who will care for them.</p> <p>Provide evidence of your accommodation, for example a tenancy agreement and a letter from your landlord confirming your child / children is / are permitted to live at the accommodation if they are not named on any tenancy agreement.</p> <p>Alternatively, if you will be staying with someone, provide a letter from them confirming this and any information about their property, including the number of rooms and who else lives in the property.</p>

What are the requirements?	What does your child need to show?	How can they show it?
Over 18 and additional requirements can be met relating to English language and knowledge of life in the UK – or exception applies	<p>If your child is aged 18 years or older, they may still be able to apply as your dependent child, but in addition to meeting the requirements set out above, they must also satisfy the Home Office that:</p> <ul style="list-style-type: none"> – They meet the English language requirement or satisfy the Home Office that an exemption applies²; and – They meet the Knowledge of Life in the UK requirement or satisfy the Home Office that an exemption applies³. 	Provide confirmation that they meet the English language requirement and the Knowledge of Life in the UK requirement or that they meet one of the exemptions.

Child born in the UK

You may need to make an application for your child to stay in the UK even if he or she was born in the UK. This is because a child is not British simply because they are born in the UK.

You don't have to make an immigration application for any of your children who are British.

A child is automatically British if they were born in the UK **and** one of their parents was British or had indefinite leave at the time of their birth. For further advice about whether your child is British or not please call Rights of Women's [Immigration and Asylum line](#).

NOTE: If your child was born in the UK and does not have a British passport, you should seek legal advice as to whether your child is British or otherwise needs to make an immigration application.

² As specified in Appendix English Language of the immigration rules

³ As set out in Appendix KOL UK of the immigration rules

What you need

Once you have established, using the information in the sections above, that you can apply for indefinite leave as a victim of domestic abuse, you now need to think about how you will prove to the Home Office you qualify.

Your application will be decided by a caseworker at the Home Office in the UK.

Showing the Home Office that you meet the requirements of the immigration rules is the most important part of the application and it can also be the hardest part of an application.

The caseworker will look at what you have written in your application form and any supporting documents you have sent with it to see if the requirements of the domestic abuse rule are met. You will not be able to speak to your caseworker and so you will need to explain everything in writing.

The caseworker needs to be satisfied that, based on the information and documents you have provided, it is more likely than not that your relationship broke down permanently because of domestic abuse. If you are outside the UK, the caseworker needs to be satisfied that it is reasonably likely that your relationship broke down permanently because of domestic abuse and you were abandoned outside the UK.

The caseworker will follow [Home Office guidance](#) when deciding your application.

The caseworker may contact your legal adviser or you directly, if you do not have a legal adviser, for any further information that they need to make a decision.

We will explain how to make the application later in the guide, but first we will consider the evidence – the information and documents – that you might use to show the Home Office that you qualify for indefinite leave as a victim of domestic abuse.

Evidence – information and documents

You should provide evidence to support your application as far as possible. It is particularly important to provide evidence that you have suffered domestic abuse.

You will be required to provide the evidence in support of your online application.

You should provide evidence that you meet each of the requirements of the Immigration Rule for victims of domestic abuse set out above as far as possible. We will now explain the evidence that might be used for each requirement.

Evidence of Immigration status

You will only be eligible for indefinite leave as a victim of domestic abuse if you have, or last had, permission as a partner granted under family immigration rules or under the EU Settlement Scheme or permission granted under the MVDAC or the DDVC when you previously had permission to live in the UK as a partner granted under family immigration rules or under the EU Settlement Scheme, see the section of the guide entitled 'Who can apply to live in the UK as a victim of domestic abuse' for more information.

Your immigration status will often be shown on a Biometric Residence Permit – this is a document, shaped like a bank card, issued by the immigration authorities as proof of your right to stay in the UK. However, your Biometric Residence Permit may not always state exactly the type of permission you have.

If your Biometric Residence Permit does not state the type of permission you have, you should look at any paperwork that was given to you when you received your decision giving you permission to live in the UK.

If you do not have a Biometric Residence Permit, your immigration status may be stamped in your passport. Alternatively, from 2024 onwards, it may be that your immigration status is accessible online. If you have pre-settled status, your immigration status, which is online, will simply state that you have pre-settled status – it will not confirm whether you have status as a partner or not. If your partner is an EEA national or a British national and you have pre-settled status and you know it has been granted to you because of your relationship with your partner, you will be eligible to apply for indefinite leave as explained in this guide.

If you cannot work out what your immigration status is you should seek legal advice from the Rights of Women [Immigration and Asylum line](#) or another legal adviser.

If your abusive partner has taken your passport or other documentation, you should report them as stolen to the police. The police report / crime reference number can be given to the Home Office if you have this and do not have your documents.

You must provide both your passport and Biometric Residence Permit (if you were issued with one) with your application. If you are unable to do so you must explain why, including why you have been unable to get a replacement passport issued.

If you do not have your Biometric Residence Permit or other document showing your status, you can provide information to the Home Office in your application about the immigration status you have, or had if your permission to stay has expired.

The Home Office keeps records when someone applies for permission to live in the UK and if you are unable to provide documents to show your immigration status, the Home Office can check their records relating to you.

You should tell the Home Office why you cannot provide evidence of your immigration status and ask them to check their own records to confirm your last grant of status and the basis on which it was granted.

Evidence of Domestic Abuse

It is important to provide evidence that you have experienced domestic abuse as far as you can.

The Home Office guidance contains information about the type of evidence that the Home Office might expect to receive with an application made as a victim of domestic abuse. The Home Office guidance includes a table of evidence, which includes examples of the types of evidence that might be submitted.

The table of evidence is [here](#).

The table indicates how a caseworker at the Home Office might consider each type of evidence. There are some pieces of evidence that the Home Office guidance indicates will be treated as 'Conclusive' evidence. This means that this piece of evidence alone is likely to be enough for the Home Office to accept that you have suffered domestic abuse. The Home Office guidance indicates that other types of evidence might be found compelling, less compelling or, in some instances, have little weight given to them. Whether the Home Office accepts a piece of evidence to be compelling or less compelling usually depends on the information contained within the document, considering how much detail is provided and who is providing the information.

The evidence listed in the table is not mandatory evidence. What this means is that you do not have to provide evidence in the form of all or any of the examples given by the Home Office. It is, however, worth being aware of the evidence that any caseworker at the Home Office might expect to receive and how they might consider the evidence.

You should provide the best evidence that you can to confirm that you have experienced domestic abuse.

This is extremely important as, if the Home Office does not accept that you are a victim of domestic abuse, they may refuse your application for indefinite leave as a victim of domestic abuse and you will not be able to appeal.

Depending on your circumstances, there might be a number of people and / or organisations that are able to provide evidence that would help to satisfy the Home Office that the domestic abuse that caused your relationship to breakdown permanently did happen.

Type of evidence	Document	How the Home Office will consider the evidence
Criminal proceedings and the police	<p>Criminal conviction Caution OR Decision by the Crown Prosecution Service (CPS) to charge Any of the above being given to your partner in relation to abuse towards you. Note: You may not have evidence that your partner was given a caution or convicted or charged by the CPS. In this case, you should tell the Home Office:</p> <ol style="list-style-type: none"> 1. The full name, date of birth and nationality of the person who was cautioned or convicted or charged by the CPS. 2. His address at the time of the incident and, if different, his address now. 3. The date, time and place of the incident(s) for which the charge was brought, the caution was issued or the court at which your abuser was convicted (e.g. Manchester Crown Court), when and what for (e.g. sexual assault or common assault). <p>The Home Office can use this information to check that your abuser was convicted or cautioned for a relevant offence.</p>	Conclusive evidence.
	A Domestic Violence Protection Order – made in a Magistrate’s Court on the application of the police.	May be compelling evidence.
	<p>The police arresting or investigating your partner or the police attending an incident in relation to abuse towards you. This might be confirmed in a letter from the police or a domestic abuse support worker or through provision of a crime reference.</p>	Not compelling evidence on its own – the weight given to this type of evidence will be highly dependent on its contents and the circumstances of the victim.
Criminal / Family	A Domestic Abuse Protection Notice or Domestic Abuse Protection Order – can be made in both the criminal and family court in certain areas.	May be compelling evidence.

Type of evidence	Document	How the Home Office will consider the evidence
Family Court There is information on Orders in the Family Court available on the Rights of Women website	A Final Court Order stating that a judge found that domestic abuse occurred or admission by the perpetrator.	Conclusive evidence.
	A Prohibited Steps Order, Contact Order, Specific Issue Order, Disclosure of Whereabouts Order, Port Alert Order, Securing a Child's Passport Order, Order to Recover a Child, as well as High Court Orders using the Court's inherent jurisdiction.	May be conclusive evidence if there has been a finding of fact after a hearing in the Court. Otherwise, the weight depends on the details provided.
	An Order, such as a Non-Molestation Order or an Occupation Order or mention of domestic abuse in the proceedings, but no finding has been made by a judge that domestic abuse occurred.	May be compelling evidence – it must be assessed in the round with other evidence submitted.
	A Forced Marriage Protection Order.	May be compelling evidence.
	An Ex parte Order (a decision made by a judge without requiring all the parties to be present), for example, an Ex parte Molestation Order or Occupation Order.	Not compelling evidence.
	Interim Order – an Interim Order may be imposed during a civil case when the hearing has started but the case is not yet concluded.	The weight given to an Interim Order will depend on how far the case has progressed and the terms of the Order.
	Undertaking to Court.	Not compelling evidence without an admission of guilt – further information may be needed to establish the weight to be given to the Undertaking.
	NOTE: There are strict rules around sharing Family Court Orders, including with government bodies such as the Home Office. You should obtain legal advice before submitting any Family Court Orders to the Home Office. Rights of Women Family Law adviceline can be contacted for advice on Family Law matters.	
MARAC and domestic abuse support organisations	A letter from a MARAC member – confirming your case has been referred for a Multi Agency Risk Assessment Conference.	May be conclusive evidence – depending on the information contained in the letter.
	A letter from a specialist domestic abuse organisation – confirming that you have been assessed to be a victim of domestic abuse and that they are providing support to you as a victim of domestic abuse, including details of the support they are providing to you, or explaining why, although they have assessed you to be a victim of domestic abuse, they are not providing support to you.	May be compelling evidence depending on the contents of the letter.
	A letter from a specialist domestic abuse organisation, advice agency or refuge – repeating your account without confirming that you have been assessed as, or are being treated as, a victim of domestic abuse.	Not compelling evidence on its own – must be considered in light of the rest of the evidence.
Medical evidence	Medical report from UK hospital – where the report confirms you have injuries or a condition consistent with domestic abuse or reveals a pattern of injuries or reports from you about domestic abuse.	May be compelling evidence – the weight given to this type of evidence will be highly dependent on its contents.

Type of evidence	Document	How the Home Office will consider the evidence
	<p>Medical report from GP or medical professional employed by HM Armed Forces – where the report confirms you have injuries or a condition consistent with domestic abuse.</p>	<p>May be compelling evidence – the weight given to this type of evidence will be highly dependent on its contents.</p>
<p>Social services and welfare officers</p>	<p>A letter from social services or welfare officer connected to HM Forces – confirming that they have relevant experience and have assessed you to be a victim of domestic abuse, including details of any support they have offered to you as a result of the domestic abuse or relationship breakdown.</p>	<p>May be compelling evidence.</p>
<p>Witness evidence and your account</p>	<p>A letter or statement from a professional or another independent witness – confirming they witnessed an incident of domestic abuse firsthand and have no personal stake in the case – i.e., they are not related to you.</p> <p>Any letter should explain who is writing the letter, how they know you and your partner and what they witnessed, including when and where it happened. If the person writing the letter holds a responsible job, such as a doctor, teacher or lawyer, or otherwise might be expected to be truthful because they hold a position in the local community, such as being an Imam or Pastor, they should explain this in their letter.</p> <p>A statement or letter from you setting out your experiences of domestic abuse.</p> <p>The guidance makes clear that any statement or letter you provide setting out your experiences must be considered with other information and evidence provided, in the round.</p> <p>Where the Home Office find that the information you have provided is reasonably detailed, consistent and plausible, they will consider whether the information you have provided about your experiences might be sufficient evidence. When they are considering this, they will consider any reasons you have given for the absence of further or other evidence.</p> <p>Note: whilst the Home Office does not give enough importance to the testimony of an individual regarding their experience of domestic abuse and, for this reason, it is unlikely to be enough for you to only provide a statement setting out the abuse that happened to you, this does not mean that you should not provide a statement or letter explaining your experiences.</p> <p>We explain later in the guide the information you should include in any statement or letter you provide.</p>	<p>The weight given to this type of evidence depends on whether it can be verified that:</p> <ul style="list-style-type: none"> – the person witnessed an incident of domestic abuse first hand and – has no personal stake in the case. <p>The weight attached to your statement will depend on the level of detail and relevant information in the statement.</p>

Type of evidence	Document	How the Home Office will consider the evidence
	<p>Documents, including emails, texts or photos confirming your account of domestic abuse –</p> <p>Contemporaneous emails, texts, social media conversations or photos could be compelling evidence if they outline incidences of abuse or back up other evidence provided.</p> <p>Any correspondence with one or more of the abusive parties that reveals threatening or abusive behaviour may also be compelling if the source of the communications can be verified.</p>	<p>May be compelling evidence – the weight given will depend on the evidence provided and the contents of the evidence – evidence that repeats your account will be given little weight.</p>

Evidence – how much to provide and how it will be considered

You should provide all of the evidence that you can to confirm that you have experienced domestic abuse.

There is no specific number of documents you need to provide.

If you are able to provide evidence which will be accepted as conclusive evidence that you have suffered from domestic abuse, such as evidence your partner has been convicted of a criminal offence relating to abusive behaviour towards you, a single piece of evidence may be enough.

If you are only able to provide evidence which the Home Office guidance indicates they will treat as less compelling or give little weight, but you have more than one piece of this type of evidence – for example, a medical report relating to injuries sustained through domestic abuse and a witness statement from someone who saw your partner behaving in an abusive way towards you – you should submit all of the evidence.

The Home Office considers all of the evidence submitted in an application ‘in the round’. This means that the Home Office will consider all of the evidence you submit together and can consider it cumulatively, which means that if you have a number of less compelling pieces of evidence, the Home Office might accept that together they are enough to show that you have suffered domestic abuse.

When the Home Office considers the evidence, they will consider whether the information in different pieces of evidence and your application form (for example, dates or details of domestic abuse incidents) is the same. If there is different information in different documents, it may cause the Home Office to question which account, if any, is correct. If you have any concerns about differences in the information contained in different documents or otherwise about the accuracy of the information contained in different documents, you should not submit the documents without legal advice.

If you do not have any of the evidence listed above, you can explain why in your application form and any supporting letter.

If you were prevented from leaving your home or contacting people for help, you may not have any evidence of the domestic abuse you experienced before your relationship broke down and you should explain this in your supporting letter.

What you say about what happened to you during your relationship is evidence of domestic abuse.

You can make an application for indefinite leave with no evidence other than a letter from you explaining what happened to you. The type of information that you should include in your letter is addressed further below.

If you are in this situation you may want to contact a domestic abuse support organisation. They may be able to help you get services, such as counselling or other support. They may also be able to provide you with a supporting letter. A letter from a domestic abuse support organisation explaining that isolating someone and preventing them from getting help are forms of domestic abuse would be useful evidence that could support your application.

Evidence that you and your partner had been living together

In addition to providing evidence of the domestic abuse you have experienced, you are also asked to provide evidence that you and your partner were living together from the time when you were granted permission to live in the UK as a partner or the time when you came to the UK with permission as a partner. This evidence is to show the Home Office that the relationship was continuing before it broke down permanently. This is not mandatory evidence. This means that it is not a requirement of the immigration rules. The SET(DV) form asks for this evidence though and, if you have it, you can provide it in support of your application.

Any correspondence or documents showing you and your partner living at the same address – this could be addressed jointly to both of you, or addressed to you separately, but at the same address and could include:

- bank statements or letters;
- council tax, telephone, water, electricity or gas bills or statements;
- tenancy agreement; and / or
- correspondence from your GP or local health authority (for example, your NHS card or letters confirming medical appointments or health visits).

In most cases where a woman has fled her home because of domestic abuse, it will not be possible or safe for her to take such letters with her.

You can explain why you do not have some or all of the evidence asked for in your application.

You can also get evidence after you have left your partner to show that you were living with him before. For example, you can ask your GP for a letter confirming when you registered with them and the address you were living at.

Supporting letter – explaining how you meet the requirements of the immigration rules

If you have a lawyer or legal adviser, they will help write a letter to the Home Office supporting your application.

If you don't have a lawyer, you can write the letter yourself.

The letter should set out your case and explain why you should be given indefinite leave as a victim of domestic abuse.

The Home Office wants to know what has happened to you and that you meet the requirements of the immigration rules to be granted indefinite leave as a victim of domestic abuse.

You will need to complete an application form to make your application and there is further information on the forms later in this guide. The application forms are different depending on whether you are applying from within the UK or from outside the UK. Whichever application form you need to complete, you will have to provide information about your application. You should answer the questions in the relevant application form as best you can.

The application form includes a box for you to provide information about what has happened to you. The box may not be big enough or the easiest way for you to explain what has happened. This is why you might also want to write a letter. If you write a letter, you can put very brief information in the box in the form and explain that the Home Office should read the letter you have provided in support of your application. If you think that you have provided all of the relevant information in the form, you do not need to repeat the information in any supporting letter.

You do not need to provide information about the abuse you were subjected to in detail.

We have set out the information that should be included in any letter below. If you are writing the letter yourself, you should get legal advice or support before you submit it. You can contact Rights of Women's [Immigration and Asylum line](#) for advice on your supporting letter or your application more generally.

Information to include in your letter	Details of information to include in your letter
Information about you and your immigration status	<ul style="list-style-type: none"> – Your name, date of birth, nationality, gender and marital status; – Your contact information (phone number, email address and postal/residential address); – When you were granted permission to live in the UK as a partner and when you started living in the UK as a partner;
Partner and domestic abuse	<ul style="list-style-type: none"> – Your partner’s name, date of birth, nationality, gender, address and Home Office references if possible; – Details of your relationship, such as when it started, if you are married, date of ceremony and where it took place; – Where you lived with your partner; – When the domestic abuse started and who was the abuser and who was the victim; – If the abuser was not your partner, but was, for example, a family member of your partner, you should explain why the abuse from this person / people led to the permanent breakdown of the relationship between you and your partner, including whether your partner offered you any protection from the abuse and, if they did, why this wasn’t enough and your relationship with your partner broke down permanently.; – If you were not the victim of domestic abuse, but, for example, your child was the victim of domestic abuse, you should explain why this led to the permanent breakdown of the relationship between you and your partner.; – The type of abuse – physical, sexual, emotional, psychological, financial and / or controlling and coercive behaviour; – If you cannot remember the exact date when an incident occurred, you should provide as much information as possible about what happened. For example, it could be that you remember a particular incident took place around the time of a religious festival, or just after the children had gone to school; – Details of any contact with officials about the abuse (for example the police, social services, doctors, schools, etc) and when it happened; – If you have not reported the abuse (to the police or other agencies), provide reasons why not – for example, you might not have known that there were people who could help you or you might have been prevented from seeking help; – How the abuse led to the permanent breakdown of the relationship between you and your partner and when this happened; – If there is any supporting evidence or documents that are not available or not currently available, you should explain any reasons for this – for example, you might not have evidence that you were living with your partner because your partner was financially abusive so you did not take part in running the household’s finances.;
Current circumstances	<ul style="list-style-type: none"> – Where you are living now and how you are supporting yourself – for example, you are staying in a women’s refuge because your relationship has broken down, you are in receipt of benefits. If you are still living with your partner you will need to explain why this is.;
Connections to the UK	<ul style="list-style-type: none"> – Any other information you think may be relevant to your application, including details of any children that you have, their ages, nationalities and the length of time they have been living in the UK and any ties that they and / or you have to the UK.;

Information to include in your letter	Details of information to include in your letter
Criminality and bad character	<ul style="list-style-type: none"> – If you have any unspent criminal convictions or other bad character that means you do not fit the suitability criteria, such as giving false information to authorities, this will usually prevent you from being granted indefinite leave, so it is advisable to explain in more detail why this has occurred. It is particularly important to explain if what happened was as a result of the abuse you experienced, for example, your partner was violent towards you, but called the police and said it was you who was violent to him. <p>If you have any criminal convictions or other bad character issues, you should get legal advice before applying as a victim of domestic abuse.</p>
<p>APPLYING FROM OUTSIDE THE UK – if you are applying from outside the UK, you should also include the following information in your letter.</p>	
Leaving the UK and trying to return to the UK	<ul style="list-style-type: none"> – How you came to leave the UK, including whether you understood you would be returning to the UK and, if so, when you thought you would be returning to the UK and how; – When you became aware your partner and / or family members did not intend for you to return to the UK; – Why you could not travel back to the UK, including if all or any of your documents have been taken from you; – Any contact you have had with your partner and / or family members since you have been outside of the UK; – Any contact you have had with authorities about your situation – including both UK authorities, such as the Home Office, the police and any British officials outside the UK such as Embassy or Consular staff, and the authorities of your country of nationality; and – Where you are living now, with whom and any difficulties you are suffering where you are living or that you fear you may suffer if you remain where you are currently living. – This could include information about any problems or fears in relation to the people you are living with, the family of your partner, your family, the community and / or the authorities of the country.

Evidence if you are applying from outside the UK

If you are applying for indefinite leave as a victim of domestic abuse from outside the UK, you additionally need to satisfy the Home Office that you are outside the UK because you have been abandoned.

Abandoned

It can be difficult to provide documentary evidence to show that you have been abandoned outside of the UK.

If your partner has taken you to your home country and taken your documents from you and you have reported this to the police, any police report may be used as evidence that you have been abandoned.

However, it may be that the main evidence that you can provide to explain you have been abandoned is your own account of how you came to travel outside of the UK and what has happened since you left the UK, as explained above regarding the letter you might provide in support of your application.

Lack of evidence

If you are applying for indefinite leave as a victim of domestic abuse from outside the UK because you have been abandoned, you may not be able to provide all, or any, of the evidence that the Home Office would expect to receive in support of your application.

The Home Office understands that people stranded outside of the UK might find it more difficult to gather and provide evidence.

Their guidance states that, when considering evidence in support of an application as a victim of domestic abuse from outside the UK, the decision maker should consider the evidence in the round and, if you have provided information or evidence that, when considered in the round, indicates that what you have told them about your experiences is reasonably likely to be true, the decision maker should accept your account.

It is important that you explain your circumstances and any reasons that you are unable to provide evidence.

If there is evidence that you know, or think, exists, but you do not have it in your possession or have access to it, you can provide information about this evidence to the Home Office.

If you think that the UK authorities might have access to, or otherwise be able to access evidence, you can explain this in your application, including explaining what evidence you think the Home Office might be able to find and where they might be able to find it.

For example, if you do not have any evidence of your previous grant of immigration status as a partner because your partner made the application and kept the Biometric Residence Permit or took any other evidence of status from you, you can explain this and ask the Home Office to check their own records. If you do not have evidence of the British nationality or UK immigration status of your partner, you can explain this to the Home Office and ask they check their own records, including of your previous application, to find evidence of the nationality, identity and immigration status of your partner.

If you had contact with any authorities in the UK about the abuse (for example, if you reported the abuse to the police), you can provide information to the Home Office about the contact with UK authorities and ask the Home Office to perform checks to confirm what you are telling them.

If you are asking the Home Office to check their own records or otherwise to perform checks, you should include as much of the following information as you can:

- The name, date of birth, nationality, immigration status, national insurance number and last known address and last known employer of your partner;
- The dates when any application was made and granted – if you do not know these dates, you should explain this, explain who made the application and explain when and how you entered the UK;
- Any UK authorities you had contact with when in the UK, particularly in relation to the domestic abuse – provide details of the authorities you had contact with, for example, the police, social services, hospital, and when, where and how you had contact with them (for example, in March 2023, they came to your accommodation or you spoke to them on the phone and at the time you were based in Haringey); and
- Any UK authorities you have had contact with since leaving the UK, including UK authorities outside the UK, such as British Embassies and British Consulates, and UK authorities in the UK, such as the Home Office, police and Members of Parliament – again, you should provide as much information as you can about who you had contact with, when and how.

Connections to the UK

The most important part of an application for indefinite leave as a victim of domestic abuse is the information and evidence that you provide to the Home Office to show that you meet the requirements of the immigration rules and that you qualify for indefinite leave as a victim of domestic abuse.

It is, however, also important to make the Home Office aware of anything else that you think they should consider when deciding your application.

In particular, if you have strong ties to the UK or there are other reasons you think the Home Office should grant you permission to remain in the UK, you should explain these in your application.

You can include any additional information in a covering letter or statement and you should provide supporting evidence if at all possible.

You might want to include information about:

Family in the UK

- Children – how long have they lived in the UK, are they British, do they have other family members in the UK, do they attend school?
- Parents / other family members – how long have they lived in the UK, are they British, do you depend on them or do they depend on you for support e.g. financial, practical, emotional support?

Community ties

- Local community work, volunteering, charity work, faith groups

Work/Study

- Confirmation of your employment to include the type of work you may do, the length of time in the role, hours you work
- Confirmation of your studies and length of course

Barriers to leaving the UK

- If you believe you may have problems if you have to leave the UK and return to your home country
- If there are medical reasons why you cannot leave the UK.
- If you believe that you would be denied the right to family relationships if you were required to leave the UK e.g. such as a relationship with your child

Applying from outside the UK

You can apply for indefinite leave as a victim of domestic abuse from outside the UK.

To qualify for indefinite leave to enter the UK as a victim of domestic abuse, you need to submit the correct application and you need to show the Home Office that you are eligible for indefinite leave as a victim of domestic abuse.

How you make an application for indefinite leave as a victim of domestic abuse from outside the UK is very similar to how a person applies from within the UK.

In this section of the guide, we highlight the key differences for applicants applying for indefinite leave as a victim of domestic abuse from outside the UK.

It is important that anyone applying for indefinite leave as a victim of domestic abuse from outside the UK reads the whole guide.

The guide covers who is eligible for indefinite leave as a victim of domestic abuse, how they need to apply and the evidence they need to provide in support of their application. In each section of the guide, when the situation is different for an applicant outside of the UK, we explain this.

Who can apply to live in the UK as a victim of domestic abuse from outside the UK

You can apply for indefinite leave as a victim of domestic abuse if:

- You have, or have had, permission to live in the UK as a partner under family immigration rules or under the EU Settlement Scheme, or have had, one of the other types of permissions set out in the 'Immigration status' section of the 'Who can apply to live in the UK as a victim of domestic abuse' part of this guide;

AND

- Your relationship with your partner has broken down permanently as a result of domestic abuse;

AND

If you are applying from outside the UK

- You have been abandoned outside the UK.

The Home Office Guidance says that abandonment is when the partner who has sponsored someone to get a visa to live in the UK, or the family members of the partner, abandons or strands the person who has, or was given, the visa abroad, usually without financial resources, usually with the aim of preventing their return to the UK.

In practice, this may mean that a woman is taken, or persuaded to travel, outside the UK and, once outside of the UK, she is left, either with family or alone, without the means to return to the UK. This can mean that a woman does not have the financial resources to return to the UK and / or that any documents she might need to return to the UK, such as a passport and any immigration documents issued by the UK authorities, are taken from her or otherwise not in her possession.

Consideration of your application

Your application will be considered by a caseworker at the Home Office in the UK.

To apply as a victim of domestic abuse from outside the UK you must do the following:



The caseworker will look at your completed application form, supporting evidence and any letter you have provided to see if the requirements of the domestic abuse rule are met.

The caseworker needs to be satisfied that, based on the information and evidence you have provided, it is reasonably likely that your relationship broke down permanently because of domestic abuse and you were abandoned.

This is a lower test than would be applied if you were in the UK as the Home Office recognises that it may be more difficult for people to provide relevant information and evidence when they are applying from outside the UK.

The caseworker will follow Home Office guidance when deciding your application.

The caseworker may contact your legal adviser or you, if you do not have a legal adviser, for any further information that they need to make a decision.

Please see section [‘What You Need’](#) for detailed information about the types of evidence you should be including in your application. There are also tips on what to do if you have a lack of evidence due to being abandoned outside the UK.

It is very important that you make your application for indefinite leave as a victim of domestic abuse in the way that the Home Office requires you to make the application.

If you do not do everything that the Home Office requires you to do to make an application for indefinite leave as a victim of domestic abuse, the Home Office will **reject your application as invalid**.

The application form is different if you are applying outside the UK. It is called “Return to the UK” – the form can be found [here](#).

The process for providing your fingerprints and your photograph is different if you are applying from outside the UK. You may have to travel to a Visa Application Centre and this may not be in the country you are living in. The process for providing your fingerprints and your photograph if you are outside of the UK is explained within this guide.

If you are outside the UK, depending on the country you are in, you may also be required to provide a TB test certificate – a valid medical certificate confirming that you have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in you. There is information about the countries the Home Office require a TB test certificate from [here](#).

Decision and next steps

Grant – indefinite leave to enter

If you have applied for indefinite leave as a victim of domestic abuse from outside the UK and your application is successful, you will be granted indefinite leave to enter.

Your permission to enter the UK will either be a document that is stuck to a page of your passport and includes your photograph or will be an online status connected to your passport. If you are given an online status, you should be given a letter explaining that you have been granted indefinite leave and information about how to access your online status.

Once you have any document or online status giving you permission to enter the UK, you will need to make arrangements for your travel to the UK.

You will need to book and pay for your own ticket to travel to the UK.

You will need to arrange accommodation for your arrival in the UK. If you have family or friends in the UK or you are in touch with a domestic abuse organisation in the UK, you may wish to contact them to see if they can offer support in the short term.

Once you have entered the UK, you may be eligible for benefits and / or accommodation, including potentially in a refuge for victims of domestic abuse. You should not, however, assume that you will be eligible for benefits as soon as you arrive in the UK. If you may need access to benefits in the UK, you should obtain advice about your eligibility for benefits – if possible, before you travel to the UK, or otherwise as soon as possible after you have entered the UK. You should ensure that you have funds to support yourself and any dependent children immediately after your entry to the UK as far as possible.

Refusal of application

If your application is refused, the Home Office will write to you explaining the reasons they have refused your application.

The letter will also explain your right to challenge the refusal decision.

When an application for indefinite leave as a victim of domestic abuse is refused, there is no right of appeal. The only way that a refusal can be challenged is through something called an “administrative review” – an administrative review is an application that you can make to the Home Office to ask them to review their decision to refuse your application.

If your application is refused, it is very important that you seek legal advice as soon as you can.

If you are outside the UK, an application for administrative review must be made **within 28 days of the date you (or your legal representative) received the refusal decision.**

It is important that anyone applying for indefinite leave as a victim of domestic abuse from outside the UK reads the whole guide.

In this section, we have briefly highlighted the key differences for applicants who are applying for indefinite leave as a victim of domestic abuse from outside the UK. However, it is very important to consider the whole guide to see whether you are eligible to apply for indefinite leave as a victim of domestic abuse from outside the UK and how to prepare your application.

How much it costs – and what to do if you cannot pay

Fee

When you apply for indefinite leave as a victim of domestic abuse, you are expected to pay a fee.

You are required to pay the fee for each applicant applying for indefinite leave. This means that if you are applying for yourself and for two dependent children, you will have to pay the fee three times – once for you and once for each of your children.

Immigration fees are regularly reviewed and changed.

The current immigration fees are listed [here](#).

When you complete the application form, you will be asked whether you can pay the fee or not. If you cannot pay the fee, you will be asked to provide information about your financial circumstances.

If you are able to pay the fee, you should check the application form and guidance note, as well as the Home Office website to ensure you pay the correct amount.

If you cannot pay the fee

Depending on your circumstances, you may not have to pay the fee to apply for indefinite leave for yourself as a victim of domestic abuse and / or for any dependent children.

If you do not have the money to pay the fee or you have the money to pay the fee, but if you were to pay the fee it would mean you would not be able to pay for other essential living costs such as accommodation, food or heating, you may not have to pay the fee.

You are not expected to get a loan to pay the fee or to have someone else, such as a friend or family member, pay the fee on your behalf.

If you are applying to return to the UK from overseas, the Home Office will take into account your circumstances in the UK if you are given permission to return, including consideration of any costs to return to the UK to resume your residency.

If the Home Office accepts that you cannot afford to pay the fee, you do not have to pay the fee.

To satisfy the Home Office that you cannot afford to pay the fee, you will need to provide information and evidence about your financial circumstances in your application.

You should also provide a letter with your application explaining that you cannot afford to pay the fee and the reasons why. If you have a lawyer they will write this letter for you, but if you do not have a lawyer you can write this letter yourself. You should obtain legal advice on this letter if at all possible. You can call the Rights of Women Immigration and Asylum Line for advice on this letter and on your application more generally. You can find information about the Rights of Women Immigration and Asylum line [here](#).

It is very important to provide as much information and evidence as you can about your financial circumstances when you are saying you cannot afford to pay the fee. If you do not do this, the Home Office could reject your application.

Evidence you cannot pay the fee

You will have to give the Home Office evidence to show that you cannot afford to pay the fee.

The evidence needs to be about your financial situation at the time that you are making your application. You need to show your income and assets, how you are accommodated and essential expenditure. Some examples are set out in the table below:

Income / Assets	Accommodation	Expenditure
<ul style="list-style-type: none"> – Bank Statements for all bank accounts – Information about cash you have – Payslips from employment – Self-employment evidence – Benefits – Friends/family – Local authority financial support – Charitable support/domestic abuse organisation financial support 	<ul style="list-style-type: none"> – Rent agreement / rent book – Supporting letters from whomever is accommodating you, such as: <ul style="list-style-type: none"> • Friends/family • Local Authority • Women’s Refuge 	<ul style="list-style-type: none"> – Rent book / corresponding bank statement showing rent being paid – Gas / Electricity bills – Water bills – Council Tax statements – Food bills – Phone / Broadband bills – Any other utility bills – Essential living costs such as clothing, toiletries – Travel costs for essential trips e.g. work, school, health appointments

If you are unable to provide some or all of the evidence relating to your financial circumstances, you should explain this in your application and explain any reasons you are unable to provide the evidence.

Fee waiver or rejection

If the Home Office accepts that you are unable to pay the fee, they will proceed to consider your application for indefinite leave as a victim of domestic abuse.

If the Home Office does not accept that you do not have enough money to pay the fee, they will reject your application on the basis that you have not paid the fee. The Home Office should explain in any letter why they do not accept that you are destitute and cannot pay the fee based on the information and evidence you have provided. The Home Office letter will explain that you must pay the specified fee within 10 working days. If you do pay the fee within the 10 working days, and your application is otherwise valid, the Home Office will proceed to consider your application for indefinite leave as a victim of domestic abuse.

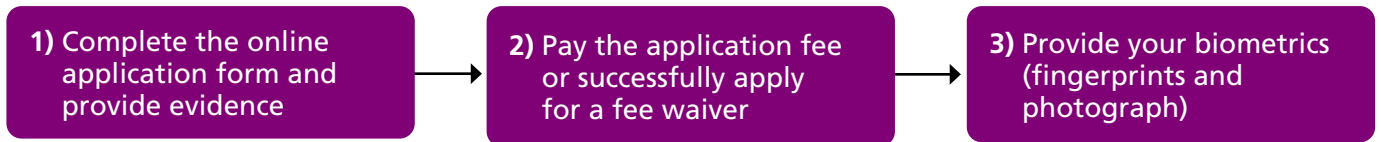
If you are unable to pay the fee and the Home Office rejects your application as invalid because they do not accept that you cannot pay the fee, you should get urgent legal advice.

The decision of the Home Office to reject your application as invalid is **not** a decision to refuse your application for indefinite leave as a victim of domestic abuse. The Home Office has not considered your application and whether you are eligible for indefinite leave as a victim of domestic abuse.

How to apply

Once you have made sure that you are eligible for indefinite leave as a victim of domestic abuse and you are making the right application, you must make the application in the way the Home Office requires you to.

To make a successful application for indefinite leave as a victim of domestic abuse, you need to make sure that the following is done:



NOTE: The guide has already covered who will be eligible for indefinite leave as a victim of domestic abuse and the evidence that might be provided in support of the application in detail.

The guide will now cover how to make the application.

Why it is important to apply in the right way

It is very important that you make your application for indefinite leave as a victim of domestic abuse in the way that the Home Office requires you to make the application.

If you do not do everything that the Home Office requires you to do to make an application for indefinite leave as a victim of domestic abuse, **the Home Office will reject your application as invalid.**

When an application is rejected, it means that the Home Office has not considered the application and evidence to decide whether you are eligible for indefinite leave as a victim of domestic abuse. Instead, it simply means the application has not been made in the right way. It does not mean that you are not eligible for indefinite leave as a victim of domestic abuse.

If your application is rejected, the Home Office will write to tell you that they have rejected your application. If you receive a letter from the Home Office telling you that your application has been rejected, you should seek legal advice urgently. You can contact Rights of Women's [Immigration and Asylum Line](#) or find out more about seeking legal advice on the Rights of Women website.

Form

If you are in the UK when you are applying, the relevant form is called "[SET\(DV\)](#)".

If you are in the UK when you are applying, any dependent children who are applying with you are included on your application form.

Note: if a child is applying in the UK at a different time to their parent, the relevant form for the child to apply is form "[SET\(F\)](#)".

If you are outside the UK when you are applying, the relevant form is "[Return to the UK](#)".

A separate application must be made for each applicant applying from outside the UK.

This means that, if you are outside the UK when you are applying, any dependent children must make their own application on form "Return to the UK".

All the relevant sections of the online application form must be completed as fully as possible.

If there are parts of the form that you cannot complete because you do not have the information, you can explain this in the form or you can write a letter explaining this and, in the form, refer to your letter.

You may find that the space on the form is not large enough for what you need to write. If this is the case, you can explain this in the form and write a letter providing more detail and, in the form, refer to your letter.

The way the form asks you to provide information is different depending on which form you complete. The form that you complete when you are applying from within the UK is form SET(DV) and this form asks a lot of questions. The form that you complete when you are applying from outside the UK is form Return to the UK and this form does not ask so many questions, but has a large box for you to provide information. The information you need to provide in each form is very similar, but the way that you are asked to provide it is slightly different.

We have included below guidance on the type of information you will need to provide in the application form. The application forms can be different depending on the answers you provide as you go through the form. This means that we cannot provide information about all of the questions you might be asked, but we have tried to set out below the key information you will be expected to provide within the online application form if you apply for indefinite leave as a victim of domestic abuse.

Questions in form	Information required
Basic Information	<ul style="list-style-type: none"> – Name, date of birth, nationality, gender and marital status; – Contact information (phone number, email address and postal / residential address); – Legal representative details, if applicable; – Valid (not expired) passport information. If you do not have a valid passport/national identity document, you need to explain why and provide any alternative document.
Partner and domestic abuse	<ul style="list-style-type: none"> – Information about partner (name, date of birth, nationality, gender, address and Home Office references if possible); – Details of relationship, such as when it started, if you are married / in a civil partnership, date of ceremony and where it took place; – Information about the domestic abuse (you can refer to a supporting letter if you require more space); – Whether you have reported the abuse (to the police or other agencies) and, if not, provide reasons why not; – When you first entered the UK, started living with partner / stopped living with partner, whether relationship has ended and if this was due to domestic abuse.
Fee	<ul style="list-style-type: none"> – You will be asked to confirm that you are paying the fee or, if you cannot pay the fee, to confirm that you cannot pay the fee; – If you cannot pay the fee, you will be asked about your finances such as whether you own a home, if you have savings and if you have an income (such as from work, benefits, friends/family); – If you can pay the fee, you will be asked to pay it once you complete and submit the application.
Immigration status and criminality	<ul style="list-style-type: none"> – Information on your current / most recent grant of status; – Home Office reference numbers and Biometric Residence Permit numbers; – If you are applying as an overstayer, an explanation / evidence is required to explain why; – If you have criminal convictions, civil penalties or have been involved in war crimes or terrorism or are a member of a proscribed organisation (you should seek legal advice in case the information might impact your application); – Whether you are of 'good character' (you should seek legal advice in case the information might impact your application).
Dependent children	<p>Applying in the UK with you – form SET(DV) – you include your dependent children on your application form if they are applying at the same time as you.</p> <p>Applying in the UK after you – form SET(F) – your dependent children will each need to make their own application if they are applying in the UK after you.</p> <p>Applying outside the UK – form Return to the UK – your dependent children will each need to make their own application if they are applying outside the UK.</p>

Questions in form	Information required
Dependent children	<p>Whether your dependent child is included on your form or has to complete their own form, you will need to provide the following information in relation to each dependent child:</p> <ul style="list-style-type: none"> – Information about each dependent child (name, contact details, sex, relationship status, date of birth, nationality and place of birth); – Details of any passport, national identity card or travel document for any child. If the child does not have valid or expired documents, you need to explain why not and provide any alternative document; – Child(ren)'s immigration history, including any immigration status and Biometric Residence Permit granted to the child, including dates and reference numbers or details of the child's birth in the UK or outside of the UK following your grant of permission to be in the UK as a partner; – Parents or legal guardians details, how the child is related to you / your partner, who has parental responsibility and who the child(ren) usually live with (If you are unclear who has parental responsibility for your child or you are otherwise unclear on how to answer this part of the form, you should seek legal advice); – Details of financial support and accommodation for the child in the UK; – Details of child's 'responsible adult' for the purpose of arranging and taking the child to an appointment to provide their fingerprints and photograph.
Outside the UK	<p>In addition to the information set out above, if you are applying from outside the UK, you should also provide information about:</p> <ul style="list-style-type: none"> – The circumstances of your abandonment with all relevant details, such as when and how you came to leave the UK, who arranged your travel and who you travelled with, when and how you realised you would not be able to return to the UK, reasons you have not been able to return to the UK – for example, your husband took your documents – and any attempts you have made to get help to return to the UK; and – Any further evidence that supports your application involving either your abandonment outside the UK or domestic abuse in the UK.

You should provide information in the form as far as you can. If you cannot provide some of the information, you should explain this and the reasons why.

If, for example, you do not know exact dates when something happened, you should explain this and try to work out the date as far as you can, for example, the month it happened. It is important that if you do not know exact dates, but you think it was in a particular month, for example, December, that you explain this within the form or within any letter provided in support of your application.

The part of the form that asks you to provide information about domestic abuse and the breakdown of your relationship can be the most difficult to complete. It can be difficult emotionally to have to think about the experiences that you suffered and it can be difficult to explain what happened in response to narrow questions.

NOTE: If you do not have a legal representative and you are concerned about how to explain your experiences and the information you are providing, you should get legal advice. You can contact Rights of Women [Immigration and Asylum line](#) or otherwise seek legal help with your application. There is information on how to find legal help in the 'Help to apply' section of the guide.

Documents

The form provides you with a list of documents you need to provide to the Home Office. The form asks you to tick the box next to each document on the list to confirm you have read the list.

If you cannot provide any / all of the documents, you will need to explain this in any covering letter you are providing in support of the application.

You need to provide your documents to the Home Office after you have submitted your application form and before you provide your fingerprints and photographs.

Submitting the form

The form asks you to confirm that you consent to the Home Office performing verification checks regarding your identity and details.

You will be asked to make a declaration that, by submitting the application, you confirm that to the best of your knowledge and belief the information relating to the application and the supporting evidence are correct. The declaration states that you understand that if false information is given, the application can be refused and you may be prosecuted, and may be banned from the UK.

It is very important that the information included in the form and any supporting letter and documents are correct and that any documents provided are genuine. If you have any concerns about the information contained in the form or any supporting letter or any documents or about the genuineness of any documents, you should seek legal advice before submitting your application to the Home Office.

Before submitting the form, check that you have filled it in correctly and that you have all of the required documents ready to provide to the Home Office.

If you do not complete the application form properly, the Home Office may treat the application as invalid and reject the application without considering it.

This could have serious consequences, particularly if you are in the UK and your visa then expires, making you an overstayer.

Once you have submitted the application, you will be asked to pay the fee if you have said that you can pay the fee in the application form.

Once you have submitted the online application form, you will be informed that you need to perform further actions, including downloading your supporting document checklist, providing the document checklist and supporting documents to the Home Office and providing your biometrics – this means your fingerprints and a photograph.

You should ensure that you have as much of the evidence ready as possible so that you are able to submit it to the Home Office with your application. All documents must be in English or translations must be provided. If you are unable to submit all of the evidence at the time of your application, it is important to explain any further evidence that you will provide, why you cannot provide it at the time of the application and when you think you will be able to provide the evidence. You can explain this in the application form or in any letter you provide in support of your application.

You can download a copy of the application form once you have completed it and a copy of the document checklist that the online form will generate. It is very important that you do this and keep a copy of the application form, a copy of the document checklist and a copy of all of the documents you provide to the Home Office.

You will be given information about how to provide your documents to the Home Office when you submit your application online. You will normally be required to provide any documents in support of your application to the Home Office by uploading them electronically either to the UKVI website if you are in the UK or to the website of one of their partners if you are outside the UK. If, however, you need to send any documents to the Home Office by post, such as your passport, you should make sure that you send any documents by recorded delivery or special delivery so you can evidence that the documents were provided to the Home Office. You can find out more about recorded and special delivery by asking at your local Post Office or by looking at their website www.postoffice.co.uk.

Fingerprints and photograph

Anyone who is applying for permission to live in the UK for longer than 6 months must provide their fingerprints and a photograph when they make their application. The Home Office and other government departments refer to this as your 'biometrics'.

Everyone applying, including children, must provide their fingerprints and a photograph. If a child is under 5 years old at the time they apply, they will not be required to provide their

fingerprints. A child under 16 cannot attend a biometric appointment alone and would need to be accompanied by a responsible adult. A parent or legal guardian is considered to be a responsible adult.

If you do not provide your fingerprints and a photograph, your application might be rejected so it is very important that you complete this step. The Home Office will not consider your application until you have provided your fingerprints and your photograph.

The way you will need to provide your fingerprints and a photograph will depend on your application and your circumstances, including whether you are applying from inside the UK or outside the UK.

Applying inside the UK

When you are applying inside the UK, you will be informed that the Home Office may be able to re-use the fingerprints and photograph that you provided to them previously and you will be informed that you should book an appointment online or, in certain situations, by phone.

You should book an appointment to provide your fingerprints and a photograph to the Home Office unless they inform you that they are using the fingerprints and photograph that you provided to them previously.

If you are in the UK, you will need to book an appointment online or, in certain situations by phone. You will need to book an appointment by phone to provide your fingerprints and a photograph to the Home Office if certain situations apply, including if:

- you have requested a fee waiver in your application;
- you need an interpreter;
- you are physically unable to travel to an appointment centre; or
- you have exceptional circumstances and cannot attend an appointment by the date given by the Home Office.

If you are in the UK and you are required to book an appointment by phone, you will be able to do this following the submission of your online application form by selecting 'Book an appointment by phone' within the online application. You will then be provided with the phone number to call to book an appointment by phone.

If you are in the UK and you are required to book an appointment online, you will be able to do this following the submission of your online application form by selecting 'Book an appointment online' within the online application. You will be able to input your postcode to find the nearest Service and Support Centre and, once you have selected the Service and Support Centre, you will be able to view a calendar of available dates and times.

Applying outside the UK

When you are applying outside the UK, you are required to book an appointment online. You will be able to do this following the submission of your online application form when you will be directed to the website of one of the Home Office partner companies – TLS Contact or VFS Global (the relevant partner company depends on the country you are applying from).

When you go to the website of the relevant Home Office partner company, you will be required to confirm or set up an online account with them before you will be able to book an appointment. You will then be able to select the type of appointment you would like and view available dates and times.

The process for attending an in-person biometric appointment is as follows:

In the UK	Outside the UK
<ul style="list-style-type: none"> – Book an appointment online or book an appointment by phone, as directed following submission of your completed application form. – Choose location, date, time and type of appointment (e.g. extra scanning service) 	<ul style="list-style-type: none"> – Book an appointment online through TLS Contact or VFS Global, as directed following submission of your completed application form. – Choose location, date, time and type of appointment (e.g. extra scanning service). <p>The Visa Application Centre you attend may be in the country you are living in, or you may need to travel to another country.</p>
<ul style="list-style-type: none"> – Free appointments are available, but are booked quickly. New appointment slots, including free appointments, are released each day around 9am. 	<ul style="list-style-type: none"> – Free appointments are available if you choose to upload your evidence yourself to the same website where you book the appointment.
<ul style="list-style-type: none"> – Paid appointments are available and may be necessary to book if the date and time is more suitable. 	<ul style="list-style-type: none"> – Paid appointments are available and may be necessary to book if the date and time is more suitable and / or if you need the staff to scan and upload the documents on your behalf. <p>Note: the staff will not provide immigration advice and will simply scan and upload your documents for you.</p>
<ul style="list-style-type: none"> – You will be given a deadline to attend the appointment. If you are unable to attend an appointment by the deadline or at all, you should contact the Home Office to seek guidance. 	<ul style="list-style-type: none"> – You will be given a deadline to attend the appointment. If you are unable to attend an appointment by the deadline or at all, you should contact the Home Office to seek guidance.
<ul style="list-style-type: none"> – Upload your document checklist and evidence and documents in support of your application to your UKVI account before you attend your appointment. 	<ul style="list-style-type: none"> – Upload your document checklist and evidence and documents in support of your application to your TLS Contact or VFS Global account before you attend your appointment. <p>You will only be able to upload evidence once, so have all of your evidence ready to submit when you start uploading documents to the website.</p>

In the UK	Outside the UK
<p>– Attend your biometric appointment and take:</p> <ol style="list-style-type: none"> 1. Identity documents, e.g. passports and BRP; 2. Appointment QR code (which will be sent in an appointment confirmation email); 3. Optional – your application form, evidence and document checklist in case queries are raised in the appointment. 	<p>– Attend the visa appointment and take:</p> <ol style="list-style-type: none"> 1. A copy of the completed application form and document checklist – these can be downloaded when you have completed and submitted the application; 2. Your passport; 3. A copy of all supporting documents uploaded to the application (as a precaution if you have uploaded the documents yourself, but if you have selected a paid appointment for staff to scan and upload the documents at the appointment, you must take all the documents with you); and 4. A Certificate confirming you do not have TB, if this is required.
<p>– Return any previous Biometric Residence Permit.</p> <p>Instructions on where to return your previous Biometric Residence Permit should be provided in your new decision letter, if relevant.</p>	<p>– If you cannot attend an appointment, you must explain this in your application.</p> <p>– When you go to the TLS Contact or VFS Global website, it will include information on how to contact the UKVI Contact Centre if you are unable to attend a Visa Application Centre within 240 days of submitting your application online.</p> <p>– When you contact the UKVI Contact Centre, you must provide your application reference number(s) and specify whether you are requesting the Home Office predetermine your application before you travel to a Visa Application Centre to enrol your biometrics; or excuse you from having to attend a Visa Application Centre to enrol your biometric information before you travel to the UK.</p> <p>– If you are asking the Home Office to defer or delay the need for you to attend a Visa Application Centre to provide your fingerprints and a photograph, you need to provide as much information as you can about the reasons you cannot attend a Visa Application Centre and need the Home Office to do this. You should provide evidence in support of your request if at all possible. The Home Office will only defer or delay the need to provide fingerprints and a photograph in exceptional circumstances so if you are safely able to travel to a Visa Application Centre, this will be the easiest and quickest way to have your application to enter the UK considered.</p>
<p>Wait for a decision.</p>	<p>Wait for a decision.</p>

Note: not all countries require a TB certificate – you can check whether you need to provide a TB certificate with your application [here](#).

Once your application has been made

Once you have:

1. Completed and submitted the online application form and paid any fee or successfully applied for a fee waiver;
2. Uploaded your document checklist and evidence in support of your application, including any letter your lawyer or you have written; and
3. You have provided your fingerprints and a photograph.

You should simply be waiting for a decision on your application.

It is possible that the Home Office may contact your lawyer, if you have one, or you, to ask for further information or evidence.

It is very important that you check your emails, including your spam or junk folder, regularly, as the Home Office will usually contact you by email if they need further information or to give you any decision.

It is very important you are aware of any decision as soon as possible. This is particularly important if the Home Office decides to refuse your application because you will need to get urgent legal advice.

The Home Office currently indicates on their website that they deal with applications for indefinite leave by victims of domestic abuse within 6 months of the application being made.

Reasons an application might be refused

Immigration applications can be refused for different reasons.

The most common reason is because the Home Office does not accept that the person applying meets all of the requirements of the relevant part of the immigration rules.

When you apply for indefinite leave as a victim of domestic abuse, it is very important that you do everything that you can to explain to the Home Office and show them, with evidence, that you meet the requirements of the immigration rule relating to victims of domestic abuse.

If you do not satisfy the Home Office that you are eligible for indefinite leave as a victim of domestic abuse, your application will be refused.

The Home Office can also refuse people for behaviour that they think means that person should not be given permission to live in the UK or should not be given permission to live in the UK permanently. These types of reasons are referred to by the Home Office as 'suitability' reasons and can be found at part 9 of the immigration rules.

The Home Office have set out in part 9, when an application for permission to stay in the UK **should** be refused on account of the applicant's behaviour or conduct. These reasons are called mandatory grounds of refusal and include a person:

- who is subject to a deportation order;
- who has been convicted of a criminal offence receiving a custodial (prison) sentence of 12 months or more;
- who is a persistent offender showing particular disregard for the law; or
- who has committed a criminal offence or offences causing serious harm.

There are also reasons why the Home Office **may** refuse a person's application for permission to stay in the UK. These are referred to as discretionary grounds of refusal as the Home Office has discretion to grant or refuse an application for these reasons. These include a person:

- who has been convicted of a criminal offence for which they have received a custodial (prison) sentence of less than 12 months;
- who has received a non-custodial sentence or out of Court disposal;
- who has made false representations in relation to an application to the Home Office whether or not it was relevant to the application and whether or not the applicant knew about it or relevant facts were not disclosed;
- who has failed to provide information, biometrics or attend an interview; or
- who owes a debt to the NHS of at least £500.

Where the Home Office has a discretion to refuse an application, they will consider whether the behaviour or conduct was part of the domestic abuse experienced by the applicant and

should be disregarded, i.e., where the applicant may have been coerced or forced to act in a particular way.

The immigration rules make clear that an application by a victim of domestic abuse should not be refused on the grounds that the applicant overstayed their previous period of leave.

The Home Office guidance makes clear that an application by a victim of domestic abuse should not be refused on the basis of previous breaches of immigration laws.

This is not a list of all of the reasons the Home Office might refuse an application because they do not think the applicant should be given permission to live in the UK or given permission to live in the UK permanently. We have listed the reasons we hear being applied most often.

If you think the Home Office might refuse your application for one of the reasons listed above or otherwise because they think you should not be given permission to live in the UK permanently, it is even more important that you ensure that you tell the Home Office about any reasons that you need to live in the UK.

This area of immigration law can be very complicated.

If you have a criminal record or you have breached UK immigration laws or otherwise have concerns that any application you make may be refused because the Home Office thinks you should not be granted permission to live in the UK, it is important to get legal advice before you submit your application. You can call the Rights of Women [Immigration and Asylum line](#) or seek alternative legal advice before applying if you have questions about this aspect of your application.

Decision and next steps – grant of status / refusal of application

This section provides information on the outcomes of applying as a victim of domestic abuse and / or as a dependent child of a victim of domestic abuse.

Grant of status – indefinite leave

If your application is successful, you will be granted indefinite leave. This is the right to live permanently in the UK.

Note: although it is permission to live in the UK permanently, indefinite leave may be lost if you are **outside of the UK for more than two years** or may be taken away **if you are convicted of a criminal offence.**

If you have indefinite leave you can work, study and access welfare benefits and housing support.

If you need access to benefits and you are not yet in receipt of benefits, you will need to make a separate application for benefits. If you are already receiving benefits, you may be required to inform the benefits' agency that you have been granted indefinite leave.

Indefinite leave to enter

If you have applied for indefinite leave as a victim of domestic abuse from outside the UK and your application is successful, you will be granted indefinite leave to enter.

Your permission to enter the UK will either be a document that is stuck to a page of your passport and includes your photograph or will be an online status connected to your passport. If you are given an online status, you should be given a letter explaining that you have been granted indefinite leave and information about how to access your online status.

Once you have any document or online status giving you permission to enter the UK, you will need to make arrangements for your travel to the UK.

You will need to book and pay for your own ticket to travel to the UK.

You will need to arrange accommodation for your arrival in the UK. If you have family or friends in the UK or you are in touch with a domestic abuse organisation in the UK, you may wish to contact them to see if they can offer support in the short term.

Once you have entered the UK, you may be eligible for benefits and / or accommodation, including potentially in a refuge for victims of domestic abuse. You should not, however, assume that you will be eligible for benefits as soon as you arrive in the UK. If you may need access to benefits in the UK, you should obtain advice about your eligibility for benefits – if possible, before you travel to the UK, or otherwise as soon as possible after you have entered the UK. You should ensure that you have funds to support yourself and any dependent children immediately after your entry to the UK as far as possible.

Refusal of application

If your application is refused, the Home Office will write to you explaining the reasons they have refused your application.

The letter will also explain your right to challenge the refusal decision.

When an application for indefinite leave as a victim of domestic abuse is refused, there is no right of appeal. The only way that a refusal can be challenged is through something called an “administrative review” – an administrative review is an application that you can make to the Home Office to ask them to review their decision to refuse your application.

If your application is refused, it is very important that you seek legal advice as soon as you can.

If you had pre-settled status when you applied for indefinite leave, you would still have pre-settled status after your application is refused. You should seek legal advice about whether your pre-settled status could be cancelled.

If you had leave under the Migrant Victims of Domestic Abuse Concession when your application is refused, and you previously had pre-settled status, you may still be eligible for pre-settled status and you should consider applying to the EU Settlement Scheme again. If you are seeking to challenge the decision to refuse you indefinite leave, it may not be possible to make another EU Settlement Scheme application until that is concluded.

An application for administrative review must be made **within 14 days** of the date you (or your legal representative) received the refusal decision from the Home Office **if you are in the UK**.

Or, **if you are outside the UK**, an application for administrative review must be made **within 28 days** of the date you (or your legal representative) received the refusal decision.

It may be important for you to prove exactly when you received the decision, so make sure you keep the envelope if the decision was sent to you in the post or the email if the decision was provided to you by email.

An administrative review application can be made online.

NOTE: For further information about applying for administrative review and to access the online form, see https://eforms.homeoffice.gov.uk/outreach/UKVI_Admin_Review_Guidance.ofml

There is a fee to pay to apply for administrative review. Information about the current fee is available [here](#). You do not have to pay the fee if you did not have to pay the fee to apply for indefinite leave as a victim of domestic abuse.

The Home Office will usually send you their decision on the administrative review within 28 days.

If your application is refused, you should seek legal advice urgently. If your application is refused and you do not have a lawyer, you can contact Rights of Women [Immigration and Asylum Line](#) for legal advice.

Help to apply

This legal guide explains the law and policy relevant to women from abroad who are in the UK on a spouse or partner visa and are experiencing domestic abuse, or who are outside the UK having been in the UK on a spouse or partner visa, and having experienced domestic abuse and been subjected to abandonment.

This legal guide is not legal advice. If you think you are eligible to apply for indefinite leave as victim of domestic abuse it is very important that you get independent legal advice.

You can contact our advice lines for free, confidential legal advice. Details of our advice lines and their opening times are available on the [Rights of Women website](#).

You can also contact a solicitor or immigration adviser for advice. Depending on your financial circumstances and the details of your case, you may be entitled to public funding (also known as legal aid). Public funding allows some people to get legal advice and representation free of charge if they cannot afford to pay. However, not all legal representatives do publicly funded work. For further information about public funding and getting legal advice, contact the Legal Aid Agency on 0345 345 4345.

You can look for a legal representative in your area by searching for a Legal Aid provider at <http://find-legal-advice.justice.gov.uk/>

If you are not financially eligible for legal aid because your income or capital is too high, you can look for a legal representative in your area through the Law Society website <http://solicitors.lawsociety.org.uk/>.

You should always make sure that the person you see for immigration law advice is professionally qualified and allowed to help you. You can get immigration advice from a solicitor or from an immigration adviser. A solicitor is a qualified lawyer. Solicitors are represented by the Law Society www.lawsociety.org.uk and are regulated by the Solicitors Regulation Authority (SRA) 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.

An immigration adviser is someone who is not a lawyer but who has the knowledge and skills necessary to give advice on immigration law. For information about immigration advisers contact the Office of the Immigration Services Commissioner (OISC) www.oisc.gov.uk. You can check whether an immigration adviser is regulated by the OISC by contacting the OISC directly on 0345 000 0046 or go to the UK government website and check the list of regulated advisers.

If you are supporting a woman experiencing abuse it is vital that you assist her to get legal advice: you should not give her immigration advice if you are not allowed by law to

do so. It is a criminal offence under the Immigration and Asylum Act 1999 for anyone to provide immigration advice or services in the UK unless they are regulated by the Office of the Immigration Services Commissioner (the OISC), a regulated solicitor, barrister or legal executive or exempted by Ministerial Order.

If you are not able to find a legal representative, you can make your own application for indefinite leave as a victim of domestic abuse. This guide explains the application process. However, we would strongly advise you to seek advice from Rights of Women [Immigration and Asylum Line](#) or from a [law centre](#) or a [Citizens Advice Bureau](#) if you are completing the application yourself.

Frequently asked questions

I am not sure what kind of permission I have to be in the UK – how can I find out?

You can find out your immigration status by looking at your Biometric Residence Permit – this is a document, shaped like a bank card, issued by the immigration authorities as proof of your right to stay in the UK. However, your Biometric Residence Permit may not always state exactly the type of permission you have, therefore you should look at paperwork which was issued when you received your decision granting permission. If you do not have a Biometric Residence Permit, your immigration status may be stamped in your passport. Alternatively, from 2024 onwards, it may be that your immigration status is accessible online. If you have pre-settled status, your immigration status, which is online, will simply state that you have pre-settled status – it will not confirm whether you have status as a partner or not. If your partner is an EEA national or a British national and you have pre-settled status and you know it has been granted to you because of your relationship with your partner, you will be eligible to apply for indefinite leave as explained in this guide.

If you cannot work out what your immigration status is, you should seek legal advice from the Rights of Women [Immigration and Asylum line](#) or another legal adviser.

I have a partner visa under the family immigration rules and my relationship has broken down due to domestic abuse. Can I just separate from my partner and stay in the UK with my partner visa and apply for indefinite leave when that is due to expire?

No – when you have permission to be in the UK as a partner and your relationship with your partner breaks down, you are required to inform the Home Office of the change in your circumstances. If you have been given permission to live in the UK as a partner, the reason you were given permission was to allow you to enjoy your relationship with your partner in the UK. When that relationship ends, your permission to live in the UK may be cancelled by the Home Office. Your husband or partner does not have the power to cancel your visa. Only the immigration authorities have this power. If the authorities receive information about your relationship breakdown, they may write to you to inform you that they have cancelled your visa – this is sometimes known as curtailment. If your relationship has broken down permanently due to domestic abuse, you may be able to apply for indefinite leave to remain or enter the UK – permission to live in the UK permanently.

There are two exceptions to this rule. One exception to this is if you have permission as the partner on the Hong Kong BN(O) route. These partners are not required to inform the Home Office about their relationship breakdown and they can continue to apply for further permission or indefinite leave to remain on the Hong Kong BN(O) route even if their

relationship has broken down with the main applicant on the Hong Kong BN(O) route. The other exception is if you have pre-settled status under the EU Settlement Scheme as a partner. These partners are not required to inform the Home Office about their relationship breakdown and can continue to qualify under the EU Settlement Scheme if their relationship has broken down permanently because of domestic abuse.

I have pre-settled status as a partner and my relationship has broken down due to domestic abuse. I have been living in the UK with my partner for four years now and have pre-settled status valid for another three years. Can I just separate from my partner and stay in the UK with my partner visa and apply for indefinite leave when my pre-settled status is due to expire?

Yes – as you have pre-settled status under the EU Settlement Scheme, your position is different to the position of people with partner visas under other parts of the immigration rules. You are not required to inform the Home Office when your relationship breaks down and you are not required to make an immigration application following the breakdown of your relationship due to domestic abuse. This is because you have status under the EU Settlement Scheme and there are protections under the EU Settlement Scheme, which mean that you can retain your right of residence when your relationship breaks down due to domestic abuse. You will need to make the Home Office aware of the fact you are relying on retained rights when you apply for settled status (another name for indefinite leave). Under the EU Settlement Scheme, generally, you will be eligible for settled status once you have lived in the UK for a continuous period of 5 years. This means that you may be eligible to apply for settled status significantly sooner than your pre-settled status is due to expire. Whilst you are not required to make an immigration application when your relationship breaks down due to domestic abuse, cases involving relationship breakdown can be complicated so it is important that you get legal advice.

My permission to be in the UK as a partner has expired. Can I still apply for indefinite leave as a victim of domestic abuse?

Yes – as long as your last grant of permission to live in the UK was as a partner under one of the specified categories (see the 'Immigration status' section of the 'Who can apply to live in the UK as a victim of domestic abuse' part of this guide) and your relationship broke down permanently due to domestic abuse, you can apply for indefinite leave as a victim of domestic abuse. Where possible, people should apply before their permission to live in the UK expires. There is, however, no requirement that you have valid permission to live in the UK at the time of the application and you will not be refused simply for having overstayed your visa.

When I was granted my permission to be in the UK, I was in a relationship with a British national partner and I also had a British child, how do I know whether I was granted as a partner or a parent?

If your Biometric Residence Permit does not state whether you were granted permission as a partner or as a parent, the letter you were sent when you were last granted permission should tell you the basis of the grant of permission and whether it was granted to you as a parent or as a partner.

If you do not have a copy of your grant letter, you can apply for a copy of your Home Office file, which should have a copy of your grant letter in it. You can request a copy of your Home Office file by making a [Subject Access Request](#).

If you find out you were granted permission as a parent, the breakdown of your relationship with your partner, for whatever reason, is unlikely to impact your immigration status and you, therefore, do not need to apply to remain as a victim of domestic abuse. It is important to get legal advice, however, if you think the breakdown of your relationship with your partner might impact your eligibility for your immigration status even where the status has been granted to you as a parent.

I was granted permission to live in the UK as a fiancée for six months. I got married to my British partner, but I didn't apply for further permission to live in the UK as a partner because my relationship broke down due to domestic abuse, can I apply for indefinite leave as a victim of domestic abuse?

No – you are only eligible if you have or had leave as a partner under one of the specific categories as set out in the 'Immigration status' section of the 'Who can apply to live in the UK as a victim of domestic abuse' part of this guide. Fiancées are excluded from applying. You should seek legal advice about the immigration options available to you.

I was granted permission to live in the UK as the dependent partner of my husband who has a work permit. My relationship with my husband has now broken down due to domestic abuse. Can I apply for indefinite leave as a victim of domestic abuse?

No – you are only eligible for indefinite leave as a victim of domestic abuse if you had permission to live in the UK as a partner under one of the specific categories (see the 'Immigration status' section of the 'Who can apply to live in the UK as a victim of domestic abuse' part of this guide). If you have permission to live in the UK as a dependent, you do not fall within the Immigration Rule for victims of domestic abuse. It may, however, be possible for you to make another type of immigration application to remain in the UK

and the domestic abuse and your circumstances following relationship breakdown may be relevant to these. You should seek legal advice urgently.

I have pre-settled status as I am an Italian – EEA national – who has been living in the UK since 2020. My husband is an Italian national and he has been abusive towards me. Can I apply for indefinite leave as a victim of domestic abuse?

No – as you do not have pre-settled status as a partner, you are not eligible to apply for indefinite leave as a victim of domestic abuse as set out in this guide.

As you have been granted pre-settled status as an EEA national, your immigration status is not connected to your relationship and is not affected by the breakdown of your relationship. You will be eligible for settled status once you have completed five years' continuous residence in the UK.

If you need access to public funds, such as benefits, you should seek advice from a benefits' advisor.

I have pre-settled status as the family member of an EEA national, as my adult son is Italian. My relationship with my son has broken down because he has been abusive towards me. Can I apply for indefinite leave as a victim of domestic abuse?

No – as you do not have pre-settled status as a partner, you are not eligible to apply for indefinite leave as a victim of domestic abuse as set out in this guide.

As you have pre-settled status under the EU Settlement Scheme, you are not required to make an immigration application following the breakdown of your relationship due to domestic abuse. This is because you have status under the EU Settlement Scheme and there are protections under the EU Settlement Scheme, which mean that you can retain your right of residence when your relationship breaks down due to domestic abuse. You will need to make the Home Office aware of the fact you are relying on retained rights when you apply for settled status (another name for indefinite leave). Under the EU Settlement Scheme, generally, you will be eligible for settled status once you have lived in the UK for a continuous period of 5 years. Whilst you are not required to make an immigration application when your relationship breaks down due to domestic abuse, cases involving relationship breakdown can be complicated so it is important that you get legal advice.

If you need access to public funds, such as benefits, you should seek advice from a benefits' advisor.

I am outside the UK – my husband has taken me back to my family and taken my UK immigration document from me – can I apply for a new UK immigration document and return to the UK?

If your relationship has broken down permanently and you return to the UK on your existing Biometric Residence Permit, or you apply for a replacement Biometric Residence Permit and seek to enter the UK with any new document, as the partner of your husband, you risk being refused entry to the UK. If you were in the UK as a partner, but you are now outside the UK because you have been abandoned by your husband and your relationship has broken down permanently due to domestic abuse, you can apply for indefinite leave as a victim of domestic abuse from outside the UK. The process for this is explained within this guide.

Do I have to have experienced physical violence in order to be able to apply under the domestic abuse rule?

No – any behaviour that fits within the definition of domestic abuse, as set out within this guide, is domestic abuse. If you have experienced sexual, psychological, emotional, verbal, financial abuse or controlling behaviour and this has caused your relationship with your partner to permanently break down you may be eligible for indefinite leave under the domestic abuse rule.

My relationship with my husband has broken down due to domestic abuse, but it was not my husband who was abusive towards me – it was my husband's family who were abusive towards me. Can I still apply for indefinite leave as a victim of domestic abuse?

Yes – if you have or had permission to live in the UK as a partner and your relationship with your partner has broken down permanently due to domestic abuse, you may be eligible for indefinite leave as a victim of domestic abuse. The domestic abuse rule does not say anything about who the perpetrator of abuse must be. What is needed to make a successful application is evidence that the relationship between you and your partner has broken down permanently because of domestic abuse. It may be that the abuse was not perpetrated by your partner but by other members of his family, for example, your parents-in-law or his siblings. If this is the case and your partner has not protected you from the abuse and, as a consequence, your relationship with him has broken down permanently you can apply for indefinite leave under the domestic abuse rule.

My husband was not abusive towards me, but he was abusive towards my child and this led to the breakdown of my relationship with my husband. Would I be able to apply for indefinite leave as a victim of domestic abuse?

Yes – the domestic abuse rule does not state that you must have suffered abuse, but states that your relationship must have broken down permanently due to domestic abuse. The guidance makes clear that you do not have to have been the victim of domestic abuse, but the domestic abuse must have led to the permanent breakdown of your relationship. For example, if your partner has been abusive towards your child, this may have led your relationship with your partner to breakdown even if your partner was not abusive towards you directly.

I am applying as a victim of domestic abuse, can I include my child on my application?

If your child meets the requirements of the immigration rules as a dependent child, they can apply for indefinite leave with you. It is important to be aware that one of the requirements for a child to be granted indefinite leave as the dependent child of a victim of domestic abuse is that there is financial support and accommodation available to the child without additional public funds being required. If you cannot financially support and accommodate your child, you should get legal advice before including them on your application or otherwise applying for them. If your child is applying in the UK at the same time as you, your child will need to be included on your application. If your child is applying in the UK after you or if you and your child are applying at the same time, but you are applying from outside the UK, a separate application will need to be made for your child. You will need to pay the fee, or apply for a fee waiver, for any child. For further information on applications involving children please see the 'Children' section of the guide.

I am a child and my parent(s) have been abusive towards me, can I apply on this route?

If one of your parents is applying, or has applied, for indefinite leave as a victim of domestic abuse, you may be able to be included on their application or otherwise to apply as a dependent child. If neither parent has applied on this route, you will not be able to apply as a victim of domestic abuse in your own right as you have not had leave as a partner and do not qualify as a dependent child. This route is not available to children to make their own applications as victims of domestic abuse. You may, however, be able to make an application on another basis and / or ask the Home Office to exercise their discretion in your favour. You should seek legal advice urgently.

My child has recently turned 18 years of age, can I still include them on my application as a dependent child?

Yes – if your child otherwise meets the requirements as a dependent child. It is important to note that there are additional requirements where a dependent child is applying when they have turned 18, including the need to show knowledge of English language and life in the UK. Please see the section of this guide on 'Children' for more information.

Can I get a lawyer to help me make my application?

Yes – depending on your financial circumstances and the details of your case, you may be entitled to public funding (also known as legal aid). Public funding allows some people to get legal advice and representation free of charge if they cannot afford to pay. However, not all legal representatives do publicly funded work. You can look for a legal representative in your area by searching for a Legal Aid provider at <http://find-legal-advice.justice.gov.uk/>.

If you are not financially eligible for legal aid because your income or capital is too high, you can look for a legal representative in your area through the Law Society website <http://solicitors.lawsociety.org.uk/>. There is more information on how to find a lawyer on the Rights of Women website.

I have separated from my partner due to domestic abuse, but I have nowhere to live and no money as he was financially supporting me. I am not allowed to claim benefits on my partner visa as it has a 'no recourse to public funds' restriction on it. I know I will have to wait some time for an application for indefinite leave as the victim of domestic abuse to be decided. What can I do until then?

If you are in the UK and you have not yet applied for indefinite leave as a victim of domestic abuse, you may be able to apply to access public funds by making an application under the Migrant Victims of Domestic Abuse Concession. If your application is successful, you will be granted a period of 3 months' permission to live in the UK and you will be able to apply to access benefits and other public funds. This period of permission to live in the UK replaces any partner permission you have remaining. You must make any application for indefinite leave as a victim of domestic abuse before the 3 months' permission expires to ensure you continue your lawful status and your ability to access benefits.

Note: a short-term visa under the Migrant Victims of Domestic Abuse Concession may be available to others in addition to those with permission to be in the UK as a partner. A grant of permission to be in the UK for 3 months under the Migrant Victims of Domestic Abuse

Concession does not necessarily mean the holder is eligible for indefinite leave as a victim of domestic abuse.

Note: If you have pre-settled status under the EU Settlement Scheme, you will not have a 'no recourse to public funds' restriction and you may be able to access public funds without applying to the Migrant Victims of Domestic Abuse Concession. Please see the section of this guide entitled, Pre-settled status.

What happens if I have 3 months' permission to live in the UK from the Migrant Victims of Domestic Abuse Concession, but I don't submit the indefinite leave to remain application before my permission to live in the UK expires?

If you do not make an application for indefinite leave to remain as a victim of domestic abuse before your 3 months' permission to live in the UK expires, you will be considered an overstayer. This means you would not have lawful status to live in the UK and you would not be able to continue working or accessing benefits. If you submit the indefinite leave to remain application after your permission to stay expires, you will have to wait for a decision as an overstayer. Only when a decision has been made granting you indefinite leave would you have the right to work or be able to access benefits again. If you had pre-settled status when you applied for the Concession, it is likely you will continue to be eligible for pre-settled status and you can apply to the EU Settlement Scheme again. You should get legal advice and consider applying to the EU Settlement again as soon as possible, even if you are still intending to apply for indefinite leave as a victim of domestic abuse.

What is the process for applying for indefinite leave as a victim of domestic abuse?

It is preferable to have a legal advisor to help you through the process of applying for indefinite leave as a victim of domestic abuse.

The general process is that there is an online application form to complete, evidence to provide, usually by upload to an online system, and you will need to attend an appointment to have your fingerprints and a photograph taken. The process is different whether you are applying from inside or outside of the UK. For further information on the application process, please see the 'How to apply' section of this guide.

How long does the application for indefinite leave as a victim of domestic abuse take to be decided?

The Home Office has published their customer service standard time frame for making a decision on these applications as 6 months if the application is made inside the UK. There is no published timeframe for an application made outside the UK. These timeframes can change and it is best to check gov.uk for updates or to see if there are reasons for delays.

What happens if my indefinite leave to remain application as a victim of domestic abuse is refused?

If your application for indefinite leave to remain as a victim of domestic abuse is refused, it is important to know the reasons why it has been refused. The Home Office will write to you with these reasons. There is no right to appeal the decision, however, there is a right to ask for an administrative review. An administrative review is an application that you can make to the Home Office to ask them to review their decision to refuse your application. There are strict deadlines to submit an administrative review as described in this guide, and you should seek legal advice as soon as possible once you receive your decision from the Home Office and it is a refusal.

Checklist

Can you apply for indefinite leave as a victim of domestic abuse?

- Do you have, or did you last have, permission to live in the UK under family immigration rules or under the EU Settlement Scheme as the partner of someone who is:
- British;
 - Settled in the UK – meaning they have indefinite leave or settled status;
 - An EEA national with pre-settled status under the EU Settlement Scheme and their permission is other than as a joining family member;
 - A refugee; or
 - A member of HM Armed Forces; OR

Do you have, or did you last have, permission to live in the UK under:

- The Migrant Victims of Domestic Abuse Concession (MVDAC) or the Destitute Domestic Violence Concession (DDVC); AND
- You previously had permission to live in the UK under family immigration rules or under the EU Settlement Scheme as the partner of one of the above types of people.

- Has your relationship broken down permanently due to domestic abuse?
- If you are outside the UK, have you been abandoned outside the UK?

Do you have the following documents?

- Passport
- Biometric Residence Permit or other evidence of a grant of leave – as the partner of someone in a relevant category or under the DDVC / MVDAC
- Fee or evidence in support of a fee waiver
- Marriage certificate or other evidence of relationship
- Evidence of domestic abuse
- Letter prepared in support of your application

Have you completed the following tasks?

- Completed the right online application form
- Paid the fee or demonstrated that you are not able to pay the fee as you are destitute
- Submitted the online application form
- Downloaded and saved a copy of the completed application form and document checklist
- Arranged an appointment to provide your fingerprints and a photograph – or been informed that the Home Office will re-use fingerprints and a photograph that you provided previously
- Uploaded the document checklist and evidence, including evidence regarding any fee waiver and any letter in support of your application - alternatively, provided these to the Home Office by post in the UK or through an appointment at the Visa Application Centre if you are outside the UK
- Attended an appointment to provide your fingerprints and a photograph – or otherwise provided fingerprints and a photograph to the Home Office

The law is complex and may have changed since this guide was produced. This guide is designed to provide general information only for the law in England and Wales. You should seek up-to-date, independent legal advice. Rights of Women does not accept responsibility for any reliance placed on the legal information contained in this guide.

Rights of Women's Immigration and asylum law advice line

This line is for women who need advice on their immigration status.

We can advise you on:

- immigration law, including domestic violence and family/private life
- claiming asylum
- trafficking
- financial support options, including for women with no recourse to public funds

Call: **020 7490 7689**

For a full list of Rights of Women's legal guides and information about our advice lines go to

www.rightsofwomen.org.uk

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