

Immigration guide

# Migrant Victims of Domestic Abuse Concession (MVDAC)



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# Who this guide is for

This guide is written for women who want to find out if they can apply for a short-term form of permission to live in the UK to enable them to access public funds where they have, or have had, permission to live in the UK as a partner and their relationship with their partner has broken down due to domestic abuse.

In this guide, we will use the word 'partner' to mean a wife or civil partner or unmarried partner who has been given a visa in the UK because of their relationship with a partner.

We will also use the words 'leave', 'leave to remain' or 'permission' which are the legal words used for someone having permission to live in the UK. Most people may describe this as having a 'visa'.

This guide will explain how an application can be made for a period of 3 months permission to live in the UK with access to public funds when a person has, or has had, permission to be in the UK as a partner and their relationship has broken down due to domestic abuse.

In this guide, we explain an immigration policy called the Migrant Victims of Domestic Abuse Concession (or MVDAC for short). To make things easier, we will describe it as 'the Concession' in this guide.

You can read the Home Office guidance on the Migrant Victims of Domestic Abuse Concession [here](#).

This guide does not cover the law relating to applying for indefinite leave as a victim of domestic abuse. If you wish to read more information about this, please read our separate guide which can be found [here](#). People with pre-settled status should also read our guide for pre-settled status holders who have suffered domestic abuse, which 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 temporary 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 when making an immigration application. This is called Legal Aid and it may be available if you cannot afford to pay for a lawyer to obtain legal advice. 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 want to read the ['Frequently asked questions'](#) to see if the question you have is answered there.

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**

# Partner leave and access to public funds

In most cases, where someone has permission to live in the UK as a partner, they will not be able to claim financial support, such as benefits, or apply for housing.

This is because for most types of permission, there is a requirement that the applicant is financially supported and accommodated by their partner without access to additional public funds.

The position is different for people with pre-settled status as they may be able to claim public funds such as benefits or housing. Please see the section of this guide on ['Pre-settled status'](#) for further information.

## No recourse to public funds

When someone is granted permission to live in the UK as a partner, they will usually have a 'no recourse to public funds' restriction attached to their permission to live in the UK. People with pre-settled status do not have a 'no recourse to public funds' restriction.

If you have a 'no recourse to public funds' restriction attached to your permission to live in the UK, this means that you will not be able to access public funds, such as benefits, and, in most cases, you will not be able to access a space within a refuge for victims of domestic abuse as access to public funds is usually required for this.

If you have a 'no recourse to public funds' restriction attached to your permission to live in the UK, it will usually be written on the back of your Biometric Residence Permit or, if you entered the UK with a visa, it may have been stamped in your passport.

In certain situations, it may be possible to apply to remove the 'no recourse to public funds' restriction. This means you can ask the Home Office to remove the restriction and allow you to access public funds, such as benefits, where your circumstances have changed since your permission was granted and you are destitute or at risk of destitution. If you have permission to live in the UK as a partner and your relationship with your partner is continuing, but you need access to public funds you can find information about how to apply to have the restriction on your permission to live in the UK removed to enable you to access public funds [here](#).

This guide explains how you may be able to apply for a period of 3 months permission to live in the UK with access to public funds if you have, or have had, permission to live in the UK as a partner and your relationship has broken down permanently due to domestic abuse.

This is called the Migrant Victims of Domestic Abuse Concession ('MVDAC'). Throughout this guide, we will refer to this as the Concession.

**NOTE:** If you have pre-settled status under the EU Settlement Scheme, the issue of whether you can access public funds is not related to any restrictions on your permission to be in the UK because you do not have a 'no recourse to public funds' restriction on your status. If you have pre-settled status and need advice regarding your immigration status and access to benefits, please see our website for further information on getting advice on the EU Settlement Scheme. For benefits advice, you may wish to contact your local [Citizens Advice](#).

## **Permission to live in the UK as a partner and relationship breakdown**

If you have permission to live in the UK as a partner (your partner might be your husband or the person you live with but are not married to) 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 continue 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. The position is different for people with pre-settled status. Please see the section of this guide on '[Pre-settled status](#)' for further information.

If the immigration 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 Rights of Women's 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, under the Concession you may be able to change your permission to be in the UK to a short period of permission that lets you access public funds to enable you to leave your partner and find a safe place to live. This guide explains more about the application you might make under the Concession, when you will be eligible for it and how to make it.

If you are eligible to apply to change your permission to be in the UK under the Concession to one that lets you access public funds 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 under the Concession.

You should obtain legal advice before informing the Home Office of any change in your circumstances. If you have, or last 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

There are exceptions where you do not need to tell the Home Office about your relationship breakdown:

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 BN(O) route.

If a person on the BN(O) route requires access to public funds, they can apply to remove the 'no recourse to public funds' restriction on their status as explained in this section ['Partner leave and access to public funds'](#).

Another exception to informing the Home Office about your relationship breakdown 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.

# Who can apply for permission under the Migrant Victims Of Domestic Abuse Concession

## The MVDAC – the Concession

Where someone has permission to be in the UK as a partner and their relationship breaks down due to domestic abuse, they may need access to public funds to enable them to flee their abusive partner, financially support themselves and / or to access safe accommodation.

In this situation, it is possible to apply for another type of permission to live in the UK which allows access to public funds on an urgent basis. This is called the Migrant Victims of Domestic Abuse Concession ('MVDAC').

## Who can apply

You can apply for a period of 3 months permission to live in the UK with access to public funds if:

**1) Immigration Status** You have, or last 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 (please see the heading '[Immigration Status](#)' below which explains the different types of permissions as a partner).

{You can look at the letter from the Home Office which should tell you what kind of permission you have, or last 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}

There is no requirement to demonstrate that you are destitute or at risk of destitution after the breakdown of your relationship.

The MVDAC is also a way to communicate to the Home Office that your relationship has broken down due to domestic abuse, therefore you would also be fulfilling your legal obligation to inform the Home Office that you no longer meet the requirement of being in a subsisting relationship, which is a condition of your partner leave. The position is different for people with pre-settled status. Please see the section of this guide on '[Pre-settled status](#)' for further information.



If your permission to stay as a partner has already been cancelled or has now expired, you are still entitled to apply for the MVDAC.

### **Three months permission to stay with access to benefits**

If your application under the Concession is successful, you and any dependent children included on your application will be given permission to remain in the UK for 3 months. During this 3 month period, you will be able to access public funds, including claiming benefits and accessing housing. This short period of permission to live in the UK will be independent from your partner.

If you want to stay in the UK after the 3 month period, you will need to submit a further immigration application before the 3 months expires.

Any existing permission you hold at the time you apply to the Concession would be lost and replaced by 3 months leave outside the rules if your application is successful. For example, if, at the time you apply under the Concession, you have permission to live in the UK as a partner which is not due to expire for another 12 months, and you are granted permission to stay under the Concession, you will be granted permission to live in the UK for 3 months only and this will replace the 12 months permission you had as a partner.

### **What if I want to live in the UK for longer than 3 months?**

If you are granted 3 months permission under the Concession, you cannot extend it under the Concession. So, if you want to remain in the UK beyond 3 months, you would need to make another type of immigration application.

In some cases, if you are granted permission under the Concession, you may be eligible to apply for indefinite leave under the immigration rule for victims of domestic abuse. This is not always the case though. The fact that you have been granted permission to remain for 3 months under the Concession does not mean you will necessarily meet the requirements to remain permanently as a victim of domestic abuse.

Whether you will be eligible for indefinite leave as a victim of domestic abuse depends on the type of partner visa you had.

**You will not be eligible to apply for indefinite leave under the immigration rules for victims of domestic abuse if you had permission to be in the UK as the partner of someone on a work route or as the partner of a student.** (Please see the section [Impact on the partner of someone on a work route or the partner of a student if they apply for the Concession](#) for further information.)

For more information on the immigration rules relating to an application for indefinite leave as a victim of domestic abuse and who would be eligible, please see our separate guide [here](#).

If you do not make a further application before the 3 months permission under the Concession expires, you will become an overstayer. This means that you will not have lawful permission to live in the UK and the UK authorities will expect you to leave the UK.

It is very important that you obtain legal advice and carefully consider whether the Concession is the appropriate route for you before applying because the Concession does not give you direct access to a route to remain in the UK if you are a person who is not eligible to apply for indefinite leave as a victim of domestic abuse.

**IMPORTANT:** If you are eligible for 3 months permission to live in the UK with access to public funds as a victim of domestic abuse under the Concession, this does **not** mean that you are necessarily eligible to apply for indefinite leave in the UK as a victim of domestic abuse or that you are otherwise eligible to apply for further permission to live in the UK.

You will only be eligible to apply for indefinite leave under the immigration rules for victims of domestic abuse if you had permission to be in the UK as the partner of a certain type of person.

You will not be eligible to apply for indefinite leave under the immigration rules for victims of domestic abuse if you had permission to be in the UK as the partner of someone on a work route or as the partner of a student.

We will now explain each requirement that you need to meet to be granted 3 months permission to live in the UK with access to public funds as a victim of domestic abuse under the Concession.

## 1) Immigration Status

To be eligible under the Concession for 3 months permission to live in the UK with access to public funds as a victim of domestic abuse:

You must have, or you must have last been granted, permission to live in the UK as:

- The partner of a:
  - British Citizen;
  - Settled person;
  - EEA national with pre-settled status under the EU Settlement Scheme and their permission is other than as a joining family member. This includes people with pre-settled status as a partner under the EU Settlement Scheme. If you have pre-settled status, please see the section [‘Pre-settled status’](#) in this guide and see the

separate Rights of Women guide for [Pre-settled status holders who have suffered domestic abuse](#).

- Refugee<sup>1</sup>;
- A member of HM Armed Forces;

or

- The partner of a:
  - Person with permission on a work route; or
  - Person with permission as a student.

**NOTE:** Not all work routes allow partners to be granted permission, but, where a work route allows partners to be granted permission, anyone with permission as such a partner would be included under the Concession.

‘Work route’ broadly means any route that involves an economic purpose. It includes routes such as UK Ancestry, Turkish worker / businessperson (which is now a closed route) and newer routes such as High Potential Individual. To check if your partner is on a work route, you can look at the list of work routes on GOV.UK which can be found [here](#).

**NOTE:** This Concession does not apply to the partner of someone on the Hong Kong British National (Overseas) (BN(O)) route. As explained above, partners of people on the BN(O) route are not eligible under this Concession. This is because partners on the BN(O) route do not need to tell the Home Office their relationship with their partner has broken down. Partners on the BN(O) route can continue to stay in the UK and can make further applications for permission to stay or apply for indefinite leave on the BN(O) route even if they are no longer in a relationship with the person who is the main applicant on the BN(O) route. This exception is explained earlier in the guide in the section [‘Partner leave and access to public funds’](#).

**You should seek legal advice or contact Rights of Women’s [Immigration and Asylum Law line](#) if you are not sure whether your permission as a partner falls under a work or student route, or if you are not sure if your pre-settled status was granted as a partner of an EEA or British national that makes you eligible for the Concession.**

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<sup>1</sup> This means someone who has been recognised to be a refugee and does not include people with other forms of protection status

If you do not know what type of immigration status you have, or had, you may be able to confirm it by looking at any immigration status document you have: any Biometric Residence Permit you were given, any document in your passport or any grant letter.

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 for the Concession.

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 for the Concession even if your relationship has broken down permanently due to domestic abuse.

If you do not know what type of immigration status you have, or had, and do not have a copy of any immigration status document, you should get legal advice. You may want to consider applying for a copy of your Home Office file, which should have information in it that helps you to confirm the basis on which any immigration status was granted to you. You can request a copy of your Home Office file by making a [Subject Access Request](#). If you would like to know more about how to make a Subject Access Request and what this means, you can contact Rights of Women's [Immigration and Asylum Law line](#) or speak to a legal advisor.

You MUST have last been granted permission to live in the UK as a partner in one of the categories listed above to be able to apply under the Concession, but you do not have to have valid permission to live in the UK at the time that you apply under the Concession – this means it is possible to apply when you are an overstayer (which means when your leave has expired).

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

To apply for the Concession, 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 that in an application under the Concession you need to confirm 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 and emotional abuse, violence, threatening, controlling or coercive behaviour. It can include forced marriage, honour-based violence, dowry-related abuse and transnational marriage abandonment.

## Impact on the partner of someone on a work route or the partner of a student if they apply for the Concession

If your most recent grant of permission to live in the UK was as the partner of someone on a work route or as the partner of a student and your relationship has broken down permanently due to domestic abuse, it is essential that you obtain legal advice before you apply for permission to live in the UK under the Concession if you wish to live in the UK for more than 3 months.

It is especially important for you to obtain legal advice as you will not be eligible to apply for indefinite leave as a victim of domestic abuse.

It is, therefore, very important that you consider **before you make any application under the Concession** what, if any, immigration routes will be available to you, following a grant of 3 months permission to live in the UK under the Concession.

A successful application under the Concession will mean your existing permission to live in the UK will be replaced with a period of 3 months permission to live in the UK.

A successful application under the Concession may also affect the immigration routes available to you, restricting your options. This is because a grant of permission to live in the UK under the Concession is a grant of leave outside the rules. Many routes under the immigration rules are not available to people who have been granted leave outside the rules. This includes people who have been granted permission under the Concession. This means that a grant of 3 months permission to live in the UK under the Concession may limit the immigration options that are available to you. This is why it is extremely important that you get legal advice before you apply under the Concession so that you can consider whether an application for permission to live in the UK for 3 months under the Concession is the right option for you.

We have included a case study below to help you to understand how an application for 3 months permission to live in the UK under the Concession might impact you.

This case study is an example – the impact of an application under the Concession may not be the same for you, but we hope the case study helps you to understand some of the possible risks of making an application under the Concession if you have permission to live in the UK as the partner of a person with permission on a work route or as the partner of a student.

#### **CASE STUDY:**

*Kiran, who is an Indian national, came to the UK 1 year ago as a partner of her husband, Inderjit, who is an Indian national with a sponsored skilled worker visa. Both Inderjit's and Kiran's visas have been granted for 3 years. Kiran herself is a qualified practice nurse.*

*Around 3 months ago, Inderjit has been emotionally and physically abusive to Kiran and she seeks support from a domestic abuse organisation. As Kiran's partner visa does not allow her access to public funds, she applies for the MVDAC. Her partner leave (which still had 2 years permission remaining) is no longer valid and Kiran is instead given a new Biometric Residence Permit for 3 months leave outside the rules under the MVDAC. She can now access public funds and she decides to leave the family home and obtain a refuge space and starts accessing benefits with the help of the domestic abuse organisation.*

*Kiran has now received a job offer to work as a practice nurse and wishes to switch into the Skilled Worker category as a main applicant. However, she is unable to do this because her last grant of permission was leave outside the rules granted under the MVDAC.*

*Kiran is also not eligible to apply for indefinite leave as a victim of domestic abuse because she did not have an eligible partner visa (such as being granted leave as the partner of a British or settled person) before she was granted the MVDAC.*

*Kiran cannot return to her partner leave she previously had as that is no longer valid.*

*However, if she had not applied for the MVDAC, she would have been eligible to switch to her own Skilled Worker visa from the partner visa.*

*Kiran cannot apply for indefinite leave as a victim of domestic abuse and she cannot switch into the Skilled worker category either. If Kiran fails to submit an immigration application under a different immigration route before her 3 months permission under the MVDAC expires, she will become an overstayer and be liable to removal from the UK. She would also have to stop claiming public funds.*

## **What if I am eligible for the Concession, but I am not eligible for indefinite leave in the UK as a victim of domestic abuse?**

If you are eligible for the Concession, but you are not eligible for indefinite leave as a victim of domestic abuse and you wish to live in the UK for longer than 3 months, you should obtain legal advice **before** you apply for the Concession so that you can identify what, if any, immigration options 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 the Concession.

It is important to understand that if you have pre-settled status as a partner, even though you are eligible for the Concession you may not need to apply for the Concession.

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. Pre-settled status cannot be lost because a relationship has broken down following domestic abuse. The rules of the EU Settlement Scheme protect victims of domestic abuse and allow them to keep their pre-settled status and still qualify for settled status under the EU Settlement Scheme after a relationship has broken down due to domestic abuse. Rights of Women has prepared a guide for Pre-settled status holders who have suffered domestic abuse, which you can find [here](#).

Pre-settled status is not only granted to partners.

You will not be eligible for the Concession 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 the Concession even if your relationship has broken down permanently due to domestic abuse.

## Accessing public funds

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.

The Concession leads to a grant of 3 months permission in the UK to enable the person to access public funds. If you can access public funds, you do not need to apply for the Concession.

For those people who cannot access public funds with pre-settled status, changing their immigration status to 3 months permission in the UK under the Concession can resolve this problem.



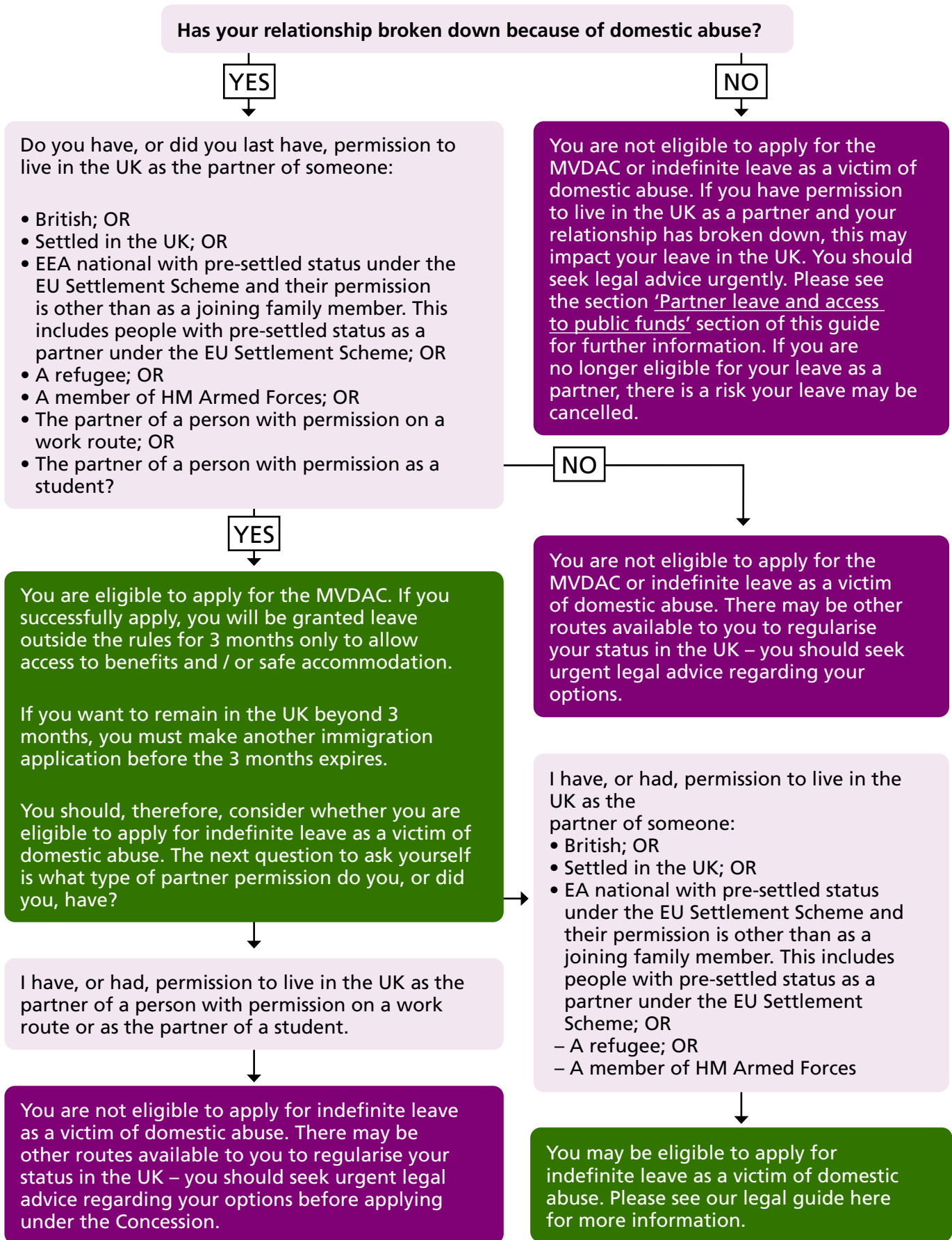
## Impact on pre-settled status

If you have pre-settled status and you successfully make an application under the Concession, your pre-settled status will be replaced with 3 months permission in the UK.

It is important to understand that 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. 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 for the Concession. If you have pre-settled status and you have suffered domestic abuse and would like advice on your immigration options, you can contact Rights of Women through our [advice lines](#).

# Can I apply for the Migrant Victims of Domestic Abuse Concession?



# Children

Your dependent children can apply for 3 months permission to live in the UK with you if you are making an application under the Concession as a victim of domestic abuse. Children cannot apply if their parent is not applying.

Dependent children under the age of 18 can apply and dependent children who are aged 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.

Children who are British citizens or settled – have indefinite leave – do not need a grant of 3 months permission to live in the UK and should not be included on any application under the Concession.

If your child has permission to live in the UK for a limited period, they can be included on your application for 3 months permission to live in the UK as a victim of domestic abuse and in some cases this may be appropriate and necessary. However, it is not always appropriate for a child to be included on their parent's application under the Concession so you will need to consider the risks and benefits of including your child carefully before you apply. In particular, children who have pre-settled status will generally not need to be included on an application under the Concession as their immigration status will not be impacted by the breakdown of their parents' relationship due to domestic abuse and they may have an alternative fast-track to indefinite leave under the EU Settlement Scheme. Rights of Women have prepared a separate guide for pre-settled status holders who have suffered domestic abuse, which is available [here](#).

It is very important that you get legal advice before including your child on any application for 3 months permission to live in the UK because if you include them on any application and the application is granted, your child will be given 3 months permission to live in the UK – this permission will replace any other permission they have to live in the UK. This may not be the best option for your child in terms of their immigration status and it may not be necessary to include your child on any application that you make under the Concession.

If your child has permission to live in the UK as a dependent child, before you decide whether to include them on any application you are making under the Concession, it is important to understand that:

- **Your child's immigration status may not be impacted by the breakdown of your relationship with your partner.**

Whether your child's immigration status is impacted by the breakdown of your relationship with your partner will depend on the type of immigration status your child

has and the circumstances relating to your child, your partner and the breakdown of your relationship. If a child has pre-settled status, their immigration status will not be impacted by the breakdown of their parents' relationship due to domestic abuse.

It is very important that you get legal advice to help you to properly understand the position of your child before including them on any application under the Concession. If your child's immigration status is not impacted by the breakdown of your relationship with your partner, it may not be appropriate or in your child's best interests to include them on your application under the Concession.

- **It is not always necessary to include your child on your application under the Concession to access the public funds that you need to enable you and your child to find a safe place to live and to cover your essential living costs.**
- **Any period of permission to live in the UK that your child has as a dependent child would be replaced by 3 months permission to live in the UK if they are granted permission under the Concession.**
- **If your child is granted 3 months permission under the Concession, this does not necessarily mean that they are eligible for indefinite leave as the dependent child of a victim of domestic abuse or for any other immigration route.**

Your child will only be eligible to apply for indefinite leave under the immigration rules for victims of domestic abuse if **you** are eligible to apply for indefinite leave as a victim of domestic abuse AND your child meets the requirements as the dependent child of a victim of domestic abuse – these requirements include financial support and accommodation for your child without recourse to public funds (please see Rights of Women's Immigration guide for victims of domestic abuse [here](#) for further information on the requirements for indefinite leave for victims of domestic abuse). This means that even if you are eligible for indefinite leave as a victim of domestic abuse, your child is not automatically eligible for indefinite leave as your dependent child.

Where a child has pre-settled status, it is particularly important to consider this factor as a child with pre-settled status will be on a route to settlement, which will not be impacted by the breakdown of their parents' relationship due to domestic abuse. Additionally, there may be an alternative fast-track to indefinite leave available to them under the EU Settlement Scheme. Please see Rights of Women's separate guide on pre-settled status holders who have suffered domestic abuse which can be found [here](#).

**The question of whether a dependent child should be included on an application under the Concession can be very complicated and it is, therefore, very important to get legal advice – relating to both immigration and benefits law – before you apply to the Concession so that you can consider whether it is right to include**

**your child on any application for 3 months permission to live in the UK under the Concession.**

If you would like advice on whether to include a dependent child on your application or on any aspect of an application under the Concession, you can contact Rights of Women's [Immigration and Asylum Law line](#).

# How to apply

To apply for the Concession, you need to complete a Home Office immigration application form. The form can be accessed online [here](#).

The application is free.

We have included below an outline of the information you will need to provide in the form. If there are questions which you are not sure how to answer, you may leave them blank. It would be helpful to explain in the 'Additional information' section of the form any reason you have left a question blank (for example, because you do not know the answer).

Questions in form	Information required
<p><b>Information about you / the applicant</b></p>	<ul style="list-style-type: none"> <li>• Name, date of birth, sex, place of birth, nationality and passport number;</li> <li>• You are asked to confirm that:               <ul style="list-style-type: none"> <li>– your relationship with your partner has broken down due to domestic abuse;</li> <li>– you need permission to stay in the UK that is independent from your partner; and</li> <li>– you wish to apply for access to public funds to support yourself and any dependent children in the UK;</li> </ul> </li> <li>• Contact information – phone number, email address and postal / residential address – you are asked to confirm whether you still live at the same address as your partner who is the perpetrator of abuse;</li> </ul>
<p><b>Partner and domestic abuse</b></p>	<ul style="list-style-type: none"> <li>• Information about your partner: name, date of birth, sex, place of birth, nationality and address, if known;</li> </ul>
<p><b>Dependent children</b></p> <p>You can include children who are dependent on you, but it is not always appropriate to include them.</p> <p>Please read the section <a href="#">‘Children’</a> in this guide.</p>	<ul style="list-style-type: none"> <li>• Information about any dependent children included on the form: name, date of birth, sex, place of birth, nationality and address where they live – if they do not live with you, you are asked to explain why they do not live with you;</li> </ul> <p>You can include children who are dependent on you, but it is not always appropriate to include them.</p> <p>You do not need to include details of children who are British citizens or who have indefinite leave.</p> <p>Including your children on your application will change their immigration status if the application is successful.</p> <p>It is important to consider carefully whether to include your children on any application.</p> <p>Please read the section <a href="#">‘Children’</a> in this guide and consider the information there about the potential impact of including a child on any application.</p> <p>You should seek legal advice if you are unsure whether to include your children on any application.</p>

<b>Immigration advisor details, if applicable</b>	<ul style="list-style-type: none"> <li>Information about any immigration advisor: name, contact details – phone number, email address and postal address and who regulates them</li> </ul>
<b>Biometric Residence Permit</b>	<ul style="list-style-type: none"> <li>Details of Biometric Residence Permit – of applicant and any dependent children included on the application – you are asked to provide details of any Permit and whether it can be returned to the Home Office and, if not, any reasons why not, including details of any police report if it has been lost or stolen.</li> </ul> <p>If dependent children under the age of 16 are included on the application, details of the responsible adult for any appointment for the child to provide their fingerprints and a photograph are required.</p>
<b>Additional information</b>	You may wish to add any additional information you believe is important here, for example, if you wish to make the Home Office aware that you are still living with a perpetrator partner and you do not want correspondence sent to your home address. However, you do not need to add details about the domestic abuse or about your financial circumstances. You can explain in this section if you have left a question blank because you have not been able to answer it.
<b>Declaration</b>	You should read the declaration carefully – you are required to tick the declaration box and sign and date the form. A legal advisor or someone else cannot sign the form on your behalf.

You do not need to provide any evidence of your finances or of the domestic abuse.

**NOTE:** If you do not have a legal representative and you are concerned about how to answer the questions in the form or you are otherwise concerned about the information you are providing, you should get legal advice. You can contact Rights of Women’s [Immigration and Asylum Law 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.

## Fingerprints and photograph

When you apply for permission to live in the UK, you may be asked to provide your fingerprints and a photograph. The Home Office and other government departments refer to this as your ‘biometrics’.

Everyone applying, including children, can be asked to 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.

The application form states that the Home Office will contact you if they need you to provide your fingerprints and your photograph and, if they contact you, they will give you information on how they want you to provide your fingerprints and your photograph.

If the Home Office asks you to provide your fingerprints and your photograph, it is very important that you do this. If the Home Office asks you to provide your fingerprints and your photograph and you do not do this, the Home Office will not consider your application and may reject it as invalid.

## **Submitting the form**

Once the form is completed, it can be submitted to the Home Office by email or by post. It is important to check the form (which can be found [here](#)) for the most up to date details of where to submit the completed form. If you submit the completed form by email, it will reach the Home Office more quickly than if you were to send it by post. This means it is likely you will receive a decision more quickly if you send the completed form by email as this will avoid any delays which may come with posting the form.

## **Once your application has been made**

Once you have completed and submitted the application form to the Home Office by email or by post and, if required, provided your fingerprints and a photograph, you should simply be waiting for a decision on your application.

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

The Home Office aims to make a decision within 5 working days of receiving the application form.

It is very important that you check your emails, including your spam or junk folder, as the Home Office will usually contact you by email 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.



# Decision and next steps

This section provides information on the outcomes of applying to the Concession for 3 months permission to live in the UK with access to public funds as a victim of domestic abuse and / or as a dependent child of a victim of domestic abuse.

## Grant of application

If your application is successful, you will:

- ✓ receive a new Biometric Residence Permit showing you have been granted limited leave to remain outside the rules for a period of 3 months (you should read the information sent to you by the Home Office – this may tell you that you need to return your previous Biometric Residence Permit to them);
- ✓ be able to apply to access public funds, such as Universal Credit;
- ✓ be eligible to access a refuge place because you would be entitled to benefits which may support with housing or a refuge place; and
- ✓ have the right to work.

If your application is successful, it means:

- your previous permission to live in the UK as a partner has been replaced by the 3 months permission to live in the UK you have been granted;
- if you want to access public funds, such as Universal Credit, you **MUST** make an application for benefits; and
- if you want to stay in the UK beyond the 3 months, you **MUST** make another immigration application before the 3 months permission to live in the UK expires in order to remain in the UK. If you do not, you will become an overstayer and lose your right to live, work and access public funds in the UK. Overstayers can be detained and removed from the UK.

## Refusal of application

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

When an application for 3 months limited leave as a victim of domestic abuse is refused, there is no right of appeal.

You can write to the Home Office to ask that they reconsider their decision to refuse your application if you think that they have not applied the policy correctly in your case. However, the Home Office does not have to reconsider their decision – a senior caseworker in the Home Office will consider your request and the decision will only be reconsidered if the senior caseworker thinks it is appropriate.

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's [Immigration and Asylum Law 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 partner visa and are experiencing domestic abuse and need access to public funds to be able to flee their abuser or after having already fled their abuser.

This legal guide is not legal advice. If you think you are eligible to apply under the Concession, 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. You may be able to access public funding for free legal assistance, also known as legal aid – legal aid is available to people who are applying for indefinite leave to remain as a victim of domestic abuse 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/>

Legal aid is not available for applications under the Concession by people who have permission to live in the UK as the partner of someone on a work route or as the partner of a student regardless of their financial circumstances.

If you are not eligible for legal aid because you are not eligible for indefinite leave as a victim of domestic abuse or because 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](http://www.lawsociety.org.uk) and are regulated by the Solicitors Regulation Authority (SRA) [www.sra.org.uk](http://www.sra.org.uk). You can check that a solicitor is regulated by the SRA by using the 'find a solicitor' search engine on the Law Society website <http://solicitors.lawsociety.org.uk> or by contacting the SRA directly on 0370 606 2555.

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](http://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 under the Concession. This guide explains the application process. However, we would strongly advise you to seek advice from Rights of Women's [Immigration and Asylum Law line](#) or from a law centre or a Citizens Advice 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 is online and you may also have a Biometric Residence Card. If you cannot work out what your immigration status is, you should seek legal advice from the Rights of Women [Immigration and Asylum Law line](#) or another legal adviser.

## **I have a partner visa which is not pre-settled status 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?**

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 continue 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 and you were last granted one of the eligible partner visas as mentioned in this guide, you may be able to apply for the MVDAC which only grants permission to stay for 3 months. A further application would need to be made before your MVDAC status expires.

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. Please see the section of this guide called [‘Pre-settled status’](#) and the separate Rights of Women guide for [Pre-settled status holders who have suffered domestic abuse](#) if you have pre-settled status.

### **My permission to be in the UK as a partner has expired. Can I still apply for the Migrant Victims of Domestic Abuse Concession?**

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 section called [‘Who can apply for permission under the Migrant Victims of Domestic Abuse Concession’](#) in this guide) and your relationship broke down permanently due to domestic abuse, you can apply for the MVDAC even if your last grant of permission has now expired. 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.

### **Do I have to have experienced physical violence in order to be able to apply for the Migrant Victims of Domestic Abuse Concession?**

No – the definition of domestic abuse includes more than just physical abuse. For example, 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 to apply for the MVDAC.

### **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. What can I do?**

If you are eligible, you can apply for the MVDAC. 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. If you wish to remain in the UK beyond the 3 month period, you must make a further application to stay in the UK before the permission to live in the UK under the MVDAC expires. You should speak to a legal advisor to check if you would be eligible to apply for indefinite leave as a victim of domestic abuse and you can also read our Immigration guide for victims of domestic abuse [here](#).

If you are not eligible to apply for indefinite leave, you should speak to a legal advisor to consider what options you have.

Please note: the position for people with pre-settled status is different. Please see the section of this guide called [‘Pre-settled status’](#) and the separate Rights of Women guide for pre-settled status holders who have suffered domestic abuse which can be found [here](#).

### **What happens if I have 3 months permission to live in the UK under the Migrant Victims of Domestic Abuse Concession, but I don’t submit another application to stay in the UK before the 3 months permission expires?**

If you do not make another application to remain in the UK before your 3 months permission under the MVDAC 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. It is still possible to make an application after the 3 months permission has expired, however you will not be permitted to work or access benefits while you wait for a decision.

### **I have pre-settled status as the spouse of my husband who is an EU national. I have been subjected to domestic abuse and have left my relationship. I am aware my pre-settled status does not have a no recourse to public funds condition attached, however, I have been refused benefits because I failed the ‘right to reside’ test to be eligible for benefits. I am not eligible to apply for settled status under the EU Settlement Scheme for a long while. Am I eligible to apply for the Concession so that I can access benefits?**

If you have been refused benefits because you have failed the ‘right to reside’ test, you should get advice from a benefits advisor about challenging the refusal. It is possible that the decision to refuse you benefits because you have failed the ‘right to reside’ test is wrong – the issue of whether someone with pre-settled status is able to pass the ‘right to reside’ test can be very complicated. If you are able to successfully challenge the refusal, you will be able to access benefits. It can take time to challenge a benefits decision and this is a factor that you may want to take into account when deciding whether to challenge the decision and / or to apply for the Concession. If you are someone with pre-settled status as a partner, you are eligible to apply for the Concession to obtain 3 months permission as a victim of domestic abuse and you will be further eligible to apply for indefinite leave as a victim of domestic abuse. However, there are risks to changing your immigration status.

If you successfully apply to the Concession your pre-settled status will be replaced by 3 months leave. It is important to understand that 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. Giving up pre-settled status risks losing some of these rights.

Additionally, it is not guaranteed that you will be successful in an application for indefinite leave as a victim of domestic abuse. If the application is unsuccessful, you will not have immigration status in the UK and you will need to make another immigration application to remain in the UK. It is likely you will still be eligible for pre-settled status under the EU Settlement Scheme and so you would be able to apply to the EU Settlement Scheme again.

It is, however, extremely important that anyone with pre-settled status gets legal advice before they make an application for the Concession. You can contact [Rights of Women EU Settlement Scheme Line](#) to talk about your options in further detail.

**I am the partner of my husband who has a skilled work visa. If I apply for the Migrant Victims of Domestic Abuse Concession, will I be able to apply for indefinite leave to remain as a victim of domestic abuse?**

No – although you would be eligible to apply for the MVDAC because you have permission as a partner of someone on a work route or as a student and your relationship has permanently broken down due to domestic abuse, you would not be eligible to apply for indefinite leave to remain as a victim of domestic abuse. This is because you do not have one of the specified types of permission as a partner under the family immigration rules or under the EU Settlement Scheme and so you do not meet the requirements for indefinite leave as a victim of domestic abuse. If you are unsure what your options might be if you were to apply for the MVDAC, you should seek legal advice from the Rights of Women [Immigration and Asylum Law line](#) or another legal adviser. It is preferable to speak to a legal adviser before you apply for the MVDAC.

**I am the partner of my husband who has a skilled work visa and I have children who have limited leave to remain as dependent children of a skilled worker. Should I include my children on the Migrant Victims of Domestic Abuse Concession application?**

There are a number of points to consider before you decide whether it is in your child(ren)'s best interests to include them on your application for the MVDAC. By including them on the application, it will also change their permission to leave outside the rules for a period of 3 months. In some situations, it may be unnecessary to include your child(ren) in your application and change their permission if it will not be affected by your relationship breakdown. Instead, it may be better for your child(ren) to continue with their current immigration status in the UK. Before making an application for the MVDAC and including your child(ren), you should seek legal advice from the Rights of Women [Immigration and Asylum Law line](#) or another legal adviser.



**I am the partner of a British national and I have leave to remain as a spouse. My relationship has broken down due to domestic abuse. I have British children, but I do not know if I need to include them on my application for the Migrant Victims of Domestic Abuse Concession.**

You do not need to include children who are British or children who are settled (with indefinite leave) in your MVDAC application. They do not require any other type of permission to be in the UK or to be eligible for public funds.

**I am the partner of my husband who has a skilled work visa and I have children who have limited leave to remain as dependent children of a skilled worker. I have been a victim of domestic abuse but I have decided not to apply for the MVDAC because I am in the process of obtaining sponsorship and switching to a skilled work visa myself. Once I am working, I will be able to support myself and my children without recourse to public funds. However, in the short term whilst my sponsorship is being finalised, I need some financial and accommodation support. I have no access to public funds at the moment as these are the conditions of my partner visa. How can I access support?**

If you have no recourse to public funds and you require financial and accommodation assistance, you may be able to access support from your local authority's children's services under section 17 of the Children Act 1989. This is for help and support for families with children. We would advise you to seek specialist advice about any other financial support options that may be available to you by contacting your local [Citizens Advice](#) or your local [Law Centre](#).

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

Depending on your financial circumstances and the details of your case, you may be entitled to public funding (also known as legal aid). However, this is not available in some circumstances, for example if you do not meet financial tests or if you are not eligible to apply for indefinite leave as a victim of domestic abuse. Please refer to the section '[Help to apply](#)' in this guide for further information on getting a lawyer to help you make an application under the MVDAC.

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](http://www.rightsofwomen.org.uk)

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