



The Solutions



domestic
abuse
commissioner



The need for change

Introduction

Safety Before Status: The Solutions provides ground-breaking new evidence on how the Government can improve support for all migrant victims and survivors. For the first time, the report provides evidence-based estimates of the number of migrant victims and survivors of domestic abuse with no recourse to public funds (NRPF) in the UK in need of support, the costs of providing such support, and the benefits of doing so. It is based on commissioned research undertaken by the LSE, in partnership with the Oxford Migration Observatory.

The Need for change

“Nobody understands what it’s like to be a migrant woman with no recourse to public funds in an abusive relationship... no options and then deemed an ‘unfit’ parent.”

With the support of specialist ‘by and for’ organisations, the Commissioner engaged with eighteen survivors of domestic abuse with insecure immigration status and no recourse to public funds. They raised how perpetrators use a victims’ insecure immigration status as a tool of coercive control known as ‘immigration abuse’, for example, destroying their documentation, threatening to report migrant victims to immigration enforcement if the victim reports to the police, and forcing survivors to work exploitative cash in hand jobs to sustain themselves and their children. The continued inability to regulate their status or have access to public funds enables the perpetrator to continually inflict this abuse.

Survivors also described having their lack of financial resources used against them in the Family Court, with perpetrators requesting full custody due to the inability of the survivor to financially provide for the children as a result of the no recourse to public funds status. Survivors also specifically referenced experiencing poor mental health as a result of their experiences. This included feelings of despair, hopelessness, worthlessness, anxiety, depression, PTSD and suicidality.

Methodology

The Domestic Abuse Commissioner invited commissioned researchers to undertake their social cost benefit analysis based on scenarios which the Commissioner determined were most likely to meet a range of criteria, which was:

- Responding to what survivors with NRPf tell us they need.
- Building on existing policy such as the well respected Destitution Domestic Violence Concession (DDVC) and Domestic Violence Indefinite Leave to Remain (DVILR – sometimes known as ‘the Domestic Violence Rule’).
- Enabling support for as long as victims need it.
- Immediate help for all victims without reference to migration status.
- Choosing the most cost-effective policies (using Green Book methodology).

The Scenarios Summarised

Scenario 1 (Recommended): Flexible support for all via the DDVC and DVILR application process

This scenario enables all migrant victims, regardless of their status, to access protection and support through a model which is flexible and tailored to the length of support for which they require it. To do so it adopts the following prongs:

- **Emergency Assessment Phase (EAP):** Survivors, irrespective of immigration status, refer themselves (or are referred by services) into a domestic abuse support pathway. During this period, they will access emergency support.
- **Access to Specialist Services Phase (ASSP):** Within 72-hours of the EAP survivors will be provided access to ASSP. ASSP gives access to community-based support and accommodation-based services for the survivor and any minor children they have. ASSP will on average be provided for, but not limited to, 6 months regardless of migration status. It is excepted that the average for visitor and student groups is 1 month, although again not limited to.
 - ♦ **Destitute Domestic Violence Concession (DDVC):** Survivors who need immediate access to public funds (for accommodation and/or basic income) would continue to apply for the DDVC through which access to public funds will be provided to all survivors meeting the ‘destitution’ requirement, regardless of migration status and including students and visitors.

- ♦ **DVILR:** Domestic Violence Indefinite Leave to Remain (DVILR) regulations will be amended to indicate that all migrant victims and survivors of domestic abuse, regardless of immigration status, are also eligible to apply for DVILR and have the right to remain in the UK during this process.

Scenario 2: Combination model

Scenario 2 in contrast has different arrangements made through a special visa for undocumented migrants and for visitors and students.

- **Emergency Assessment Phase (EAP):** Survivors, irrespective of immigration status, refer themselves (or are referred by services) into a domestic abuse support pathway. During this period, they will access emergency support.
- **Access to Specialist Services Phase (ASSP):** Will work the same as the ASSP defined in Scenario 1, although with different funding arrangements (See full report, diagram 3 for detail).
- **The Regular Status Group** comprises migrants whose immigration status would permit a period of residence in the UK. Mirroring the process in Scenario 1, they will be eligible to apply for DDVC, and DVILR under the same provisions for each of these as described in Scenario 1. Those eligible to make these applications will include:
 - ♦ Main route: Those who have arrived in the UK as partners of relevant points-based system migrant partners, and those who are on a route to settlement with a partner who has either LLR or ILR
 - ♦ 10-year route: People on 10-year routes to settlement (family and private life)
 - ♦ Survivors with children who are settled or are British citizens
 - ♦ Holders of Hong Kong BNO visas
- There are then two further groups, each of whom has a slightly different pathway from the main group and from each other. These groups are “undocumented” migrants, and “visitors and students”, either with or without children, as well as a small proportion of the “main” group who do not currently have access to applications for DVILR and DDVC.
- **Access to accommodation-based services.** People in these Scenario 2 groups can apply for means tested support to cover the costs of accommodation and basic income during their period in the initial provision programme, outside of the DDVC. This support would be provided via a special grant fund administered by specialist



'by and for' organisations, and be set at a level commensurate with Universal Credit and Housing Benefit.

- Longer term status and access to DVILR: People in these Scenario 2 groups are not normally eligible to apply for DVILR. This scenario proposes a new special visa for exceptional cases which if granted would allow them to apply for both DDVC and DVILR. This could be granted on exceptional grounds only (See full report for detail of these grounds).
- Survivors granted a new special visa would be awarded access to public funds and could then apply for DVILR in the normal way. Applications fees for DVILR to be waived if the victim is destitute.

Summary findings

The numbers

Using migration data and the Crime Survey for England and Wales, the researchers were able to quantify the number of survivors with NRPf who are likely to seek support each year – estimated to be approximately **32,000 victims and survivors each year**. Of these, about 7,700 might require refuge or other accommodation—some for only a short period. A proportion of these would go on to receive the right to long-term residence in the UK. Under Scenario 1, this number would be about 2,500 households, while under Scenario 2 the number would be lower, at about 2,300.

The costs

For central government, the business as usual (BAU) costs for this group of victims and survivors total approximately £12m per year. In the first year Scenario 1 would involve c.£57m per annum in gross central government costs, made up of initial support, ongoing benefit payments and administrative costs. This would be partially offset in later years by increased tax revenues from victims whose employment situation was improved. For Scenario 2 the costs are initially slightly lower at c.£56m; again, these would be partly offset in future by higher revenues. Net of BAU costs, Scenario 1 would require c. £45m million in additional government expenditure in Year 0, while Scenario 2 would require net expenditure in Y0 of c.£44m.

Local governments currently spend approximately £4 million under Section 17 of the Children Act to support NRPf victims of domestic abuse with children. Under

Scenarios 1 and 2 would see a net saving of about £3.5 million in Year 0 as expenditure is shifted from local to central government.

The researchers expect that under Scenario 2, some of the migrants who did not achieve ILR would again be victimised and re-present to public services. This would have the effect of increasing costs under Scenario 2 in future years, compared to Scenario 1, for both central and local governments.

The benefits (gains)

Scenario 1 has the highest benefit-cost ratio at 4.0 for the first cohort, rising to 4.3 for the ten years of cohorts. Over ten years, if the government were to pay the expected costs of c.£536m this would generate overall social gains worth c.£2.293bn (both in present value terms).

In comparison, Scenario 2 has a benefit cost ratio of 3.7 for the first cohort, rising to 3.9 for the ten years of cohorts. Over ten years, if the government were to pay the expected costs of c.£536m this would generate overall social gains worth c.£2.107bn. Scenario 1 is therefore less expensive over 10 years and has a higher long-term benefit-cost ratio.

Recommended scenario

The Commissioner strongly recommends that the Home Office adopt Scenario 1. It has a lower cost to government and has the highest benefit-cost ratio. Furthermore, the automatic right to apply for DVILR and DDVC in Scenario 1 may also provide more assurance to survivors that there is less risk of deportation and less risk that their children may be taken from their care. Additionally, the statutory basis of permitting automatic access to apply for DVILR may make it much clearer to local authorities and other public bodies that these survivors have a recognised right to services, and thereby speed up the provision of those services.

Over ten years, Scenario 1 could generate overall social gains worth around £2 billion and incentivise about 320,000 to report abuse to an authority, of which over 7,700 might access refuge, or other accommodation for a short period to escape a perpetrator. An estimated 25,000 of these victims and survivors might regularise their status and receive DVILR.



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