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Factsheet 18

The information contained in this Factsheet is intended for guidance only. While every effort is made to ensure it is correct a time of publication, it should not be used as a substitute for legal advice. For client specific advice please contact ASAP

This Factsheet looks at the Home Office (HO) guidance dealing with how the HO, its housing contractors and Migrant Help (MH) should react when an asylum-seeker experiences domestic abuse (DA) in the UK and needs safe housing and support.

Our telephone advice line

The asylum support system is complex and can be difficult to navigate for those without prior experience. If you are using this factsheet and have questions relating to how the asylum support system works, it is advisable to read through the other [ASAP factsheets](#).

If you still have questions or need further information and advice after reading this Factsheet, please contact our advice line on 020 3716 0283, which is open Mondays, Wednesdays and Fridays from 2pm to 4pm.

Who does the guidance apply to?

The guidance was revised in July 2019 and contains significant and positive differences to the previous policy. The guidance can be found [here](#).

The HO guidance on domestic abuse applies to all survivors of DA who have claimed asylum. However, this Factsheet refers to women throughout, in recognition of the gendered nature of this crime and its disproportionate impact on women and girls.

The guidance is relevant to women who have an ongoing asylum claim and to those who have been refused asylum. In both cases, women will need to be eligible for asylum support in order to benefit from the provisions in the guidance. This means that they will need to be destitute ([see Factsheet 5](#)) and, if applying for s4 support ([see Factsheet 2](#)), they will need to satisfy the additional eligibility criteria for that form of support.

The guidance is relevant to women who are already in receipt of asylum support and to those who are not already on support but who may be eligible for it.

Definition of domestic abuse

The guidance contains the following definition of domestic abuse:

Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:

- *psychological*
- *physical*
- *sexual*
- *financial*

- *emotional*

Controlling behaviour - a range of acts designed to make a person subordinate and or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating everyday behaviour.

Coercive behaviour - an act or pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

The guidance recognises forms of so-called honour-based violence within this definition, such as forced marriage and FGM. It also recognises that survivors can be from any gender or sexuality. It acknowledges that women can be more at risk of DA when in a situation of destitution and that it is a form of gender-based abuse, which '*can have a disproportionate impact on women and girls.*' It recognises that the risk of serious harm from a perpetrator often rises at the point that a woman decides to leave an abusive situation.

Impact on children

The guidance acknowledges the impact of DA on children and references the HO duty to children under the Borders, Citizenship and Immigration Act 2009 s55. It specifies that any need for specialist support for children, to help them recover from the impact of DA, should be taken into account when the HO is considering safe accommodation options for a woman and children.

Women already on asylum support

The guidance outlines important principles and actions that it expects HO caseworkers to consider and undertake when a woman already on support reports DA. This covers actions that accommodation providers and MH should consider. This list includes -

- At point of disclosure to the HO, a woman is to be believed, without the requirement for any corroborating evidence of DA.
- A safe means of communicating with the woman must be agreed so that she is not put at further risk by communications being intercepted by the perpetrator.
- HO Accommodation providers must immediately offer safe alternative accommodation.
- Any alternative accommodation must be suitable for the needs of the woman and any children. This may mean that she is accommodated near to specialist services, such as BAME services for women who have suffered abuse, or a Rape Crisis centre.
- A woman should be referred to a specialist DA service for advice and support.
- The HO should act on the recommendations of any specialist advisor in relation to safe accommodation options.
- Recognition that a woman may wish to remain in her current accommodation and that the HO may need to consider re-locating the perpetrator.
- Recognition that a woman may want to remain in her current area because, for example, she has children in local schools and other support networks.
- Under no circumstances is an accommodation provider permitted to expect a survivor to return to accommodation with the perpetrator of abuse.

- The guidance also states that the HO '*may meet or contribute to the cost of other alternative accommodation, for example with friends*'.
- With the informed consent of the woman, MH must report cases of DA to the HO asylum support team leader who will refer the case to the HO safeguarding team.

Women who need access to asylum support

The guidance outlines additional principles and actions that HO caseworkers must consider and undertake when a report of DA is received from a woman who is not accommodated at the time by the HO, but is eligible for asylum support.

For women with active asylum claims:

- Recognition that once it has been established that the woman is an asylum-seeker and therefore potentially eligible for s95 support, it will usually be unnecessary to make detailed enquiries to establish destitution or require a full application for s95 support at the initial stage.
- Under no circumstances should a woman be required to provide evidence of their destitution at the initial stage following a disclosure.
- In addition, a woman should not be asked to seek destitution evidence from a perpetrator at any stage.
- A woman should be believed at the point of disclosure and corroborating evidence of DA should not be required for support purposes.
- Recognition that if a woman's continued occupation of accommodation will lead to a risk of DA, that occupation is not adequate, and the woman will in all normal circumstances be eligible for HO funded accommodation.

For women with refused asylum claims:

- A woman should be believed at the point of disclosure and she should not be asked to evidence DA at this point.
- A woman's accommodation is not adequate if her continued occupation will lead to a risk of domestic abuse.
- For women applying for s4 support, there is no explicit HO commitment to accommodating women in safe alternative accommodation prior to their eligibility for support being established. However, the guidance does specify that the provision of initial accommodation may be used '*as a last resort in an emergency situation*'.¹ This phrase suggests that the HO will offer alternative safe accommodation for women in emergency situations, prior to a full assessment of s4 eligibility being established.²
- The statutory test used to determine destitution for s95 and s4 remains the same.
- To qualify for s4 support, refused asylum-seekers must be destitute *and* meet a narrow set of criteria³.

¹ See page 11 of the Home Office policy, 'Domestic abuse: responding to reports of domestic abuse from asylum seekers' version 1.0

² Initial accommodation is short-term housing that is usually provided in the form of a hostel-type environment. It is designed for asylum seekers who need urgent accommodation, prior to their support applications being determined.

³ Immigration and Asylum (Provision of Accommodation to Failed Asylum Seekers) Regulations 2005, Reg 3(2)

Refuge accommodation

The guidance establishes that women who are not currently accommodated by the HO, but who are eligible for s95 support, may be provided with s98 support through the provision of refuge accommodation. Similarly, if a woman is a refused asylum-seeker who is eligible for s4 support, she may also be provided with accommodation in a refuge following disclosure.

Securing refuge access through asylum support:

1. Following a disclosure of DA from a woman already living in asylum support accommodation, an accommodation provider must consult with the woman to establish the following:
 - I. Whether she would feel safe from reprisals in alternative accommodation offered;
 - II. Whether she would like to remain in her current accommodation and have the perpetrator removed;
 - III. Whether she would like to access a refuge placement.
2. An accommodation provider, Migrant Help or an NGO should support a woman to ring the [National Domestic Abuse Helpline](#) (NDAH) to discuss refuge options.
3. If an available refuge space is identified through the NDAH and a woman chooses to access the placement, this decision should be supported by all stakeholders.
4. An accommodation provider, Migrant Help, or an NGO must put the refuge and the relevant Home Office Safeguarding Hub in direct contact to allow for the placement to be authorised.
5. The Home Office Safeguarding Hub will then issues a letter to the refuge confirming that the HO will meet the cost of the refuge placement.⁴
 - I. The Home Office has agreed to fund the amount that would normally be received by a refuge through housing benefit. Utility costs that the refuge would normally collect by way of a charge to the resident will also be covered by the Home Office.
 - II. An additional contribution of up to £80 pw will be paid by the Home Office in recognition of extra costs that refuges may occur in supporting asylum seeking survivors of DA.
6. Prior to relocation, ensure a safe means of exit has been planned and transport has been organised. Contact the relevant Home Office safeguarding hub if you have concerns about transport to a refuge.
7. In the event of delays or barriers to securing refuge accommodation, contact ASAP's Women's Legal Advisor, Matilda Bryce (matilda@asaproject.org.uk) for assistance.

The guidance outlines that because refuge locations are confidential, refuge addresses will be provided in the form of a PO Box number. The HO must accept PO Box numbers for processing purposes and record the number, as the refuge resident's address on all relevant systems.

The use of initial accommodation

The guidance acknowledges that accommodating survivors of DA in initial accommodation may be unsuitable. Initial accommodation should therefore only be

⁴ See Annex 1 for the UKVI refuge funding mechanism document and Annex 2 for the UKVI refuge booking letter.

used in these circumstances as an *'emergency, last resort measure if no other suitable accommodation is available.'*⁵ This principle applies equally to women who are eligible for accommodation under s4 or s98 support.

Specialist advice

The guidance creates an obligation on the part of the HO, MH and accommodation providers, to ensure women are referred to specialist advice organisations within the DA sector following a disclosure. In the event that a woman or her dependent makes a disclosure, or if DA is suspected, MH must make a referral with a woman's informed consent, to an appropriate specialist agency. The guidance also requires MH to signpost women to specialist support and advice organisations, if they suspect DA affects a woman.

Impact of separating from the main applicant for asylum

The guidance emphasises that women should be reassured that they do not need to remain in a situation of DA for immigration purposes. The HO must take action to inform women that they can access free legal advice on whether to claim asylum independently from a perpetrator and that any information a woman provides as part of her asylum claim will be treated in confidence (subject to safeguarding duties).⁶ In particular, a woman should be reassured at the point of disclosure that a decision to make a report to the police will not adversely impact her asylum claim.⁷

Impact of separating from the main applicant for asylum support

Women who are dependants on an alleged perpetrator's asylum support claim should be offered safe alternative accommodation as an initial priority. A woman should then be supported to complete a separate s95 application for herself and any children who remain in her household. **A woman should not lose her s98, s95 or s4 eligibility by leaving the perpetrator, as long as she remains a dependant on the alleged perpetrator's asylum claim and/ or is married to the alleged perpetrator.**

Steps for caseworkers and support workers to take

1. To make a request for safe alternative accommodation for a woman currently supported, contact accommodation providers or MH directly at: escalations@migranthelpuk.org
2. To report DA and access asylum support advice for women who are not currently supported, contact MH.
3. To contact the HO or HO safeguarding team for assistance, or to escalate a case, contact the HO directly through the attached contact list [Annex 3].

⁵ See page 11 of the Home Office policy, 'Domestic abuse: responding to reports of domestic abuse from asylum seekers' version 1.0

⁶ See page 14 of the Home Office policy, 'Domestic abuse: responding to reports of domestic abuse from asylum seekers' version 1.0

⁷ For immigration and asylum law advice contact the Rights of Women advice line [here](#).

Right to appeal when support is refused

To make an application for support, contact MH who can offer assistance with filling in an [ASFI application form](#) or search for a [voluntary sector organisation](#) who might be able to help. Alternatively, ASAP can provide support through our [advice line](#). In the event that the HO refuses an application for support, a woman will have a right of appeal to the First Tier Tribunal (Asylum Support). For more information on appeals to the Tribunal, see [Factsheet 3](#).

Proposed refuge funding mechanism

The most straightforward way for UKVI to pay for refuge provision for victims of domestic abuse who are eligible for support under the Immigration & Asylum Act 1999 is through the standard Home Office supplier payment process. Two UKVI teams need to be involved in the process:

- The Safeguarding Hub is the unit that will be supervising the cases from the UKVI end, and will need to authorise individual refuge placements. It should also be the first point of contact for refuge providers on welfare matters and when move-on accommodation is needed. NDVH will need to have readily available contact details for the Hub, to be able to contact them on cases where the initial referral does not come from the Hub.
- The Accommodation Reconciliation Team (ART) will need to administer payments, as it does for other payments surrounding asylum accommodation. ART will also need to set up refuge providers on the Home Office system in order to make payments. The Safeguarding Hub will provide ART's details to refuge providers when placements are made.

Process

1. At the start of the placement, the Safeguarding Hub will issue a standard letter by e-mail or fax to the refuge provider, confirming the placement, the payment rate, and other relevant information. The letter will provide contact details for ART, to whom invoices should be sent, and also advise the refuge provider to contact ART as soon as possible to arrange to be set up as a supplier on the Home Office if it isn't already.
2. A refuge taking an asylum seeker for the first time will then need to arrange via ART to be set up on the Home Office payment system. This will not need to be repeated for subsequent placements with the same refuge provider.
3. The refuge provider will need to send invoices to ART, which will be checked against the UKVI system and the original placement confirmation letter before being paid. How often to invoice (fortnightly, monthly etc) will be up to the refuge provider.

Legal position

The terms of the placement confirmation letter will, from the start of the placement, constitute a legally binding contract between the Home Office and the refuge provider, so the refuge provider is assured that payment will be forthcoming. The letter will set out placement start date, the payment rate, and provide for the ending of the placement upon either the household moving out of the refuge or by cancellation by either party.

Annex 2: Home Office pro-forma letter



UK Visas
& Immigration

[Insert postal and e-mail addresses and phone number of relevant Safeguarding Hub team]

By Fax or Email

Name and PO box address of refuge

[Date]

Dear **[name]**

[Full names, DoBs and AS references of household members]

This is to confirm our agreement to fund refuge accommodation from **[date]** for the above household, who are not eligible for mainstream benefits but are eligible for asylum support.

UKVI will fund:

- The amount that the refuge would normally receive in Housing Benefit for a household of this size to occupy the accommodation you have allocated. You have confirmed this figure as **[amount]** per week
- Any utility costs you would normally collect by way of a charge to the resident, as the cash allowance for asylum seekers does not cover these. You have confirmed this figure as **[amount]** per week
- An additional contribution of up to £80/week in recognition of extra costs that refuges may occur in supporting asylum seeking victims of domestic abuse.

[Insert if victim is not the asylum support claimant: Please note that the existing asylum support in payment is following an application in the other party's name. Your new resident will need to make an application in her own right. She can do this by calling Migrant Help on 0808 8000 631.

This arrangement also involves the understanding:

- that you will notify us promptly if the household ceases to reside at the refuge, and that funding will cease on the day the household ceases to reside at the refuge;
- if the household remains eligible for asylum support when they are ready to move on, you will notify us in advance to arrange suitable move-on accommodation which we will then provide in accordance with our usual procedures;
- if the household is granted status conferring eligibility for mainstream benefits whilst residing at the refuge, our funding will cease on the day of the grant, as eligibility for Housing Benefit will commence (though the household will still receive their cash allowance for a further 28 days); and

- if the household cease to be eligible for asylum support, or if UKVI needs to terminate the arrangement for any other reason, we will give you 21 days' notice of cancellation.

Please do contact us at the Safeguarding Hub, as above, if you need to discuss any issues in relation to asylum support matters, or to let us know if a household for which we are responsible is ready for us to start lining up move-on accommodation.

If you are not already set up as a supplier on the Home Office financial system, you will need to contact the **Accommodation Reconciliation Team** by e-mailing **ARTInvoices@homeoffice.gov.uk** to make arrangements to set this up so that we can process payments to you.

You will then need to submit invoices for the funding as agreed above to the Accommodation Reconciliation Team at **ARTInvoices@homeoffice.gov.uk**. Your invoices will need to quote your supplier number, the purchase order number, the name and asylum support reference number of the lead resident, but you do not need to submit any supporting information with your invoices as to costs incurred.

Thank you for your assistance in this matter, and I do hope you have every success in your work with this household.

Yours sincerely,

[Name]

[Safeguarding team details]

Annex 3: Home Office safeguarding contact list

Asylum Safeguarding Hub

Hub teams are geographically aligned to each UKVI region. Each hub is tasked with safeguarding activity for asylum customers that reside in their region. In addition, we have teams identifying and tackling vulnerability to streamline safeguarding within specialised workstreams; Asylum Intake Unit, Asylum Operations Mersey and Asylum Support. UK wide activity is supported by a central admin team providing assistance to all Hub teams.

Team	Team Email	Team Lead	Team Telephone No.	Team Location
1. Scotland and Northern Ireland	ashsni@homeoffice.gov.uk	Pamela Gough (TCA)	0141 555 1249	Festival Court, Glasgow
2. North West England	ashnw@homeoffice.gov.uk	Elizabeth Johnson	0151 213 2683	Capital Building Liverpool
3. North East England	ashneyh@homeoffice.gov.uk	Karen Raven-Hill	0113 341 2109	Waterside House, Leeds
4. Wales and South West England	ashsw@homeoffice.gov.uk	Gareth Hughes (TCA)	0292 092 4607	General Buildings, Cardiff
5. Midlands and East England	ashmee@homeoffice.gov.uk	Leila Khan	0121 713 3128	Sandford House, Solihull
6. London and South East England	ashlse@homeoffice.gov.uk	Nancy Elliott	0208 196 0247	Lunar House, Croydon
7. Asylum	ashnaiu@homeoffice.gov.uk	Cassandra	0130 421	Eastern Docks,



Intake Hub		Mead	0888	Dover
8. Asylum Ops Mersey	ashmer@homeoffice.gov.uk	Marie Keating	0758 415 4930	Redgrave Court, Bootle
9. Central Admin Team	ashca1@homeoffice.gov.uk	Carrie Leung	0141 555 6055	Festival Court, Glasgow