

Asylum support for women who are victims of domestic abuse

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Factsheet 10

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 provides information about applying to the Home Office for accommodation if an asylum seeking woman is experiencing domestic abuse in her home. It is aimed at women who are already living in accommodation provided by the Home Office and at those who are living in other accommodation, such as privately rented, who need to leave due to domestic abuse.

Our telephone advice line

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.

Definition of domestic abuse

The government defines domestic abuse as: 'any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality'. This includes issues of concern to black and minority ethnic (BME) communities such as so called honour killings and female genital mutilation. Research shows that domestic abuse is more commonly experienced by women than men. See www.womensaid.org.uk for further information.

Although the Home Office's policy on domestic abuse applies to both men and women, this factsheet is aimed at women.

Women living in Home Office accommodation who are experiencing domestic abuse

The Home Office's policy on domestic abuse is set out in Chapter 23 of [Asylum Support: Policy Bulletin Instructions](#)

The Home Office policy states that its contracted housing providers 'must give paramount importance to the safety of victims of abuse and their children ... and inform residents of local advice and support agencies that can help people who suffer domestic violence'

If a woman living in Home Office accommodation is experiencing abuse, the housing provider must ensure that the victim and any children are transferred to alternative

accommodation immediately. This accommodation must be secure and safe. The housing provider does not need to get prior agreement from the Home Office to transfer the woman to alternative accommodation .

If no alternative Home Office accommodation is available to the woman immediately, or she feels that the available accommodation is not suitable, then the housing provider can refer the woman to a refuge. The policy states that it is preferable that a woman is not referred to Home Office initial accommodation.

Housing providers should also inform the woman that the Home Office can meet the reasonable costs of other accommodation she may be able to access, but she must provide the address and accommodation details to the Home Office.

If the woman has already fled from the Home Office accommodation and has found a suitable alternative, the Home Office policy states that it can meet the costs of this accommodation as long as they are considered 'reasonable'. When assessing what are reasonable costs, the Home Office can take into account the rents other landlords are charging in the area where the woman is now staying.

If the woman and her children lose access to their financial support as result of fleeing their accommodation, the Home Office should arrange for the woman to receive emergency support, which would normally be sent by courier to her new address. Emergency support will normally only be provided for a maximum of four weeks.

Is this policy being implemented in practice?

ASAP's 'snapshot' research in this area suggests that, when women report domestic abuse to their Home Office housing providers, they are often offered alternative housing in initial accommodation. This is despite the Home Office policy stating that this is not a 'preferable' option. If they are not offered initial accommodation, they tend to be offered alternative dispersal accommodation. From our research, we did not find any examples of a woman being offered refuge accommodation despite this being mentioned as a possibility in the policy. Neither did we find any examples of the Home Office agreeing to pay the costs of alternative accommodation that a woman had found herself.

It is not clear why women are not being offered the refuge option. But it seems likely that it is due to a combination of factors, including a general lack of awareness of the policy. Refuge operators themselves are not necessarily aware of the policy and the Home Office does not seem to have an established mechanism for covering refuge costs.

Women not living in Home Office accommodation who need alternative housing due to domestic violence

A woman experiencing domestic abuse who is not living in accommodation provided by the Home Office may be entitled to support if she meets certain criteria. To qualify she needs to show that she is either an asylum- seeker or, if she has become a refused asylum-seeker, that she meets criteria for Section 4 support. The following outlines

criteria for both Section 95 and Section 4 support.

Section 95 support

A person will qualify for section 95 support if they are destitute and any of the following three situations apply:

- They have an ongoing asylum claim, which means they are still waiting for a final decision on their asylum claim, either from the Home Office or the Asylum and Immigration Tribunal.
- They had a dependent child under 18 living in their household before receiving a final decision on their asylum claim. In these cases they will remain entitled to Section 95 support until the youngest child turns 18 and while they remain in the UK.
- They are a refused asylum-seeker who has made further submissions and these have been formally recorded as a fresh claim by the Home Office. An acknowledgement of receipt of the fresh claim is not enough to be eligible for Section 95: there has to have been a decision that the new evidence amounts to a fresh claim.

For a fuller explanation on the criteria for s95 support see [factsheet 1](#).

Section 4 support

If the woman is a refused asylum-seeker and did not have children in her household before her first claim was fully refused, she may qualify for s4 support. Section 4 support is provided to some groups of refused asylum-seekers who meet a narrow set of criteria. Broadly, this includes individuals who are taking all reasonable steps to leave the UK, or where it is not reasonable for the person to leave either due to a physical impediment to travel or because they have outstanding representations (fresh claim, judicial review) that are still under consideration.

For a fuller explanation of the criteria for s4 support see [factsheet 2](#).

Proving destitution in domestic violence cases

A person is considered destitute if they do not have adequate accommodation or enough money to meet their essential living expenses (or that of any dependent) now or within the next 14 days.

When the Home Office is assessing whether the woman has adequate accommodation, it needs to take into account 'whether it is probable that the person's continued occupation of the accommodation will lead to domestic violence against him (her) or any of his (her) dependants' – [Asylum Support Regulations 2000 8 \(3\) \(G\)](#). If the woman can show that she is experiencing violence, or the threat of violence, in her home then the Home Office

should not consider her accommodation to be adequate.

Providing proof of domestic violence

Where possible, a woman applying for Home Office support from an abusive situation should try and provide evidence of the abuse. However, in many cases she may only be able to provide her account of what has happened and will have no corroborating evidence. This should be accepted as sufficient by the Home Office. Evidence could include medical reports from her GP confirming the violence she is experiencing, letters from agencies that have been providing support to her, witness statements from the woman documenting the abuse she has been experiencing, police attendance notes, copies of any caution given to the perpetrator of the violence, or, if the matter has gone to court, copies of any non-molestation order given or convictions against the perpetrators.

Right to appeal when support is refused

If the woman is refused support from Home Office she will have a right of appeal to the First Tier Tribunal (Asylum Support).

For more information on appeals to the Tribunal, see [factsheet 3](#).