

February 2024

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 available on our website: <https://www.asaproject.org/resources/library>

If you have questions or need further information and advice after reading this Factsheet, please email our Women's Legal Advisor ([wla@asaproject.org.uk](mailto:wla@asaproject.org.uk)) or contact our advice line on 020 3716 0283, open Mondays, Wednesdays and Fridays from 2pm to 4pm.

### Who does the guidance apply to?

The guidance can be found [here](#). It 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 and, if applying for s4 support (see [Factsheet 5](#) and [Factsheet 2](#)), they will need to satisfy the additional eligibility criteria for that form of support.

### Definition of domestic abuse

The guidance contains a definition of domestic abuse that includes, but is not limited to: any incident or pattern of incidents between two people aged 16 or over, who are personally connected, of:

- Psychological abuse
- Physical abuse
- Sexual abuse
- Financial abuse
- Emotional abuse
- Controlling behaviour
- Coercive behaviour
- Honour-based violence
- Forced marriage
- FGM

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.

The guidance also acknowledges the impact of DA on children and references the HO duty to safeguard and promote the needs of 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.

**Key steps for caseworkers and all relevant parties to take are outlined in a [checklist in Annex A of the guidance](#).**

### **Women already on asylum support**

To make a request for safe alternative accommodation for a woman currently supported, contact the relevant HO accommodation provider (Clearsprings Ready Homes, Serco and the Mears group) or MH directly at: [escalations@migranthehelpuk.org](mailto:escalations@migranthehelpuk.org) alongside the Home Office's Asylum Safeguarding Hub: [asylumsafeguarding@homeoffice.gov.uk](mailto:asylumsafeguarding@homeoffice.gov.uk)

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

- At point of disclosure, a woman is to be believed without the requirement for any corroborating evidence of DA and should be consulted on what next steps to take.
- 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.
- **Accommodation providers must immediately offer safe alternative accommodation.** This can be through a refuge if she wishes, or in initial accommodation (IA) as a last resort.<sup>1</sup> The providers do not need to wait for the HO to approve a move into safe alternative accommodation, but will need to request funding from the HO Safeguarding Hub for a refuge space (more below).
- Under no circumstances should an accommodation provider expect a survivor to return to accommodation with the perpetrator of abuse.
- Recognition that a woman may wish to remain in her current accommodation and that the HO may need to re-locate 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.
- 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 IDVAs, BAME or LGBTQI+ specialist services, or a Rape Crisis centre.
- The guidance also states that the HO '*may meet or contribute to the cost of other alternative accommodation, for example with friends*'.
- 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.
- 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.
- A change in circumstances form may need to be completed to update the asylum support record, particularly of a new address.

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<sup>1</sup> Please note that throughout this Factsheet when we refer to IA that also includes hotels and other contingency accommodation, reflecting the current landscape of Asylum Support accommodation.

## Women who need access to asylum support

If a survivor is eligible for, but not on, asylum support, it is possible to request she is provided with asylum support immediately, whether through refuge or s98/IA<sup>2</sup>. We are aware that many advice workers go directly to the RIAV team ([RoutingIAValidation@homeoffice.gov.uk](mailto:RoutingIAValidation@homeoffice.gov.uk)) to request IA, copying in the Asylum Safeguarding Hub ([asylumsafeguarding@homeoffice.gov.uk](mailto:asylumsafeguarding@homeoffice.gov.uk)). Put as much detail in this email as possible. You can also contact MH for help making the application.

There are 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. The statutory test used to determine destitution for s95 and s4 remains the same (see [Factsheet 5](#)).

For women with active asylum claims:

- Recognition that if a woman's continued occupation of accommodation will lead to a risk of DA, that accommodation is not adequate, and the woman will be eligible for HO funded accommodation under s98 (as long as she is otherwise eligible for support) pending any further enquiries regarding s95 eligibility. This can be through provision of a refuge.
- A woman should be believed at the point of disclosure and corroborating evidence of DA should not be required for support purposes.
- 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 destitution at the initial stage following a disclosure. This can be provided at a later stage.
- In addition, a woman should not be asked to seek destitution evidence from a perpetrator at any stage.
- Initial accommodation may be used *'as a last resort in an emergency situation.'*<sup>3</sup>
- The woman will need to complete an [ASF1 form](#) to ensure she starts receiving subsistence payments to meet essential living needs as soon as possible, but this is not immediately required.

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.
- The woman will need to complete an ASF1 form but this may not be immediately required in an emergency situation. To qualify for s4 support, refused asylum-seekers must be destitute *and* meet a narrow set of criteria<sup>4</sup>. ([See Factsheet 2](#)).

<sup>2</sup> For more information on s98 and how to apply see [Factsheet 17](#) and the [s98 referral form](#).

<sup>3</sup> See page 11 of the Home Office policy, 'Domestic abuse: responding to reports of domestic abuse from asylum seekers' version 1.0. Initial accommodation is short-term housing that is usually provided in the form of a hostel-type environment or hotel. It is designed for asylum seekers who need urgent accommodation, prior to their support applications being determined.

<sup>4</sup> Immigration and Asylum (Provision of Accommodation to Failed Asylum Seekers) Regulations 2005, Reg 3(2)

- 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.*'<sup>5</sup> This phrase suggests that the HO will offer alternative safe accommodation for women in emergency situations, i.e. fleeing domestic abuse, prior to a full assessment of s4 eligibility being established. This might be in HO initial accommodation or a refuge.
- If IA is appropriate or needed for your client's safety, we suggest requesting s98 emergency accommodation as you would for an asylum seeker entitled to s95, escalating as necessary as a matter of safeguarding.

### Accessing refuge accommodation

To secure refuge access through asylum support:

1. An accommodation provider, Migrant Help (MH) or an advice agency/supporter should support a woman to ring the [National Domestic Abuse Helpline](#) (NDAH) to discuss refuge options. Alternatively, Women's Aid has a dedicated service for professionals that may be able to assist you with the search.<sup>6</sup>
2. If an available refuge space is identified and a woman chooses to access the placement, this decision should be supported by all stakeholders.
3. An accommodation provider, MH, or an advice agency/supporter must put the refuge and the Home Office Asylum Safeguarding Hub<sup>7</sup> in direct contact to allow for the placement to be authorised. Therefore, email the Asylum Safeguarding Hub with the subject line "Urgent: Refuge Booking Request" so it is filtered appropriately. Include as much information as possible including information on s95/4 eligibility and the details of the refuge.

If you haven't found a space yet but are continuing to look for one, we still recommend sending the same email to the Safeguarding Hub so they can start the administrative process and are aware of the need. You can update them when a space has been found.

While you continue to look for a space, apply for s98 accommodation through MH<sup>8</sup> or by sending [the referral form](#) to the RIAV team<sup>9</sup>, explaining the situation, to ensure the survivor has somewhere safe to stay in the interim. Copy the Safeguarding Hub into any emails.

4. The Home Office Safeguarding Hub will contact the refuge and then issue a letter to them confirming that the HO will meet the cost of the refuge placement.<sup>10</sup> This will enable the refuge to secure the bed space.

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

<sup>6</sup> [www.womensaid.org.uk/what-we-do/i-work-with-survivors/dedicated-service-for-professionals/](http://www.womensaid.org.uk/what-we-do/i-work-with-survivors/dedicated-service-for-professionals/)

<sup>7</sup> Contact the Safeguarding Hub by emailing [asylumsafeguarding@homeoffice.gov.uk](mailto:asylumsafeguarding@homeoffice.gov.uk)

<sup>8</sup> If you are struggling to get through to MH or secure s98, email [escalations@migranthehelpuk.org](mailto:escalations@migranthehelpuk.org).

<sup>9</sup> [RoutingIAValidation@homeoffice.gov.uk](mailto:RoutingIAValidation@homeoffice.gov.uk)

<sup>10</sup> See Annex 1 for the UKVI refuge funding mechanism document and Annex 2 for the UKVI refuge booking letter.

The Home Office has agreed to fund the amount that would normally be received by a refuge through housing benefit and the utility costs that the refuge would normally collect by way of a charge to the resident. 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. This £80 per week can be used however the refuge thinks will best support the survivor.

5. Refuge accepts terms of the letter and confirms space.
6. Prior to relocation, ensure a safe means of exit has been planned and transport has been organised. Contact the Safeguarding Hub if you have concerns about transport to a refuge. The Home Office or accommodation provider should pay for transport.

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.

### Refuge move-on

Complete a change in circumstances form 6 weeks before the woman is ready to leave the refuge so dispersal accommodation can be sourced for her to move-on to, detailing any specific requirements such as location or accessibility. This can be done by calling Migrant Help or emailing [CoC@migranthehelpuk.org](mailto:CoC@migranthehelpuk.org). The need to be near specialist services should be taken into account when sourcing s95 or s4 accommodation post-refuge.

### 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 reassure 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).<sup>11</sup> In particular, they 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.<sup>12</sup>

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<sup>11</sup> See page 14 of the Home Office policy, 'Domestic abuse: responding to reports of domestic abuse from asylum seekers' version 1.0

<sup>12</sup> For immigration and asylum law advice contact the Rights of Women advice line [here](#).

## 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. They 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.**

The HO must adjust the records of both survivor and perpetrator to prevent correspondence going to the wrong address. If there are any reporting requirements, the HO should consider altering them to reduce the risk of the survivor being tracked by the perpetrator.

## Right to appeal when support is refused

To make an application for support, contact MH who can offer assistance with filling in an [ASF1 application form](#) or search for a [voluntary sector organisation](#) who might be able to help. 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](#) and [Guide to Appeals](#).

## Annex 1: Home Office explanation of refuge funding mechanism

### 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 to refuges**



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\*\*](mailto: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\*\*](mailto: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]