

**Domestic Violence and No Recourse to Public Funds
Leeds Civic Hall, 7th October 2008**

Conference Report

Introduction

The Domestic Violence and No Recourse to Public Funds Conference, held at Leeds Civic Hall on October 7th 2008, was the third event hosted by the NRPF Network and the British Red Cross in 2008 addressing specific issues relating to destitute people from abroad with no recourse to public funds (NRPF).

The conference was attended by 110 delegates from a range of sectors and organisations: 50% from local authorities, 41% from the community and voluntary sector, 5% from central government and 5% from other agencies.

Presentations were given by a panel of experts, including:

- Paul Rowen, Rochdale MP and Liberal Democrat Shadow Work and Pensions Minister
- Olivia Fellas, Chair of NRPF Network and Head of Refugee and Migrant Service, Islington Council
- Hannana Siddiqui, Joint Coordinator, Southall Black Sisters
- Cate Briddick, Legal Officer, Rights of Women

Aims & objectives

The event aimed to:

- explore issues and solutions to the problems of victims of domestic violence who have NRPF;
- discuss good practice in assessing and supporting victims of domestic violence who have NRPF; and
- promote cooperation and understanding between local authorities, the voluntary sector and central government.

KEY ISSUES

Key issues highlighted at the event included:

- Local authority duties to victims of domestic violence with NRPF are complex and there are significant barriers to providing support, especially to single adults
- Applications under the Domestic Violence Rule (DVR) for Indefinite Leave to Remain (ILR) take a long time to process and support for women pending the outcome of applications is patchy and uncoordinated

- Information about waiving the £750 fee for the DVR application should be more widely disseminated, including how destitution is defined and proven
- The need for training on this issue nationwide
- Concern over the impact of the Slough ruling on single adult victims of domestic violence with NRPF in regards to accessing local authority support

PRESENTATION SUMMARIES

Paul Rowen – Rochdale MP and Liberal Democrat Shadow Work and Pensions Minister

Paul has been campaigning on this issue in parliament and has asked questions to ministers on this subject. He noted that the 23rd April 2008 'Day of Action' on domestic violence and NRPF had the effect of making the government reconsider its position on funding for victims of domestic violence on spousal visas.

He highlighted the unacceptable situation of those being 'used and abused' and not knowing where to turn to. He used the example of one woman in Rochdale who had an application pending for ILR under the Domestic Violence Rule (DVR) which was taking a long time and the local authority were unwilling to support her for such a lengthy period. Furthermore, the local refuge did not have the funds to support her.

Paul noted that this issue is so complex that it is difficult for one professional alone to meet the needs of victims. The government have had many initiatives on domestic violence but they have hit a brick wall with this particular issue.

He noted that the problem has increased with the growth of women arriving, mostly from the Indian Subcontinent, for arranged marriages in his constituency. He asserted that this was not a problem associated with religion, but with culture, as many of his clients come from rural areas where practices are different.

Paul noted the pressure on local authority budgets in regard to supporting victims of domestic violence with NRPF and stressed that local authorities need to be supported so that they are trained to carry out this work with victims of domestic violence.

Olvia Fellas – Chair of the NRPF Network and Head of Refugee and Migrant Service, Islington Council

Olvia provided an overview of the key issues facing local authorities in relation to domestic violence and NRPF. There are significant bars on local authorities providing support to victims of domestic violence with NRPF, as dictated by community care and immigration legislation. The threshold for providing single adults has been raised by the recent *M v Slough* judgement.

Local authorities operate within different political contexts, which can make providing services to people with NRPF difficult. Furthermore, demand for services is increasing and the complexity of the legislation governing this area leads to inconsistencies between local authorities.

Olvia referred to research undertaken by Islington Council into support provided to victims of domestic violence with NPRF, which found that 60% of women in refuges in London were being supported by social services. A further 30% were supported by the refuges and 10% by other means. Only 3% of the women in the refuges surveyed had NPRF. The women applying for ILR under the DVR waited for between seven and twelve months for a decision on their application. To access this research report please use the following link and scroll to the bottom of the page: <http://tinyurl.com/5aq3th>

She noted that those on spousal visas have the right to work and local authorities should explore opportunities for women to support themselves in the UK. This highlights the need for funding towards ESOL and skills development to ensure those on spousal visas can access the labour market.

Olvia referred to the Home Office proposals for retrospective funding of the support provided to victims of domestic violence with applications under the DVR pending. The NPRF Network welcomes this initiative but has concerns over how it will work in practice, particularly over how the funds will cover the period of time it takes for decision to be made on applications, which can be quite lengthy.

This presentation can be accessed using the following link and scrolling to the bottom of the page: <http://tinyurl.com/6qpeyz>

Hannana Siddiqui – Joint Coordinator, Southall Black Sisters

Southall Black Sisters (SBS) have been campaigning on this issue since 1992. Hannana estimated that around 600 women on spousal visas at any one time become victims of domestic violence and have NPRF in the UK. It is not an unmanageable problem and can be resolved; this relies on changes to national government policy.

In regards to local authority provision in this area, Hannana pointed to examples of good practice such as Islington, that have their own NPRF team. However, she noted the lack of consistency of local authority decision-making. She also questioned why voluntary sector organisations were battling with local authorities over this issue.

In 1997, the Labour government introduced the Domestic Violence Concession, however she said that the effectiveness of this was compromised by the NPRF requirement pending the outcome of applications. SBS tried to introduce an amendment to the Domestic Violence Act in which victims of domestic violence would be exempt from the NPRF requirement, but this was not introduced. At present, there is a discriminatory system in which women without immigration status do not have the same rights as women with status.

There has been a shift in the government's position and they have proposed the retrospective funding arrangements for victims with applications under the DVR pending. SBS recognises that this proposal is a move in the right direction, however it is not workable and it is not adequate to meet the needs of victims for several reasons: the amount available to victims will not be

enough to cover the amount of time it takes to collate applications and wait for a decision; it will only help women who become victims of domestic violence within the two year period to which the DVR applies; and it only helps the women that are successful in their application for ILR.

Hannana said that there was considerable frustration within the voluntary and statutory sector that these proposals were not workable. The victim needs to have money in her hands to enable her to escape the situation in the first instance. Also, local authorities are not qualified to undertake checks on DVR applications, which the proposals recommend. Rather, it is lawyers that should be doing this.

Cate Briddick – Legal Officer, Rights of Women

Cate provided a background to the legislative framework and outlined the services Rights of Women offer.

Cate outlined the requirements for submitting applications for ILR under the Domestic Violence Rule and stressed the importance of using the most up-to-date application form. Previously, only first and second class evidence could be submitted as part of the application, however case law AI (Pakistan) [2007] found that the Home Office must accept a broader range of evidence of violence, including evidence that is ‘well founded’.

Cate outlined the services victims of domestic violence with NRPF are entitled to which includes legal aid, child benefit and working tax credit. She also highlighted the legislation under which local authorities may be able to provide support to victims, including accommodation.

She referred to ILPA’s directory of immigration lawyers, which can be found on their website: <http://www.ilpa.org.uk/>

Although Rights of Women welcome the Home Office proposals to provide retrospective funds towards supporting women while the DVR application is pending, as a recognition of this issue, Cate argued that the proposals would fail to protect women from violence. This is because it only applies to women applying under the DVR, that it would not cover the entire period of the application, including the time during which evidence of the domestic violence was being gathered, and that it would not help the woman escape when she is most at risk.

This presentation can be accessed using the following link and scrolling to the bottom of the page: <http://tinyurl.com/6qpeyz>

Workshops

Three workshops were held during the second half of the conference, aiming to explore practical solutions to the problems facing victims of domestic violence with NRPF.

Workshop 1, led by Shakeela Lal, Immigration and Asylum Specialist at Bradford Law Centre, focused on the process of completing applications for Indefinite Leave to Remain (ILR) under the Domestic Violence Rule (DVR).

Shakeela highlighted key points from the UKBA guidance notes on DVR applications and dispelled some common myths that prevent women from applying under the DVR. She stressed that in order to avoid the £750 administration fee for the application, women need to provide evidence that they cannot afford the fee, for example with a letter from social services.

It was highlighted that the evidence of domestic violence required for the application is not prescriptive. Applicants can send in any evidence they wish to, and they should send in as much evidence as they can provide. The forms of evidence listed in sections 3.1 and 3.2 of the form are the most important but sometimes it is not possible to gather this evidence when a woman has fled from her home.

The DVR application and guidance notes can be found on the following page: <http://tinyurl.com/5vnaxo>

Workshop 2, led by Curtilis Bristol, Islington Council and Phil Cryer, Bradford Metropolitan Borough Council, considered options for local authority support to victims of domestic violence.

Local authority duties to victims of domestic violence were outlined, including those under Section 21 National Assistance Act 1948 (NAA), Section 17 Children Act 1989 and under the Human Rights Act 1998. Curtilis and Phil also highlighted the potential impact of the Slough judgement (more info below under 'case law update') on support provided under Section 21 NAA and the likelihood that it will take further litigation to fully understand the implications of this ruling.

Workshop 3, led by Diana Barran, Coordinated Action against Domestic Abuse (CAADA), explored shared protocols between the voluntary sector and local authorities in domestic violence cases where victims have NRPF.

Some of the issues raised in the workshop were the need for a shared definition of destitution, whilst being mindful of the definition local authorities use, and a shared definition of domestic violence. In regards to local authority good practice, it was agreed that it would be beneficial for local authorities to have reciprocal agreements for payments when a woman flees from one area to another; the need for a named person within the local authority with responsibility for domestic violence cases was also discussed; and the need for data on the number of women requesting local authority support. The need for specific guidelines regarding what is required from local authorities and how a multi-agency approach can be used in resolving situations were also highlighted.

Participant feedback

Feedback on the conference was very positive. 78% of participants said the conference had met their expectations and a further 16% said the conference had partly met their expectations. Participants valued the opportunity to network and share ideas, and found the panel presentations particularly useful. Many participants would have liked to see the UKBA on the panel of speakers and for the conference to be longer. Some felt the venue was inadequate.