

The Destitution Domestic Violence (DDV) Concession

Introduction

On 1 April 2012 the UK Border Agency (UKBA) introduced the Destitution Domestic Violence (DDV) concession to replace The Sojourner Project. A person who successfully qualifies for this concession will receive temporary leave for three months, which allows them to apply for access to public funds (including jobseeker's allowance, income support and housing benefit). During this three month period the person should make a separate application for indefinite leave to remain under the Domestic Violence Rule.

For more information on the Domestic Violence Rule see the UKBA website: [http://www.ukba.homeoffice.gov.uk/visas-immigration/settlement/applicationtypes/applicationformset\(dv\)/](http://www.ukba.homeoffice.gov.uk/visas-immigration/settlement/applicationtypes/applicationformset(dv)/).

Who is eligible for the DDV concession?

There are strict eligibility criteria for the concession, which applies to single adults and adults with children. To meet the UKBA's criteria a person must:

- Have entered the UK or been given leave to remain as a spouse, civil partner, unmarried or same sex partner of a British citizen or someone present and settled in the UK; and
- Have had that relationship break down due to domestic violence; and
- Be destitute and in need of financial help; and
- Intend to make a claim to stay permanently in the UK under the Domestic Violence Rule.

Spouses of EEA nationals do not fall within the scope of the concession and, at the present time, it does not cover the spouses of Commonwealth soldiers resident in the UK.

How to access the DDV concession

A person who meets the eligibility requirements can notify UKBA of their need to access public funds by submitting the 'protecting victims of domestic violence' notification form, which is available online at:

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/residency/dv-notification-form.doc>.

The notification form can be emailed or posted to UKBA, but email is recommended where possible, since notifications submitted by post are processed more slowly.

What next?

If a person is granted three months leave under the DDV concession this will replace the leave given to enter or remain as a spouse or partner. If a migrant does not submit an application for indefinite leave to remain to the UK Border Agency within the three month period, their leave will come to an end and they will be expected to either apply to regularise their leave in the UK in another category or leave the UK.

The UK Border Agency encourages applicants to submit applications for indefinite leave within six weeks of being granted leave under the concession, which is similar to the time periods that were used in the Sojourner project, to allow them time to make a decision whilst an applicant has access to public funds.

If there is a serious reason why an application is unable to be submitted within the three month temporary leave period, the applicant or their representative must contact the UK Border Agency and discuss the reason of the possible delay.

As long as a person submits an application before their temporary leave expires, their leave will continue until they are either granted further leave, their application is rejected or, if they choose to appeal a rejection, until their appeal rights are exhausted.

What does this mean for local authorities?

Once an eligible person has been granted temporary leave they are eligible to access, or apply to access, public funds, including housing benefit, seek support from domestic violence shelters or apply for a homelessness assessment at their local authority housing office. However, until a person with no recourse to public funds has submitted their notification under the DDV concession, and until UKBA

has responded (usually within 1-2 days), an applicant will not have access to public funds.

Social services departments should assess a person or family fleeing domestic violence in these circumstances in the usual way, taking into account a local authority's duty to protect victims of domestic violence.¹ Where a person appears eligible for the DDV concession, the proportionate response is likely to be the provision of temporary support while their notification is processed.

The DDV concession only applies to people whose leave to enter or remain in the UK was as a partner of a British citizen or person settled in the UK and so social services departments may come across cases where the concession will not apply. In this situation the presenting person or family should be assessed in the usual way, taking into consideration whether they have no recourse to public funds under Schedule 3 Nationality and Immigration Act 2002.

For more information on assessing and supporting people with NRPF see the NRPF Network's guidance, available online at:

http://www.islington.gov.uk/advice/asylum-immigration/refugees_migrants/nrpf_network/Pages/policy_guidance.aspx.

Frequently asked questions

What evidence needs to be supplied with a notification?

A person notifying UKBA under the DDV concession does not have to supply evidence that they are a victim of domestic violence with their notification, but this evidence will need to be supplied with any later application under the Domestic Violence Rule.

How long will UKBA take to process a notification?

The DDV concession is still relatively new, but so far the indications are very positive. In the majority of cases, if a notification is submitted to the UK Border Agency before 3pm via email, a decision to grant three months temporary leave is being issued on the same day. Notifications can be submitted via post but this will delay a decision and the applicant potentially having access to vital public services.

The UK Border Agency has a target to outcome notifications within 5 working days of receipt.

¹ As stated in Opuz v Turkey (2009) (Application no. 33401/02)

How does an eligible person access benefits?

Once UKBA has issued an eligible person with temporary leave to remain they should apply for benefits as usual, for example by applying to the Department for Work and Pensions. As with any benefits application, there will be a gap between applying and receiving financial benefits, but payments should be backdated to the date a valid application was made. During this gap it is possible for an individual to apply for a crisis loan through Jobcentre Plus. A person granted leave under the DDV concession is exempt from both stages of the habitual residency test for benefits.

The UK Border Agency will provide the applicant with a letter to present to the Department for Work and Pensions explaining their status.

Are there any problems with the DDV concession?

So far the DDV concession appears to be working well, but we are monitoring its impact, so please feel free to let us know if you identify any problems.

More Information

Further details about the DDV concession are available:

- By contacting the NRPF Network on: 020 7527 7121 or nrpf@islington.gov.uk.
- On the UKBA website –
<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/residency/FAQs-DDV-concession.pdf>
<http://www.ukba.homeoffice.gov.uk/visas-immigration/while-in-uk/domesticviolence/>
- From DWP –
<http://www.dwp.gov.uk/docs/u2-2012.pdf>
- From the Women's Resource Centre –
http://www.wrc.org.uk/what_we_do/campaigns/women_with_no_recourse_to_public_funds/resources_for_womens_organisations_supporting_women_with_no_recourse_to_public_funds.aspx