

Supporting refugee and  
asylum seeking survivors of  
domestic abuse:  
Asylum Support

Trainers: Radha Ruskin and Simran Kaur



**women's aid**  
until women & children are safe

# Overview of session

- Legal restrictions in relation to providing immigration advice
- Who is an asylum seeker? Who is a refugee? What's the difference?
- Rights of asylum seekers and refused asylum seekers
- Who can be a dependent of an asylum seeker
- Asylum support and accommodation:
  - Dispersal policy
  - **Section 98 support** (Initial Accommodation)
  - **Section 95 support** (support for asylum seekers)
  - **Section 4 support** (support for refused asylum seekers)
  - Home Office accommodation
- **Home Office Asylum Support Policy on Domestic Abuse** – theory and practice

# Immigration advice and advice on asylum support

# Legal restrictions regarding provision of immigration advice and services

- It is illegal to give immigration advice unless you are a properly qualified and regulated person
- What is 'immigration advice'?

## Section 91 of the Immigration and Asylum Act 1999

Section 91 states as follows:

91(1) A person who provides immigration advice or immigration services in contravention of s.82 or of a restraining order is guilty of an offence.

**'Immigration advice'** is defined in s.82 as follows:

- Relates to a particular individual
- Is given in connection with one or more relevant matters
- Is given by a person who knows that he is giving it in relation to a particular individual and in connection with one or more relevant matters
- Is given by a person in the UK (regardless of where the client is, client could be in another country)

# Immigration advice asylum claims vs. asylum support

- Advice on claiming asylum and support with asylum claims is OISC Level 2 regulated advice
- Advice on human rights claims under Articles 2, 3 and 4 is OISC Level 2 advice
- Advice on asylum and human rights appeals is OISC Level 3 advice
- ***Advice on accessing asylum support is not immigration advice and you do not need to be a regulated person to help with or advise on these applications***

Who is an asylum seeker?

Who is a refugee?

What's the difference?

# The 1951 Convention Relating to the Status of Refugees, (and the 1967 protocol)

Also known as:

Geneva Convention

1951 Convention

Refugee Convention

## **History:**

- Second World War
- Originally only applied to people in Europe displaced by WWII
- 1967 protocol extended the scope of the Convention



# Who qualifies as a refugee?

To break down Article 1A (2) of the **1951 Refugee Convention**, a refugee is a person who:

- is outside the country of their own nationality *because*
- they have a *'well-founded' fear*
- of being *persecuted*
- *because of their:*
  - race,
  - religion,
  - nationality,
  - membership of a particular social group or
  - political opinion,
- and is *unable obtain protection* from the persecution from their own government/country;
- and *cannot relocate internally* to a safe place anywhere else within their own country.

# Humanitarian protection

Humanitarian Protection essentially covers those who qualify for protection under:

- **Article 2** - Right to Life (ECHR)
- **Article 3** - Freedom from torture and inhumane or degrading treatment (ECHR)
- **Article 15(c)** - indiscriminate violence in situations of armed conflict (Qualification Directive)

Humanitarian protection is governed by Rule 339C of the Immigration Rules, which reads:

339C (iii) *substantial grounds are shown for believing that the person concerned, if he returned to the country of return, would face a **real risk** of suffering **serious harm** and is unable, or, owing to such risk, unwilling to avail himself of the protection of that country.*

# Humanitarian Protection

If the Home Office accept that is a 'real risk' (well-founded fear) that an asylum seeker :

- will face serious harm (persecution) if they are returned home;
- *and* accept that the person will not be able to get protection in their home country;
- *and* accept that the person will not be able to safely relocate to another part of their home country;
- but the person is being persecuted for a reason that is ***not*** connected to their race, religion, nationality, membership of a particular social group or political opinion

the Home Office can grant the person **Humanitarian Protection**, instead of Refugee Status.

# Definitions

An **asylum seeker** is someone who has made a claim for asylum under the Refugee Convention (or another claim for international protection) and is waiting for the Home Office to make a decision on their application

A **refugee** is someone who made a claim for asylum under the Refugee Convention, their claim was accepted by the Home Office and they were granted 5-years or 2.5 years limited leave to remain in the UK as a refugee

A **refused asylum seeker** is someone who made a claim for asylum under the Refugee Convention (or another international protect claim) but their claim was refused by the Home Office

# Asylum seekers – temporary admission

- Temporary admission is an alternative to detention, and is given to people for whom the immigration officers have not yet decided whether or not to grant entry.
- Asylum seekers will be granted ‘temporary admission’ to the UK once they claim asylum while their asylum claim is being considered. Temporary admission is a form of legal status, therefore if you are on temporary admission in the UK you cannot be ‘illegal’, even if you did enter the country illegally.
- Temporary admission is not leave to remain and the rights of people on temporary admission are extremely limited.

# Asylum seekers– rights

## **Can:**

- be detained (indefinitely) in immigration detention at any time (does not apply to children)
- access Home Office accommodation and support if they can show that they are 'destitute'
- Can access Legal Aid
- Can undertake voluntary work (for a registered charity or non-profit organisation)
- access all NHS health services for free

## **Cannot:**

- work
- access 'public funds'
- access post-18, further/higher education as 'home' students
- open a bank account
- have a driving licence

## **Must:**

- report to immigration (usually at a police station)

# Refused asylum seekers – rights

## **Can:**

- be detained (indefinitely) in immigration detention at any time
- access Legal Aid
- undertake voluntary work (for a registered charity or non-profit organisation)
- access Primary Healthcare services from the NHS for free

## **Cannot:**

- work
- access 'public funds'
- access post-18, further/higher education as 'home students'
- open a bank account
- have a driving licence
- access secondary charged NHS services for free unless in receipt of Section 4 support

## **May be able to:**

- access Home Office accommodation and 'Section 4' support if they can show that they are 'destitute' (specific eligibility criteria apply)

## **Must:**

- report to immigration

# Dependents

The definition of a dependant is set out in regulation 2(4) of the Asylum Support Regulations 2000

It is the same for s95 and s4 support.

- Husband wife or civil partner
- Dependent child under the age of 18
- A member of an unmarried couple
- A disabled family member over 18
- A person who has made an application to enter or remain in the UK on the basis that they are a dependant on the main applicant's asylum claim



Asylum support  
Home Office support  
NASS support

## Advice and guidance on asylum support issues

- The Asylum Support Appeals Project have very detailed factsheets on their website covering all aspects of asylum support
- They also run a free advice line:

Monday, Wednesday and Friday: 2pm – 4pm

**020 3716 0283**

# Applying for Asylum Support: Migrant Help

## **Migrant Help:**

- Run a free asylum helpline available 24/7/365 call **0808 8010 503**.
- Most advice is delivered by phone/email but they also offer face to face advice in initial accommodation, and run outreach services for vulnerable clients.

## **MH can help with:**

- Applying for all forms of asylum support/accommodation
- Notifying the Home Office of changes of circumstances
- Maintenance issues with asylum accommodation
- Requests for assistance if a person feels at risk of domestic violence, sexual harassment or exploitation, anti-social behaviour
- Asylum support payment issues – lost/stolen ASPEN cards, incorrect payments, etc.
- Complaints – if an asylum seeker wants to make a complaint regarding asylum services provided by Migrant Help, an accommodation provider, the asylum support payments provider or the Home Office.

# Home Office support and accommodation

- Section 98 support (Initial Accommodation)
- Section 95 support (support for asylum seekers)
- Section 4 support (support for refused asylum seekers)
- Home Office Asylum Support Policy on Domestic Abuse

# Home Office support and accommodation: Dispersal

- Until 2000 asylum seekers were automatically issued national insurance numbers and were allowed to work, claim state benefits and access social housing while their asylum claim was being considered.
- With the implementation of the 1999 Immigration and Asylum Act – the NASS/UKVI asylum support system came into effect and all rights to access work, state benefits and social housing were withdrawn.

# Home Office support and accommodation: Dispersal

- 'Dispersal' was (and remains) an integral part of the asylum support system. Under the dispersal system asylum seekers can be housed in any 'dispersal city' in the UK and are not given a choice about where they live. London is **not** a dispersal city; there are no dispersal cities in southeast England at all. (Portsmouth is the closest)
- Accommodation can be provided in London in exceptional circumstances.
- UKVI accommodation, (particularly in relation to Section 95 support) is generally referred to as 'Dispersal Accommodation'. It is usually provided in the same way and within the same properties regardless of whether someone is in receipt of Section 95 support (asylum seekers) or Section 4 support (refused asylum seekers).

# Section 98 Support – Initial Accommodation (IA)

- IA/section 98 support is temporary emergency support (including accommodation) – this support is referred to as ‘initial accommodation’
- IA is usually provided as full-board accommodation.
- Healthcare is available in Initial Accommodation and is provided by a mixture of male and female nurses. GPs visit Initial Accommodation regularly and their role is to assess the care needs of those who present with physical or mental health problems.
- No one should remain in IA for more than 28 days. Generally people will be dispersed to Section 95 accommodation within three weeks. People are not given a choice regarding where they are dispersed to.

## Section 98 Support – eligibility

- Only people who have claimed asylum and have an *outstanding* asylum claim or appeal are eligible for IA
- Those whose initial claim for asylum was refused, but who later submitted ‘further representations’/a fresh asylum claim are not eligible
- People must meet the ‘destitution test’
- You can claim before you apply for section 95 support, *or*
  - after you apply for section 95 support but while you are still waiting for a decision on your section 95 support claim



# Destitution

The test for destitution is set out in s.95(3) of the 1999 Act:-

... a person is destitute if:

- (a) he does not have adequate accommodation or any means of obtaining it (whether or not his other essential living needs are met); or
- (b) he has adequate accommodation or the means of obtaining it, but cannot meet his other essential living needs

# How to claim Section 98 support – IA

Applicants can make a request for Section 98 support (Initial Accommodation):

- When calling the ASU (Asylum Screening Unit, Croydon) to make an appointment to claim asylum, (this will prompt an urgent appointment at the ASU with a view to providing IA after the person has claimed asylum, rather than IA itself)
- Directly after claiming asylum at the ASU (Asylum Screening Unit, Croydon) or at Port
- Later, by making a request via Migrant Help or another asylum support agency
- If already on Section 95 support, or awaiting Section 95 support (following submission of an ASF1), later due to a change of circumstances

# Decisions

- HO policy says that decisions on requests for s.98 support should be made *'before the end of the working day on which the application is received'*.
- In practice, applications need to be made before 3pm, to get a same day (not necessarily within office hours) response, unless there are exceptional circumstances.
- The asylum-seeker will be picked up by the HO's contractors at the referrer's office, or, if necessary, at another public building such as a police station, council office or library.

# Refusal of section 98 support

- Person must be given a written reason for the refusal
- No right of appeal to the Asylum Support Tribunal
- Can request a reconsideration or challenge by Judicial Review
- Can re-apply

# Section 95 support

Section 95 support is 'ordinary' or 'usual' NASS support, and is generally referred to simply as 'NASS support'.

- NASS stands for: the National Asylum Support Service. The National Asylum Support Service no longer exists as a department, but the support provided by UKVI is still commonly referred to as 'NASS' support, although officially it is termed 'asylum support' or 'section 95 support'.
- Under Section 95 of the Immigration and Asylum Act 1999 UKVI may provide support to asylum seekers and their dependants who are *destitute or likely to become destitute within 14 days.*

# Types of section 95 support

There are three possible variations of Section 95 support:

## **Both (subsistence support and accommodation)**

This is the most common type of Section 95 support and the easiest to obtain.

## **Subs only**

People can apply for 'subsistence only' support if they wish to live with friends or family, but their friends/family are unable to support them financially.

Section 55 decisions

## **Accommodation only**

People very rarely apply for this type of support.

# Eligibility criteria

In order to access Section 95 support applicants must prove that they are destitute (or likely to become destitute within 14 days) and that they have an outstanding asylum claim or an on-going appeal.

People who have submitted further representations (a fresh asylum claim) after their initial claim for asylum was refused are not eligible for Section 95 support.

# Applying for section 95 support: ASF1 Applications

- There is a single application form for applying for Section 95 support ('both' and 'subs only') and for Section 4 support from UKVI. It is called an ASF1, (Asylum Support Form 1)
- Migrant Help have the government contract to support people to apply for asylum support.



## Section 95 support amounts per week:

- The level of cash support provided is a fixed rate which is significantly lower than income support levels.
- This is currently £40.85 per week per person
- Adults and children receive the same.
- Support is provided through a debit card called the ASPEN card.
- An ASPEN card is a debit card which can be used to withdraw cash from an ATM and can also be used as a payment card in selected shops.
- Any extra payments are loaded onto the ASPEN card

# Section 4 support

- Section 4 of the Immigration and Asylum Act 1999 allows UKVI to provide full-board accommodation outside of London to destitute asylum seekers who have exhausted all their appeal rights but are unable to return home.
- There is no 'subs only' option in relation to Section 4 support.
- This is because Section 4 support is modelled on full-board accommodation and there is no provision within the legislation for support to be provided independently of accommodation.
- If you do not live in Section 4 accommodation, support will be terminated.
- Can present real problems in 'split-family' situations.

# Section 4 support: Aspen cards

- Section 4 support consists of shared accommodation allocated on a no-choice basis and an 'Aspen Card' which is automatically topped-up with £40.85 per week that can be used in major supermarkets to purchase food, clothing and other essential items.
- ASPEN cards for section 4 support *cannot be used to withdraw money* using ATM machines.

# Section 4 support criteria

1) The applicant's asylum claim has been refused and any appeal dismissed. The applicant has become Appeal Rights Exhausted (ARE).

2) He/she is destitute (or likely to become destitute within 14 days) and has no other means of support (e.g. friends/family, charitable organisations).

***Plus the applicant meets at least one of the following criteria:...***

## Section 4 support criteria

1. they are taking all reasonable steps to leave the UK or facilitate their departure – reg 3(2)(a);
2. they are unable to leave the UK due to a physical impediment to travel or for some other medical reason – reg 3(2)(b);
3. that in the opinion of the Secretary of State there is no viable route of return to their country of origin – reg 3(2)(c);
4. they have been granted permission to proceed with an application for judicial review of the decision on their asylum claim – reg 3(2)(d);
5. the provision of support is necessary to avoid breaching their human rights – reg 3(2)(e).

1: they are taking all reasonable steps to leave the UK or facilitate their departure – reg 3(2)(a);

- **The person is taking all reasonable steps to leave the UK**, such as completion of an application to return to their country of origin voluntarily
- Applicants must show they are taking all reasonable steps to leave the UK. They must demonstrate a proactive approach, and continue to do so if support is granted. Whether or not a particular step is objectively reasonable depends on the applicant's circumstances.
- Refused asylum-seekers should be advised that making an application to return voluntarily could negatively impact on any future fresh asylum claim

2. they are unable to leave the UK due to a physical impediment to travel or for some other medical reason – reg 3(2)(b);

- If someone wishes to apply by reason of illness, they will need to have a GP or other medical practitioner complete and sign the separate '*Section 4 Medical Declaration*', stating that in their view the person is too ill to get onto an airplane. This is a very high test.
- This is usually only successful if people have an active, contagious illness, such as TB.
- UKVI's own doctors/medical experts will usually dispute any Medical Declarations submitted. Most cases will be refused by UKVI and will need to be appealed and taken to a Tribunal.
- Women applying on the grounds of pregnancy can usually only apply after they are 34 weeks pregnant (7 months). However, from 28 weeks onwards, airlines require a 'fitness to fly' certificate if there has been anything unusual in the pregnancy.
- The Home Office provides medical practitioners with a fee for completing a Medical Declaration

3. that in the opinion of the Secretary of State there is no viable route of return to their country of origin – reg 3(2)(c);

- This is something that will be decided by the Home Secretary.
- The Home Secretary has not ruled that there is ‘no viable route of return’ anywhere in the world since the beginning of the Iraq war in 2003.
- *Currently this criterion does not apply to any country on earth.*



4. they have been granted permission to proceed with an application for judicial review of the decision on their asylum claim – reg 3(2)(d);

- This will usually be in the case of the applicant's further representations/fresh claim for asylum being refused by UKVI and then appealed by the client, by way of Judicial Review, to the High Court.
- Although the legislation reads that a person must have been 'granted permission to proceed' with the Judicial Review by the High Court, in practice after a JR has been submitted to the High Court, the applicant should become eligible for Section 4 support.
- This is because it can take the High Court some time, (weeks, sometimes months) to decide whether or not to grant permission to proceed. Case law has ruled that it is a breach of ECHR Article 3 to force the applicant into destitution during this period, as the delay is not of their making and is beyond their control.

5. the provision of support is necessary to avoid breaching their human rights – reg 3(2)(e).

This criterion is usually applied in cases where:

- A person has submitted further representations (a fresh asylum claim) and is waiting for UKVI to make a decision to grant or to refuse them.
- Case law has ruled that there is no requirement for further submissions to be protection-based
- A person is unable to return home, even though they are willing. This will apply to many Eritrean and to most Palestinian clients. It is however very difficult to get support in these circumstances if the person is unwilling to submit a voluntary returns application (see above, criterion 1).

5. the provision of support is necessary to avoid breaching their human rights – reg 3(2)(e).

- Support must be provided if otherwise a person's rights under the European Convention of Human Rights (ECHR) would be breached.
- Article 3 states *'no one shall be subjected to torture or to inhuman or degrading treatment or punishment'*.
- The courts have found that denying support to asylum-seekers whose claims are outstanding, given that they are not allowed to work and would be faced with street homelessness, constitutes 'inhuman and degrading treatment', in breach of Article 3.

## Asylum support and support under section 17 of the Children Act 1989:

- If a family are eligible for or are receiving support from the Home Office under section 95, then section 122 of the Immigration and Asylum Act 1999 prevents the local authority from providing financial support and/or accommodation to a child under section 17 Children Act 1989.
- If the family are eligible for section 4 support, a local authority can only refuse support under section 17 of the Children Act if section 4 support is 'available and adequate'. The local authority must have confirmation from the Home Office that section 4 support will be provided and *must be able to demonstrate that the support will meet the child's assessed needs, although the courts have suggested that it is unlikely that section 4 support would be sufficient to meet a child's needs.*
- Even when a family is eligible for section 95 support or section 4 support, the local authority may still have duty to provide short-term support and accommodation until asylum support commences.

# Home Office Accommodation

- Home Office accommodation, (particularly in relation to Section 95 support) is generally referred to as 'Dispersal Accommodation'.
- It is provided in the same way and within the same properties regardless of whether someone is in receipt of Section 95 support or Section 4 support.
- People in Home Office accommodation are licensees not tenants – do not have full tenancy rights

# Home Office Accommodation

- Single people allocated NASS accommodation will usually be given a room in a shared, single-sex house. In certain dispersal areas they will be given a shared room in a shared single-sex house.
- Single women with one child will usually be housed in a shared house with other single women with a child.
- Couples, families, single fathers with children/a child and single mothers with more than one child will usually be housed independently in a flat or house and will not be in shared accommodation.
- The accommodation providers will provide furniture, bedding and basic kitchen equipment and must ensure that the accommodation is in a good state of repair.
- All utilities and council tax are paid for directly by the accommodation provider.
- They are also responsible for helping people to access a local doctor and schools (only in relation to minor children, not adult education/ESOL).

# Dispersal: No-choice basis and Failure to Travel

## **ALL NASS accommodation is allocated on a 'no-choice' basis**

Applicants can ask to be housed in a particular area and give reasons for this, but there is no guarantee that their request will be granted

People can be sent to any 'dispersal city' in the UK

If the accommodation offered is refused by the applicant, the application for support is closed. No alternative accommodation is offered and the applicant becomes: Failure To Travel (FTT)

There is no right of appeal against FTT

A further application for support can be made, but the initial refusal of accommodation will be taken into account when assessing if the applicant is 'destitute'

# Discontinuation of support

UKVI may discontinue asylum support for various reasons such as:

- **Section 95 support:** asylum claim rejected and all appeal rights exhausted (while a person still has an outstanding appeal, support should continue)
- **Section 4 support:** criteria under which the person applied for support are no longer met.
- **Section 95 and Section 4:**
  - grant of status/Leave to Remain
  - change of individual's circumstances
  - breach of terms and conditions of asylum support
- How much notice someone is given regarding termination of their support depends on the type of support they are receiving and the reason for the termination
- ***For existing claimants with children under the age of 18, support should continue even after an asylum claim has been refused. This applies to both Section 4 and Section 95 support claims.***



# Discontinuation of support: notice periods

Notice should always be given as follows:

- 28 days notice following a grant of status if in receipt of Section 95 support
- 21 days notice if Section 95 support terminated for any other reason
- 14 days notice of for those in receipt of Section 4 support regardless of the reason for the termination

***For existing claimants with children under the age of 18, support should continue even after an asylum claim has been refused. This applies to both Section 4 and Section 95 support claims.***

# Asylum Support Appeals

People can submit an appeal to the First-Tier Tribunal Asylum Support against:

- A refusal to grant Section 95 support (though not if the refusal is based on a Section 55 decision)
- A refusal to grant Section 4 support (though not if the refusal is based on a Section 55 decision)
- Termination of Section 95 support (but not on the basis of a person being ARE – Appeal Rights Exhausted)
- Termination of Section 4 support

# The No Woman Turned Away project

The No Woman Turned Away project is here to support you with cases involving service users who are struggling to find safe accommodation and you feel you have exhausted all other avenues. The service is for women who have additional barriers to accessing refuge.

This may include (this list is not exhaustive):

- Women with drug or alcohol dependency support needs
- Women with mental health support needs
- Women who have been evicted previously from a refuge
- Women with no recourse to public funds
- Women with a history of violence or arson, or a conviction
- Women with language or cultural barriers
- Women with disabilities
- Women with male children over 14 years old
- Women with large families
- Women from Gypsy and Travelling communities
- Women who are unable to seek spaces beyond a limited geographical area (for example, because of ongoing health treatment, children in special schools etc.)
- Women with limited/no phone credit
- Women who may not be able to safely contact refuges due to control and surveillance

# Research findings

## Nowhere to Turn report

34.2% (63) of the 184 women who started and finished being supported by the NWTa project between 1<sup>st</sup> January 2021 and 31<sup>st</sup> December 2021 were referred on the basis of NRPF. This was the second biggest reason for referral into the NWTa project.

## Annual Audit

During 2020 - 2021 only 6.3% of all vacancies listed during 2020-21 could consider women who were not eligible to access public funds. In many cases this is also conditional on another agency, such as social services, guaranteeing funding to cover her stay. (Annual Audit 2022, page 35).

# Asylum support policy guidance: domestic abuse

The Home Office have guidance relating to asylum seekers who experience DA

The guidance applies to survivors who are already in receipt of asylum support and to asylum seekers who are entitled to asylum support (but not currently receiving it)

It applies to both asylum seekers and refused asylum seekers (as long as the person has an entitlement to support)

It applies to dependents of asylum seekers who are receiving asylum support as a dependent on their family member's asylum support claim

Domestic abuse: responding to reports of domestic abuse from asylum seekers (updated 21 January 2022):

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1049475/Asylum\\_support\\_domestic\\_abuse.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1049475/Asylum_support_domestic_abuse.pdf)

***The Home Office must act in accordance with any published policy***

**women's aid**  
until women & children are safe

# Domestic Abuse Policy: intention

The Home Office state that the objective of the policy is to ***respond as quickly as possible*** to reports from persons who are victims of domestic abuse to ensure that:

1. they are not put at further risk of domestic abuse by providing safe alternative accommodation away from the perpetrator
2. the appropriate support is provided for the victim and their children, which includes ***listening to their views*** on this and referring and or signposting to appropriate services, making sure they are aware of their options and do not have to stay in an abusive relationship
3. we provide reassurance that they can claim asylum in their own right if they were previously the dependant of an abusive partner and that any information they provide will be treated in confidence (subject to safeguarding duties)

***The Home Office must act in accordance with any published policy***

## DA policy: women *currently receiving* asylum support

Key principles and actions that all **caseworkers, Home Office accommodation providers** (including any sub-contractors) and **Migrant Help UK**, must take if a report of domestic abuse is disclosed to them.

- Believe the victim and do not ask for evidence of the abuse (at initial stage)
- Set up and follow safe ways of communicating with the victim
- *Immediately* offer the person and their children safe alternative accommodation and transfer them to that accommodation without delay
- If the victim wishes to remain in her current accommodation, consideration must be given to relocating the perpetrator
- ***There is no need for accommodation providers to obtain prior Home Office consent to transfer the victim and their children to alternative accommodation***

## DA policy: women *currently receiving* asylum support

- the victim should be supported to make a report to the police, *should she wish to do so*
- any reports of domestic abuse must be treated in confidence and usually only disclosed to the police, social services or health services with the *victim's informed consent*
- the victim's consent to make a child protection referral to social services should be obtained wherever possible
- ***the victim must be referred to a specialist organisation for assessment and supported by a domestic violence specialist***
- safe alternative accommodation must be suitable for the individuals concerned, including children. For example, it may need to be within close proximity of specialist support services which might include independent domestic violence advocates (IDVAs)
- ***The Home Office and accommodation provider must take into consideration and act on the recommendations made by the specialist organisation, including in relation to safe alternative accommodation***



## DA policy: women eligible for but *not currently in receipt* of asylum support/accommodation

The same principle applies to these cases regarding the need to identify safe alternative accommodation urgently as apply to cases where the person is already accommodated by the Home Office when they become a victim of domestic abuse.

Additionally:

- once it has been established that the victim is an asylum seeker ***it is usually unnecessary to make detailed enquiries to establish their destitution or require a full application for section 95 support at the initial stage***
- where a person's continued occupation of accommodation will lead to a risk of domestic abuse, that occupation is not adequate, and the person will in all normal circumstances be eligible for accommodation under section 98 of the Immigration Act 1999 pending any further enquiries about their eligibility to receive section 95 support
- ***initial accommodation may not be suitable for victims of abuse*** and should therefore only be used as an emergency, last resort measure if no other suitable accommodation is available
- ***section 98 support may be provided through the provision of refuge accommodation***

DA policy: women eligible for but *not currently in receipt* of asylum support

- ***a formal application for section 95 support may be requested at a later stage, but under no circumstances must a victim be required to seek evidence relating to their destitution at this stage***
- at no stage will it be appropriate for a victim to be required to seek destitution evidence from a perpetrator
- if the victim is a failed asylum seeker and not therefore eligible to receive support under section 95 or 98 they may nonetheless be eligible to receive accommodation under section 4(2), which may also be provided in a refuge, or through the provision of initial accommodation as a last resort in an emergency situation

# DA Policy – dependents of asylum seekers

## **Asylum support**

- Women who are dependants on their partner's/the perpetrator's asylum support claim should be offered safe alternative accommodation as an initial priority.
- Women should then be supported to complete a separate section 95 application for themselves and any children who remain in their household.
- A woman will 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.

## **Asylum claim**

- If a woman is a dependent on her partner's asylum support claim, she is likely to also be a dependent on his asylum claim
- Women should be informed that they can access immigration advice
- Some women may decide to make an asylum claim in their own right

# DA policy: Dispersal

Dispersal is only mentioned twice in the DA policy:

1. *“Accommodation will be on a no choice basis, but any particular needs should be ascertained and passed on, including any locational needs for safety or support (consult specialist domestic abuse advisor as appropriate).”*
2. *“The Home Office is not permitted to take into account where an asylum seeker chooses to live. However, where there is a report of domestic abuse, the accommodation provider must consult with the victim as to whether the location of any alternative accommodation offered is somewhere where they would feel safe from reprisals and potential further incidences of abuse from the perpetrator. This could be in another region but could also be somewhere in their current region.”*

It is unclear how much choice survivors will be given in relation to where they are accommodated. However, survivors should voice their preferences and give reasons for these. They should be clear about risk and support needs.

DA services can also highlight risk factors/areas and support needs.

Who are the main agencies involved?

# DA policy: Accommodation Provider's duties

## Can do

- Offer alternative safe accommodation for the victim and any children *immediately*.
- Take all reasonable steps to place the person in a location that is not known to the perpetrator.
- Where a move is required urgently this can take place without prior authorisation from the Home Office.
- In situations where the move is not urgent other agencies and the Home Office must be involved as soon as possible, including DA services.
- Relocate the perpetrator if the victim chooses to remain in the current address the perpetrator
- Source private accommodation where no other safe accommodation can be identified however this should be possible as they tend to cover large regional areas - this could be in another region but could also be somewhere in their current region.
- 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.

## Can't do

Make decisions on asylum support claims, fund or authorise refuge

Expect or encourage the woman to stay where there is a risk of reprisal and potential further incidences of abuse

# Migrant Help

## Can do

- Assist people to submit asylum support claims
- Assist with on-going asylum support issues e.g. problems with ASPEN card
- Notify the Home Office of a change in circumstances, including reports of any risks to health/ wellbeing such as DA, homelessness and destitution, they will then notify the HO Asylum Safeguarding Hub
- Raise safeguarding concerns with the accommodation provider
- Contact the NDVH to look for refuge
- Refer into a specialist DA service

## Can't do

- Make decisions on asylum support claims - Asylum Support teams at the Home Office are **the only teams which have authority on Asylum Support matters**. Migrant Help will gather all the relevant information and forward it on to the Asylum Support Teams
- Authorise refuge placements
- Make decisions on funding for refuge

# Home Office teams

There are two UKVI teams involved in the refuge funding process:

## **The Safeguarding Hub:**

The Safeguarding Hub is the unit that will be supervising the cases from the UKVI end, and will need to authorise individual refuge placements. They will issue payment contracts and are the first point of contact for refuge providers on welfare matters and when move-on accommodation is needed.

## **The Accommodation Reconciliation Team (ART):**

The Accommodation Reconciliation Team (ART) administer payments. ART will 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.



# Home Office teams

## The Asylum Safeguarding Hub

### Can do

- Process, oversee and respond to safeguarding reports
- Liaise with other Home Office departments more closely
- Authorise refuge by liaising directly with the refuge provider and subsequently produce a refuge booking letter which confirms that the HO will meet the cost of the refuge placement.
- Alter the reporting requirements of the victim to ensure she does not report on the same day as her perpetrator
- Attend case conferences and ensure 'effective partnership working with specialist DA workers'
- Assist with move on

### Can't do

- Make decisions on asylum support claims - Asylum Support teams at the Home Office are **the only teams which have authority on Asylum Support matters**. Migrant Help will gather all the relevant information and forward it on to the Asylum Support Teams
- Make payments to refuge

## The Accommodation Reconciliation Team (ART)

### Can do

- Receive invoices from refuge and process payments
- Set refuge providers up as suppliers on the Home Office system (this will not need to be repeated for subsequent placements).

### Can't do

- Authorise refuge placements/funding for refuge

# DA policy – refuge accommodation

- If the survivor is eligible for section 95 or section 98 support, she can be accommodated in refuge accommodation
- If the survivor is eligible for section 4 support, she can be accommodated in refuge accommodation
- If a refuge space is available and the woman chooses to access the placement, *her decision should be supported by all stakeholders*
- The refuge provider and the Home Office Safeguarding Hub need to be put in direct contact to allow for the placement to be authorised

# DA Policy – use of initial accommodation

- The Home Office guidance says using initial accommodation to house survivors of domestic abuse is likely to be unsuitable
- IA accommodation is not secure and the addresses and locations of IA hotels are generally known
- IA should only be used in an *'emergency, last resort measure if no other suitable accommodation is available.'*
- This principle applies equally to women who are eligible for accommodation under s4 or s98

# Refuge funding mechanism: amounts

- The Home Office will pay whatever rate/rent you would usually receive for a placement via Housing Benefit, Local Authority payments under section 17 on the Children Act, or other funding.
- In addition they will pay an extra £80 per week to help to cover additional costs that you may incur by supporting an asylum seeking survivor (additional time, interpreter costs, etc.)
- The woman will still receive an ASPEN card which will be loaded with the standard asylum support rates for her and any children as she would in Home Office accommodation

# Refuge funding mechanism: process

- 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 system.
- 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.
- 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.

# Home Office pro-forma letter



Home Office

Resettlement, Asylum Support & Integration  
Directorate  
1st Floor  
The Capital Building  
Liverpool  
L3 9PP

Tel  
Web [www.gov.uk/uk-visas-immigration](http://www.gov.uk/uk-visas-immigration)

PO Box 1359  
PRESTON

Our Ref

Date

Dear

This is to confirm our agreement to fund refuge accommodation from [] 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 [enter amount here] 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 [enter amount here] 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.

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.

# Common issues for DA services and refuge providers

- Refuge provider doubts around:
  - (a) Funding
  - (b) Move-on
- Uncertainty around which agency to inform

# Case Study

- Muna was referred into the No Woman Turned Away project by a refuge provider who were at full capacity and had to turn her away.
- Muna fled immediately following a DA incident with her 1 year old baby. Children's Services were made aware and she was told to claim asylum by her social worker. She received no support with an asylum support claim, nor was she signposted to any immigration advice.
- At the time of referral, Muna was in initial accommodation (s98).
- Muna was rejected by 6 refuges in total. There were mixed reasons for rejection: (a) Unable to support needs around language (b) Unable to accommodate woman with no recourse, (c) refuge did not want to take the risk as they would struggle to move her on.
- When the NWTAs practitioner spoke with one particular refuge provider, they said they had recently moved an asylum seeking woman on after 2 years and so 'cannot accept it due to immigration support needs/lack of movement around asylum'.
- Muna was willing to go to any refuge but she was struggling to secure a space.
- Muna eventually found a refuge space and the Home Office Asylum Safeguarding Hub agreed to fund it.
- When Muna arrived at refuge, she had no ASPEN card with her. She had no means of accessing food and the refuge provider said they had run out of petty cash.



# Routes to Support

If you have a refuge place:

- It is always helpful to add notes to any vacancy to make it as clear as possible whether a woman with NRPF would be considered. Examples include:
- *'Able to accept women without funding in place'*
- *'Able to accept women with external/third party funding in place'* specify: social services, Home Office, other funding such as Southall Black Sisters No Recourse Fund.

If you are searching for refuge, the easiest way is to simply tick the 'Accept women with no recourse to public funds' box. This will however produce a list of refuges which may be able to consider a woman with NRPF as opposed to refuges who can definitely consider NRPF, resulting in the refuge needing to be contacted prior to referral.

## New Vacancy

Cancel Continue

Enter details about your vacancy.

Do NOT leave the minimum and maximum number of children blank. Enter 0 if there is no minimum. If there is no maximum, enter an ideal number and add a note in "Other information" explaining that you could accept more children if required.

If the room is for a woman and a baby, enter 0 for maximum and tick the "Has cot?" box.

Max number children's bedspaces (not including any cots) \*

Min number of children accepted in bed spaces in this room: \*

If you will accept a single woman in this space please make this "0"

Has cot?

May accept woman with no recourse to public funds?

Shared/Self-contained \*  Shared  Self-contained

Accessibility features  None  
 Full wheelchair access  
 Suitable for a woman with limited mobility  
 Ground floor accommodation

Other information:

# What can happen when we try...

The No Woman Turned Away project supported a woman who disclosed on the Women's Aid Live Chat that she was an asylum seeker experiencing domestic abuse.

With her consent, we liaised with the Home Office Safeguarding Team about her situation to figure out her options including refuge, particularly as she needed somewhere safe to go and wanted to remain in/around the area to continue with her college studies.

On the back of the project alerting the Safeguarding Hub and raising concerns, as well as making a request for location requirements to be taken into consideration and our specialist opinion that this woman required self-contained accommodation due to the trauma and torture she had experienced in her country of origin, they looked into her claim and liaised with other Home Office departments.

The decision was made to expedite her claim as she was in the final stages.

This woman had made her asylum claim almost 5 years ago.

She was granted asylum which means she now has recourse to public funds, and accommodation options are more accessible for her.

This woman has now managed to secure a tenancy and is also working and planning to continue with her college studies in the academic year.

# What can happen when we try...

## What the woman said after support:

*"Thank you so much for all your help so far. I'm still searching for words to describe my thanks to you.*

*You have done a very wonderful job. I do really appreciate your work. Honestly you made my life .*

*I was an asylum seeker when you started to work with me & I was in an abusive relationship. I was an hopeless, jobless, homeless because of my partner. I spoke with you and that's the day you made my life miracle.*

*I only can say because of you & especially you understanding me... what I went through, what's currently happening...*

*I wish your work could reach moon because you deserve a good star"*

# Useful contacts

- [AsylumSafeguarding@homeoffice.gov.uk](mailto:AsylumSafeguarding@homeoffice.gov.uk)

If you have not received a reply to your email and the matter is urgent then you can contact Asylum Safeguarding on 0300 072 4566.

- Migrant Help 24/7 free asylum helpline - 0808 8010 503.
- [outreach@migranthelpuk.org](mailto:outreach@migranthelpuk.org) - To request urgent assistance from Migrant Helps outreach team for service users who have additional needs, are at risk or you feel are unable to use our helpline, webchat or raise an issue.
- [Escalations@migranthelpuk.org](mailto:Escalations@migranthelpuk.org) - Can be used to escalate Advice and Guidance / Eligibility enquires and also to raise any safeguarding concerns.
- No Woman Turned Away project at Women's Aid – [nwta@womensaid.org.uk](mailto:nwta@womensaid.org.uk) / 0117 938 7128. Further information available on [Routes to Support](#)

# Steps you can take: woman is *currently receiving asylum support*

## **If you have a free refuge place:**

1. Contact the woman's accommodation manager/help her to contact her accommodation manager and inform them of the DA (in most cases the woman will have the contact details for her house manager). The accommodation provider/house manager has a duty to move her to safe alternative accommodation immediately and can do so without needing to consult the Home Office, *and*
2. Contact the Home Office Safeguarding Hub directly to set up a payment agreement with them, *or*
3. Contact No Women Turned Away if you would like help/advice/support liaising with the Home Office Safeguarding hub

## **If you do not have a free refuge place and need to find one for her:**

1. Contact the woman's accommodation manager/help her to contact her accommodation manager and inform them of the DA. They have a duty to move her to safe alternative accommodation immediately and can do so without needing to consult the Home Office, *and*
2. Contact No Women Turned Away who will work with the woman to find a refuge placement, *or*
3. Contact Migrant Help at [escalations@migranthelpuk.org](mailto:escalations@migranthelpuk.org) who will help the woman to contact the national DA helpline to search for a refuge placement

Steps you can take: woman is currently receiving asylum support as a *dependent of her partner's asylum support claim*

**As previous, regarding refuge placement and funding, plus:**

1. If the woman is a dependent on her partner's asylum claim as well as his asylum support claim, she will need immigration advice. She may decide to claim asylum in her own right.
2. Refer her to a solicitor with a legal aid immigration contract.
3. Call Rights of Women's free Immigration Helpline (for one-off advice. They will not be able to represent her in a asylum claim, but they can give advice on immigration options)

## Steps you can take: woman is *not currently receiving asylum support* but is eligible for asylum support

### **Check eligibility for support if you are not sure:**

1. Call the Asylum Support Appeals Project (ASAP) to check that she is eligible for support if you are not sure
2. Call Migrant Help to check that she is eligible for support if you are not sure

### **If you have a free refuge place:**

1. Contact the Home Office Safeguarding Hub directly to set up a payment agreement with them, *or*
2. Contact No Women Turned Away if you would like help/advice/support liaising with the Home Office Safeguarding hub, *or*
3. Contact Migrant Help and:
  1. Advise them that the woman is a survivor of DA
  2. Advise them that the woman needs refuge accommodation
  3. Advise them that you can offer a refuge placement
  4. Ask that they request that the Home Office accommodate her in refuge immediately, as per the Home Office guidance (even if she has not yet made an asylum support claim, or she has made an asylum support claim but it has not yet been processed)

Steps you can take: woman is *not currently receiving asylum support* but is eligible for asylum support

**If you do not have a free refuge place and need to find one for her:**

1. Contact No Women Turned Away who will work with the woman to find a refuge placement, *or*
2. Contact Migrant Help and:
  1. Advise them that the woman is a survivor of DA
  2. Advise them that the woman needs refuge accommodation
  3. Ask that they request that the Home Office accommodate her in refuge immediately, as per the Home Office guidance (even if she has not yet made an asylum support claim, or she has made an asylum support claim but it has not yet been processed)