



**Project 17**  
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The Migrant Victims of Domestic Abuse Concession (MVDAC)

**Please note that it is a criminal offence to give immigration advice in the course of business (whether for profit or not) if you are not regulated by an appropriate body such the Office of Immigration Services Commission or the Solicitors Regulation Authority. If you have a client who requires immigration advice and you are not a registered immigration adviser, you should refer them for external advice. Project 17 does not provide immigration advice.**

**This factsheet aims to explain when a person who is applying under the MVDAC may need to access section 17 support.**

The Migrant Victims of Domestic Abuse Concession (MVDAC) enables some survivors to access public funds for a three-month period. Some survivors will be able to apply for ILR during this period—under the domestic violence rule (see below)—and some will not.

The MVDAC lasts for three months and replaces the applicant's previous leave. During this three-month period, the person can access public funds (e.g. make a homelessness application or go into a refuge; apply for Universal Credit etc).

In early 2024, the Home Office expanded the scope of the Concession to include survivors of domestic abuse who have, or last had, a visa as the dependent partner of a worker or student. Previously the concession was only available to survivors who had leave to remain as a partner/spouse. The scope of the MVDAC has also been widened to include survivors of domestic abuse that have status under the EUSS (pre-settled status as the spouse, civil partner or unmarried partner of an EU citizen/British citizen who sponsored them under the EUSS). The new MVDAC allows applicants to include their dependent children in the application.

While the MVDAC will grant a three months visa to dependents of workers/students enabling them to access benefits/housing assistance for this time, **they will not be**

**eligible to apply for settlement as a victim of domestic abuse under the domestic violence rule.**

Project 17 does have some concerns regarding the extension of the MVDAC—namely that survivors who are dependents on student/work visas will likely be asked to leave the UK after having accessed three months of public funds, because they will not be able to apply for ILR under the DV rule. You can read more about it here: [rightsofwomen.org.uk/get-advice/immigration-asylum-law-information/](https://rightsofwomen.org.uk/get-advice/immigration-asylum-law-information/)

### **The domestic violence rule**

The domestic violence rule<sup>1</sup> applies in the following circumstances:

- A person is admitted to the UK, or given an extension of stay as a spouse/civil partner/unmarried partner/same sex partner of a British citizen or someone present and settled in the UK (NRPF is a condition of these visas) **and**
- The relationship was subsisting at the time the visa was issued; and
- The relationship permanently breaks down as a result of domestic violence (note that the government's definition of domestic abuse includes coercive and controlling behaviour, and economic abuse<sup>2</sup>).

If the person meets the above conditions, they may qualify for indefinite leave to remain<sup>3</sup>.

NB: The domestic violence rule only applies to those on partner visas and not those on other types of visas. The justification given for this is that the partner visa can lead to indefinite leave to remain, whereas the other routes are temporary and migrants are therefore expected to leave when their visa expires.

If the applicant does not apply for ILR under the domestic violence rule during this three-month period (either because they are not eligible to do so, or because they are eligible but don't apply for another reason), the leave will come to an end and they will have no leave to remain.

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<sup>1</sup> See rule 289A of the Immigration Rules

<sup>2</sup> <https://survivingeconomicabuse.org/i-need-help/understanding-economic-abuse/overview/>

<sup>3</sup> See rule 289B of the Immigration Rules

If an eligible applicant submits an application for ILR during the three-month period, the conditions of the MVDAC continue until the Home Office has made a decision on the ILR application<sup>4</sup>.

### **The MVDAC and local authority support**

Survivors of domestic violence may need time to access immigration advice about their eligibility to make a MVDAC application. Although the MVDAC will enable applicants to claim welfare benefits and access social housing, it may take a few days or weeks for the application to be processed. The Home Office target for processing MVDAC applications is five days.

While a potential MVDAC applicant is seeking immigration advice, submitting an application, and awaiting a decision, the local authority may have a duty to support the applicant and any children under section 17 of the Children Act 1989. The usual assessment criteria apply when accessing this support.

Support may include:

- Temporary housing until the MVDAC application has been processed and the applicant is able to make a homelessness application or access a refuge.
- Financial support until the applicant is in receipt of benefits. This may take longer than simply receiving the MVDAC leave to remain as benefit applications can take a long time to process, particularly as the person will not have claimed benefits before. Delays are especially likely if the claimant needs to apply for a National Insurance number.

Survivors of domestic violence with NRPF who are not in the UK on the basis of a partner visa (and therefore are ineligible for applying for ILR after being granted the MVDAC) may be able to access financial or other support from charities including Southall Black Sisters<sup>5</sup> (London), the Angelou Centre (Newcastle) and Safety4Sisters (Manchester), which operate specific services for women with NRPF who have experienced domestic abuse. Southall Black Sisters have a 'No Recourse Fund' which can contribute to rent and subsistence for a limited time. It is a 'last resort' fund which means that all other entitlements to cover rent and subsistence must be pursued,

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<sup>4</sup> See section 3C of the Immigration Act 1971

<sup>5</sup> <https://southallblacksisters.org.uk/no-recourse-fund/>

including where relevant, the MVDAC and social services support. You can contact Southall Black Sisters directly to find out about criteria for eligibility and how to apply.