



Destitution Domestic Violence Concession

The Destitution Domestic Violence Concession enables those who might be able to apply for leave to remain under the Domestic Violence Rule access to public funds while they submit their application.

The **Domestic Violence Rule**¹ 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

If the person meets the above conditions they may qualify for indefinite leave to remain².

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.

Destitution Domestic Violence Concession (DDVC) allows people who may be eligible to apply for ILR under the Domestic Violence Rule to access public funds whilst they make their application, if they can meet the basic initial test for domestic violence and destitution.

The DDVC lasts for three months, and replaces the applicant's previous leave as a spouse/civil partner etc. During this three month period, the person can access public funds (e.g. make a homelessness application or go into a refuge; apply for JSA etc).

If the applicant does not apply for ILR under the domestic violence rule during this three month period, the leave will come to an end and they will have no leave to remain.

If the applicant submits an application for ILR during the three month period, the conditions of the DDVC continue until the Home Office has made a decision on the ILR application³.

¹ See rule 289A of the Immigration Rules

² See rule 289B of the Immigration Rules

³ See section 3C of the Immigration Act 1971

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 as 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.

The DDVC and local authority support:

Although the DDVC 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 DDVC applications is five days.

During this time, the local authority may have a duty to support the applicant (and any children) under section 17 of the Children Act 1989 or section 21 of the National Assistance Act 1948. The usual assessment criteria apply when accessing this support.

Support may include:

- Temporary housing until the DDVC 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 DDVC 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.