



Home Office

Domestic Abuse Commissioner's 'Safety Before Status' report

Government Response

January 2022



© Crown copyright 2022

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.uk/government/publications/response-to-the-safety-before-status-report

Any enquiries regarding this publication should be sent to us at domesticabuseenquiries@homeoffice.gov.uk

Contents

Introduction	1
Response to Recommendations	2

Introduction

The Home Office thanks the Domestic Abuse Commissioner for this report.

The Home Office is grateful to the Domestic Abuse Commissioner (DAC) for publishing the [‘Safety Before Status’](#) report and the efforts that the Commissioner’s team and external partners have gone to in researching this issue. We would also like to highlight the specific contributions from the University of Suffolk and the Angelou Centre and their detailed research contributions to this report.

The Home Office would also like to acknowledge the bravery of those domestic abuse victims and survivors who have shared their experiences in the ‘Safety Before Status’ report and at the Commissioner's launch event. We are sincerely grateful for your contributions.

The ‘Safety Before Status’ report touches on a number of wide-ranging issues. We will seek to engage further with the Commissioner’s office and departments across government on these. This response focuses on the specific recommendations made in the report.

We have already begun to take forward work that stems from some of the recommendations made in this report. The Department has accepted or partially accepted 11 recommendations. Five of the recommendations have not been accepted. Going forward, we will also take into consideration the findings of the upcoming research that the DAC is commissioning into migrant victims of domestic abuse.

Response to Recommendations

In the Autumn Spending Review, the Government should provide:

1. £18.7 million over three years to be distributed across all UK local authorities to ensure that victims and survivors with NRPF can access safe accommodation and subsistence. This should be accompanied by clear guidance to local authorities that specifies that, where support is available, victims and survivors should be signposted to specialist by and for services in their area.

Response

Not accepted

- 1.1 We understand that access to safe accommodation and subsistence can be a vital lifeline for many victims of domestic abuse, including those with No Recourse to Public Funds (NRPF). One of the key aims of the Support for Migrant Victims (SMV) pilot scheme is to establish the evidence base to inform long-term decisions with regards to policy and funding. This includes establishing a clearer picture of the volume of migrant victims with NRPF who require accommodation and subsistence. Furthermore, Spending Review allocations have not yet been determined and therefore we are not in a position to commit to long-term specific funding at this stage. Funding commitments will be informed by findings from the SMV pilot.
 - 1.2 We already offer support to migrant victims of domestic abuse in the UK as ‘a partner’ under the family Immigration Rules, through our Destitute Domestic Violence Concession, which provides leave that enables individuals to access public funds for three months which can be used to fund safe accommodation. These victims can also apply for settlement (Indefinite Leave to Remain) under the Domestic Violence Indefinite Leave to Remain Rules.
 - 1.3 With regards to guidance for local authorities, the draft Domestic Abuse Statutory Guidance Framework clearly states that agencies and professionals should refer victims with insecure immigration status to specialist ‘by and for’ services as best practice.
2. Additional funding should also be provided for wrap-around holistic services and the additional cost of sourcing specialist legal immigration advice to enable victims and survivors of domestic abuse to regularise their immigration status.

Response

Not accepted

- 2.1 With regards to funding, as stated above, we are currently not in a position to make any specific commitments as Spending Review allocations have not yet been determined. However, we will take advantage of any multi-year Spending Review outcome, considering the spend of other government departments, to best fund frontline victim support, including services for migrant victims of domestic abuse and 'by and for' services.
- 2.2 We understand that for migrant victims of domestic abuse, specialist legal advice can be key in enabling them to regularise their immigration status. This can be obtained through legal aid, with victims of domestic abuse being eligible for legal aid, subject to the means, merits and evidence requirements. The Government is carrying out a review of the means test for legal aid which will consider the experiences of victims of domestic abuse, as well as the implications of the new definition of economic abuse included in the Domestic Abuse Act 2021. The review will also look at the capital thresholds for victims of domestic abuse, which will include considering how assets (including property) are assessed. We plan to publish the means test review shortly.
3. £262.9m over three years to be allocated to a dedicated cross-department funding pot to fund specialist 'by and for' services for survivors with protected characteristics including to provide holistic wrap around support to migrant women with NRPF.

Response

Partially accepted

- 3.1 We fully recognise the vital work that 'by and for' services carry out. The Home Office already provides funding to a number of specialist 'by and for' services for victims with protected characteristics, including frontline organisations supporting victims from ethnic minority backgrounds, male victims, disabled victims and elderly victims of domestic abuse.
- 3.2 Furthermore, as part of the new cross-Government Tackling Violence Against Women and Girls (VAWG) Strategy published on 21 July this year, the Home Office will be providing an additional £1.5 million funding this year for 'by and for' service provision and to further increase funding for valuable specialist services for victims of violence against women and girls. This includes increasing the £2 million Specialist Fund (2021-22) launched by the Ministry of Justice with Comic Relief, which will build the capacity of smaller, specialist 'by and for' organisations supporting victims of domestic abuse and sexual violence who are from ethnic minorities, are disabled, or are LGBT. However, we are not in a position to commit to further specific funding at this stage as Spending Review Allocations have not yet been determined.
- 3.3 Both the new VAWG Strategy and the forthcoming Domestic Abuse Strategy will be supported by a revised National Statement of Expectations (NSE) to ensure that there

is a consistent process for commissioning support services across the country. We would also be keen to work with the Domestic Abuse Commissioner on best practice with regards to the commissioning of domestic abuse services, including through using the results of the Commissioner's mapping exercise of support services, which is due to be published in Spring 2022, to identify gaps and better target funding.

In upcoming strategies and future guidance, the Home Office should:

4. Introduce a working definition of Immigration Abuse into all domestic abuse strategy and guidance, including the Domestic Abuse Act Statutory Guidance, and the Controlling and Coercive Behaviour Guidance.

Response

Partially accepted

4.1 Within the draft Domestic Abuse Act Statutory Guidance Framework and the draft Controlling and Coercive Behaviour Guidance, we have included detailed sections on how perpetrators can use a victim's immigration status as a means to exert power and control, making it more difficult for a victim to seek help. Within both sets of draft guidance we have drawn upon the key examples provided by the Domestic Abuse Commissioner in her response to the consultation on the draft Domestic Abuse Act Statutory Guidance. We will shortly be consulting on the updated draft Controlling and Coercive Behaviour Guidance and welcome any further views from the Commissioner's office on this section.

5. Commission the development of an NRPF and Immigration Abuse Toolkit (specific to VAWG) by specialist led 'by and for' VAWG organisation/s, to be made nationally available along with training and guidance.

Response

Partially accepted

5.1 We recognise that there may be gaps in some local areas in how they respond to and support victims of domestic abuse with NRPF. We will consider how best we can equip local areas to increase their awareness and provide a more effective response to these victims, for example through improved communications or strengthening guidance. We would be keen to work with the specialist 'by and for' VAWG organisations to better understand the gaps and how they can be addressed.

6. Work with the Department for Levelling Up, Housing and Communities to equip local authorities with policy direction and guidance to support the development of Regional NRPF Strategy Forums to address gaps in service provision, referral pathways and support for victim-survivors.

Response

Partially accepted

- 6.1 We believe that existing Government guidance, which has been publicly consulted on, contains sufficient information on service provision for specific groups, including migrant victims. DLUHC have given clear policy direction through Statutory Guidance to local authorities as they commission support in safe accommodation, which sets out that commissioned services must reflect the particular needs of all victims in the area. The guidance asks tier one authorities to consider that victims can experience multiple different abusive behaviours because of the way different characteristics – including immigration status - intersect and overlap, and to ensure services are adequately designed to meet those needs.
- 6.2 The DLUHC guidance asks local authorities to work with specialist domestic abuse services and other agencies to assess local needs. Where they believe based on the local needs assessment there to be a low level of need for specialist support for victims with particular needs, they should clearly detail within their strategies how they will ensure appropriate support is available should a victim present with these needs in their area. This could include working collaboratively with neighbouring authorities to agree a joint approach, such as through a regional approach.
- 6.3 Local authorities should also refer to the draft Domestic Abuse Statutory Guidance Framework, which contains more information on support for migrant victims.
- 6.4 However, we recognise that there are further opportunities to amplify the messages above to local authorities. The Government is in the process of updating the NSE and Commissioning Toolkit and will publish refreshed versions of the documents in early 2022. Therefore, as part of this update, we will seek to include further information on how local areas should work in partnership with specialist ‘by and for’ organisations.

The Home Office’s data-sharing review and Code of Practice should:

7. Establish a firewall between the police and the Home Office, alongside safe reporting mechanisms and funded pathways to support and legal advice.

Response

Not accepted.

7.1 We know that migrant victims can face additional challenges when reporting to the police. As discussed in the report, perpetrators often use the victim's immigration status as a means to exert fear or control, threatening that immigration action will be taken against the victim if they report their domestic abuse to the police. It is often the case that no action is taken by Immigration Enforcement following data sharing, however, we know that the fear of immigration action being taken can make victims more reluctant to seek help. We have undertaken a review into the data-sharing arrangements between police and Immigration Enforcement when encountering migrant victims of crime, in response to the super-complaint submitted by Liberty and Southall Black Sisters. The review has concluded that we will not be establishing a firewall, but will seek to implement an Immigration Enforcement Migrant Victims Protocol. Please refer to the review [here](#).

8. This should be extended to all statutory services and partnerships through an amendment to the Victims Bill in 2022.

Response

Not accepted.

8.1 As above, please refer to the findings of the data-sharing review [here](#).

To inform decision making following the Support for Migrant Victims pilot, the Home Office should:

9. Develop a long-term solution with the purpose of ensuring that support and protection is extended to all victims of domestic abuse, regardless of their immigration status on the conclusion of the Support for Migrant Victims (SMV) Pilot.

Response

Accepted

9.1 The purpose of the SMV pilot is to ensure that we have a robust evidence base in order to inform future policy decisions. The outcome of the pilot and the independent evaluation report by Behavioural Insights Ltd will determine the extent and nature of any long-term options, but we are fully committed to ensuring that migrant victims of domestic abuse are supported effectively.

9.2 We also welcome the commissioning of further research by the Domestic Abuse Commissioner's Office which aims to:

- Provide an estimate of the number of victims of domestic abuse with NRPF and what types of leave they hold;

- Provide an estimate of the cost of providing support to those who need it within this group;
- Provide a cost benefit analysis of providing this support.

This research will complement and enhance the data from the SMV pilot to provide further evidence to support decisions on future policy.

10. Publish a clear timetable for the final evaluation and implementation of policy recommendations following the pilot, given that any gap in policy will result in a decline in support for migrant survivors of domestic abuse after the completion of the SMV pilot.

Response

Accepted

10.1 We have been clear that the SMV pilot is due to end on the 31st March 2022. The external evaluators are expected to complete their contract on the 31st August 2022. We anticipate the external evaluators to deliver a report and recommendations for consideration by the Home Office by the end of July 2022. We cannot provide a timeline for when any policy recommendations will be implemented at this time, as this will be heavily dependent on the nature and complexity of any policy decisions that are taken forward. However, we will seek to publish timelines around implementations of any policy change as far as is practicable.

11. Implement robust evaluation and evidence gathering procedures over the course of the SMV pilot to establish the costs of accommodating and supporting migrant victims who are not currently eligible for the DDVC. This should include:

Response

Accepted

11.1 An independent external research contractor has been commissioned, via competitive tender, to complete the process evaluation of the SMV pilot scheme. All research activities undergo quality assurance and clearance processes to ensure the research is robust. This process evaluation includes data collection on those supported through the scheme, including the costs of accommodating and supporting migrant victims.

12. Drawing upon this report's findings as well as future DAC research to ensure that decision making is focused on meeting new information gaps. Given the extent of written evidence gathered through the Home Office's Migrant Victims Review and other

evidence gathering for the Domestic Abuse Act, future work should build on this evidence base rather than duplicating it.

Response

Accepted

12.1 We recognise the value in drawing on new and existing research and evidence to support decision making. In the Home Office we work closely with the analytical community to understand evidence gaps and opportunities to fill them. The research independently commissioned as part of the SMV pilot seeks to fill an important evidence gap on the numbers of migrant victims of domestic abuse with NRPF. Further to this, the process evaluation will provide insight into the delivery of the pilot, the challenges faced and potential improvements.

13. Undertaking an independent Rapid Evidence Assessment (REA) to inform the evaluation and conclusions of the pilot to address concerns regarding transparency and selective bias.

Response

Not Accepted

13.1 We understand the importance of Rapid Evidence Assessments (REA) to support research and evaluations. Where necessary and proportionate the Home Office endeavours to conduct REAs. The SMV pilot and independent evaluation were underpinned by evidence from the Domestic Abuse Bill, the Migrant Victims Review and other available evidence. Given the uniqueness of the population of migrant victims of domestic abuse with NRPF, an independent REA would be disproportionate and not add sufficient value to the evaluation at this stage. We have independently commissioned the evaluation via competitive tender to ensure robust and rigorous research is carried out to inform future policy decisions.

Future Government reviews and evaluations, including the Support for Migrant Victims pilot should:

14. Include a published Terms of Reference, technical appendix on methodology and explanation of the selection of certain types of evidence and weight assigned to the type of evidence provided for transparency.

Response

Partially Accepted

14.1 The Home Office and Other Government Departments are expected to follow central Government Social Research (GSR) codes ([The Government Social Research Code - People and Products - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/442222/The_Government_Social_Research_Code_-_People_and_Products_-_GOV.UK.pdf)) when undertaking and producing social research – including evaluations, as well as following guidance and expected ethical standards when designing and conducting social research on behalf of Government ([GSR Ethical Assurance for Social and Behavioural Research - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/442222/GSR_Ethical_Assurance_for_Social_and_Behavioural_Research_-_GOV.UK.pdf)). This is further supported by the Government Magenta Book ([The Magenta Book - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/442222/The_Magenta_Book_-_GOV.UK.pdf)) which provides official guidance on designing and conducting evaluations. All Home Office research publications are subjected to external peer review prior to publication and follow the GSR publication protocol ([Guidance overview: Government Social Research: Publication protocol - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/442222/Guidance_overview:_Government_Social_Research:_Publication_protocol_-_GOV.UK.pdf)). Publication of Terms of Reference, technical appendix on methodology and explanation on the weight of evidence will be considered on a case by case basis.

15. Create proactive engagement plans with evidence contributors and the Domestic Abuse Commissioner throughout the duration of the project or review.

Response

Accepted

15.1 We have already engaged proactively with the Domestic Abuse Commissioner as part of the SMV pilot and will continue to do so. For future Government evaluations and reviews, we will continue to engage with the appropriate stakeholders and contributors.

16. Include a Rapid Evidence Assessment to support their rigour.

Response

Partially Accepted

16.1 See para 13.1. REAs will be considered on a case by case basis and may not be appropriate to conduct for every Government publication or review.