



Home Office

Destitute domestic violence (DDV) concession

Version 1.0

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About this guidance

This guidance explains the eligibility and criteria for those applying for leave to remain under the destitution domestic violence (DDV) concession.

This concession does not apply to those whose leave was given as partner of a refugee or recipient of humanitarian protection who was not settled at the time of the application.

Appendix FM

The DDV concession only applies to applicants who have previously been granted leave to enter or remain as the:

- spouse
- civil partner
- unmarried or same-sex partner of any of the following:
 - British citizen
 - settled person

To be eligible under the concession, the applicants first grant of leave under [Appendix FM](#) must have been granted under one of the following paragraphs:

- D-ECP.1.1
- D-LTRP.1.1
- D-LTRP.1.2, (other than as a partner of a person in the UK with limited leave)
- D-DVILR.1.2

Partners of HM forces personnel

The concession only applies to applicants who have previously been granted leave to enter or remain as the:

- spouse
- civil partner
- unmarried or same-sex partner of any of the following
 - British citizen
 - settled person
 - member of HM forces who is exempt from immigration control and has served for at least 4 years

The applicant's last grant of leave must have been granted under one of the following paragraphs of the Immigration Rules:

- [paragraph 276AD](#)
- paragraphs 23, 26, 28 or 32 of [Appendix Armed Forces](#)

You must reject an application for the DDV concession, from those whose partner:

- is not at the time of application a British citizen or settled in the UK
- was not at the time when the leave as a partner was first granted, a British citizen or settled in the UK
- is not a serving member of HM forces, considered exempt from immigration control with 4 years' reckonable service

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you, or you think that the guidance has factual errors, then email Domestic Violence Immigration Policy.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on), or have any comments about the layout or navigability of the guidance, then you can email the Guidance Rules and Forms team.

Publication

Below is information on when this version of the guidance was published:

- version 1.0
- published for Home Office staff on 05 February 2018

Changes from last version of this guidance

Guidance on the destitute domestic violence (DDV) concession removed from the domestic violence guidance.

Addition of policy regarding rejection of requests due to suitability.

Addition of guidance regarding reconsiderations.

Addition of guidance regarding curtailment.

Addition of guidance relating to 3C leave.

Related content

[Contents](#)

Eligibility

This page tells you the requirements which must be met for an applicant to qualify for temporary leave outside the immigration rules, under the destitution domestic violence (DDV) concession.

For the purpose of this guidance, the definitions are the same as those set out in Domestic violence guidance.

From 1 April 2012, those who meet the DDV concession criteria are granted 3 months leave outside the immigration rules (LOTR) with a condition code that does not restrict access to public funds.

Only those eligible to apply for leave under [section DVILR of Appendix FM](#) or [paragraph 40 of Appendix Armed Forces](#) are eligible for the DDV concession.

It is open for migrants in other routes to apply for leave to remain in the UK:

- on the basis of their family life as a partner, parent or dependent child or on the basis of their private life in the UK, by submitting, an [FLR\(FP\)](#)
- under another immigration category by submitting an [FLR\(IR\)](#)
- for leave to remain on human rights grounds (other than family or private life) or outside the Immigration Rules by [FLR\(HRO\)](#)

The concession applies to either those who:

- were first granted leave to enter or remain in the UK as the spouse, civil partner, unmarried or same-sex partner of a British citizen under D-ECP.1.1., D-LTRP.1.1, D-LTRP.1.2 (other than as a partner of a person in the UK with limited leave, a fiancé(e) or proposed civil partner), or [D-DVILR.1.2 of Appendix FM of the Immigration Rules](#)
- from 1 December 2013 were last granted leave under paragraph 23, 26, 28 or 32 of [Appendix Armed Forces](#) and are the partner of a member of HM forces who is British, settled, still serving and considered exempt from immigration control and has at least 4 years' service as a regular, or was granted limited leave to remain on discharge

and

- claim that their relationship with their spouse, civil partner, unmarried or same sex- partner has broken down as a result of domestic violence
- claim to need access to funds in order to leave the relationship
- intend to apply for indefinite leave to remain as a victim of domestic violence under paragraph 40 of [Appendix Armed Forces](#) or section DVILR of Appendix FM

Related content

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Consideration of applications

This page tells you how to decide if a victim of domestic violence meets the criteria for a grant of limited leave.

To benefit under the destitution domestic violence (DDV) concession, victims of domestic violence and abuse who need access to public funds, must complete and submit the [LOTR \(DVV\)](#) form to the Home Office by email.

Postal applications will be accepted, although processing times are likely to be longer. Postal applications should be sent to:

DV Duty Officer
Dept 81
Blue Zone,
5th Floor, Capital
Liverpool
L3 9PP

As part of the notification form [LOTR \(DDV\)](#), an applicant must sign the declaration confirming that they give their consent for the Home Office to disclose details of their case to any third parties to assist them in their application, such as a refuge, social services, legal representatives or the Department for Work and Pensions (DWP).

You must confirm receipt of the notification by email where possible. The Home Office aims to process notifications within 5 working days of receipt.

Related content

[Contents](#)

Related external links

[Immigration Rules paragraphs 289A-D](#)

[Section DVILR of Appendix FM](#)

[Part 6 of Appendix Armed Forces](#)

Leave to remain

This page tells you about granting leave to remain under the destitute domestic violence (DDV) concession.

In order to qualify for a grant of limited leave under the DDV concession, an applicant must:

- have submitted a completed [LOTR \(DDV\)](#)
- meet the eligibility requirements of the DDV concession

Those who meet the criteria of the DDV concession must be granted leave outside the rules (LOTR) (DDV) for 3 months on conditions permitting employment and immediate access to benefits (code 1A).

You must send them a letter which confirms you have granted LOTR (DDV) and issue a status document by way of a biometric residence permit (BRP).

Applicants should submit their [SET\(DV\)](#) application before their 3 months' limited leave expires. The Home Office encourages those who are granted 3 months' LOTR to submit a SET(DV) application within 8 weeks of their initial grant to make sure their case is considered before their leave under the concession expires.

If an applicant fails to submit their [SET\(DV\)](#) application within the 3 months limited leave, they become an overstayer and may become subject to removal.

It is important to note that if leave is granted under the DDV concession, the applicant must make a separate application for Department for Work and Pension (DWP) benefits or housing benefits and will be assessed against the normal DWP criteria.

A grant of leave under the DDV concession is recognition that an applicant is destitute at the time the request is decided and does not guarantee that any subsequent application for leave under the domestic violence rules will be granted.

Related content

[Contents](#)

Related external links

[Section DVILR of Appendix FM](#)
[Part 6 of Appendix Armed Forces](#)

Rejections

This page tells you how to reject an application under the destitute domestic violence (DDV) concession.

If the applicant fails to meet the criteria to qualify under the DDV concession you must:

- notify the applicant in writing
- return all documents
- update Home Office records

3C leave

Although they must meet the eligibility requirements to make a request under the DDV concession, there is no requirement for an individual to hold extant leave.

The purpose of section 3C leave is to prevent a person who makes an in-time application to extend their leave from becoming an overstayer while they are awaiting a decision on that application and while any appeal or administrative review they are entitled to is pending.

Following a grant of 3 months' leave with access to public funds under DDV, the individual will benefit from 3C leave providing they make an application for further leave within its validity. If an applicant fails to submit an application, they will become an overstayer and their access to public funds will cease.

Curtailment

If the applicant still has extant leave to enter or remain, you must consider curtailment given the applicant's change in circumstances and the fact they no longer meet the requirement for which their leave to enter or remain was given.

Reconsiderations of rejections

There is no automatic right for a rejection of a request for DDV to be reconsidered. Requests should only be reconsidered where it is suggested that the policy had been incorrectly applied. Any reconsideration must be agreed by a chief caseworker.

Related content

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