



Home Office

Domestic abuse: responding to reports of domestic abuse from asylum seekers

Version 1.0

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About this guidance

This guidance tells caseworkers about the actions that Home Office staff, Home Office accommodation providers, Migrant Help's services and any other contractors providing services on behalf of the Home Office must take when they receive a report of domestic abuse from someone who is supported under Section 95 or Section 4(2) of the Immigration and Asylum Act 1999, who is applying for such support or who may be eligible for support.

This guidance applies across the UK. Caseworkers, accommodation providers and Migrant Help staff must ensure that they are aware of the relevant policies and procedures in England, Scotland, Wales and Northern Ireland as these may vary.

This guidance does not cover the eligibility or consideration of grants of leave to victims of domestic abuse or provide guidance on considering asylum claims.

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 the Asylum Policy team.

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 **16 July 2019**

Changes from last version of this guidance

- this instruction replaces [Asylum Support: Policy Bulletin Instructions](#) 70 Chapter 23 Domestic Violence
- this version makes clear that the Home Office response to domestic abuse includes asylum seekers and failed asylum seekers, who are not already accommodated in the asylum support system but who may be eligible for such support
- new guidance template applied, and section and paragraph numbering removed in line with guidance requirements

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Introduction

Purpose of instruction

This guidance explains what caseworkers and Home Office accommodation providers must do where an asylum seeker reports an incident of domestic abuse whilst their asylum claim is being considered. The guidance also applies to victims who have been refused asylum if they are eligible for asylum support.

Home Office caseworkers must read this guidance in conjunction with the [Domestic violence and abuse](#) guidance on GOV.UK.

Background

Domestic abuse is an abhorrent crime. All victims deserve to be treated with dignity and respect and receive appropriate support from the authorities. Asylum seekers who are victims of domestic abuse may be in a particularly vulnerable position, as their immigration status is uncertain whilst they are awaiting a decision on their asylum claim.

It is vital that victims are reassured that they do not need to remain with a violent or abusive partner for immigration purposes. They can access free legal advice on whether to claim asylum in their own right. All victims of domestic abuse need to receive support and appropriate protection quickly, either in the accommodation provided by the Home Office or in alternative accommodation. Decisions on what constitutes safe, alternative accommodation need to take into account the needs of victims for any specialist support services.

Policy intention

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

- they are not put at further risk of domestic abuse by providing safe alternative accommodation away from the perpetrator
- 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
- 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)

Application in respect of children

[Section 55 of the Borders, Citizenship and Immigration Act 2009](#) requires the Home Office to ensure that immigration and nationality functions are discharged having regard to the need to safeguard and promote the welfare of children in the UK. This applies to children who claim asylum in their own right and those who are dependent on their parents' asylum claim.

The statutory guidance, [Every child matters – change for children](#), sets out the key principles to take into account in all immigration activities. Our statutory duty to children includes the need to demonstrate:

- fair treatment, which meets the same standard a British child would receive
- the child's best interests being made a primary, although not the only, consideration in all actions affecting them
- no discrimination of any kind
- asylum claims are dealt with in a timely fashion
- identification of those that might be at risk from harm

Accommodation providers must ensure that in providing services on behalf of the Home Office, they do so having regard to the need to safeguard and promote the welfare of children who are in the UK. They must also be aware of the requirement to take into account the [Every child matters: statutory guidance](#) issued for that purpose under section 55. Accommodation providers must also ensure that staff (including volunteers and sub-contractors) receive adequate and appropriate training to fulfil this responsibility.

Where a person reports an incident of domestic abuse it is vital to act quickly so that they and any children are offered safe accommodation and are not expected to stay with the perpetrator. It is particularly important to ensure that children are provided with appropriate support and protection in addition to the person who has raised the report because it may well be that the children have also suffered abuse or are at risk of such abuse.

Children may require specialist support to understand and address the impact of living with domestic abuse and their health and wellbeing. Their needs must be considered when deciding how and where to accommodate the victim. See [Initial actions when domestic violence and abuse is reported](#).

Where there are child welfare or protection concerns that may involve safeguarding issues within the family unit, the case must be referred immediately to your safeguarding team. The safeguarding team will refer the case to the relevant local authority.

There is no requirement to obtain the consent of any adults involved as safeguarding the child is our primary responsibility. In an emergency, and out of normal working hours, the case must be referred to the police. The Office of the Children's Champion can also offer specialist safeguarding and welfare advice on all issues relating to children, including family court proceedings and complex child protection cases.

For further information on the key principles to take into account, see:

- [Every child matters – change for children](#)
- [Processing asylum applications from children](#)
- [Working together to safeguard children](#)

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Relevant legislation

The UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

[CEDAW](#) (often referred to as the 'women's bill of rights') is an international human rights treaty that focuses specifically on equality between women and men in all areas of life and was ratified by the UK in 1986. This commits the UK to taking steps to end discrimination against women in all forms and this also applies to women seeking asylum. It includes a general recommendation (32) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women.

European legislation

[Directive 2003/09/EU](#) of the European Council of 27 January 2003 laid down minimum standards for the reception of applicants for international protection.

Domestic legislation

Part VI (Support for Asylum Seekers) of the [Immigration and Asylum Act 1999](#) provides for persons for whom support may be provided and ways in which support is provided. Section 4 (2) of the Immigration and Asylum Act 1999 allows for support to be given to failed asylum seekers.

[The Asylum Support Regulations 2000](#) sets out the circumstances in which the Home Office provide accommodation and support to asylum seekers who would otherwise be destitute while their asylum claim is considered.

The [Immigration and Asylum \(Provision of Accommodation to Failed Asylum Seekers\) Regulations 2005](#) and the [Immigration and Asylum \(Provision of Services or Facilities\) Regulations 2007](#) set out the circumstances in which the Home Office will provide accommodation and support to failed asylum seekers.

Service providers

Service providers will understand the background and needs of the Service User and that they will require particular accommodation or accommodation in a specific locality suitable to their needs. This is set out in:

- Schedule 2 of the Compass Project Accommodation and Transport Statement of Requirements – section 1.2.1
<https://data.gov.uk/data/contracts-finder-archive/contract/503103/> (using a Beta site)

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Definition: domestic abuse

There is no specific legal definition of domestic abuse. The UK Government definition is:

Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:

- psychological
- physical
- sexual
- financial
- emotional

Controlling behaviour is: a range of acts designed to make a person subordinate and or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating everyday behaviour.

Coercive behaviour is: an act or pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

Other forms of abuse

The Government definition includes so called 'honour' based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims of any form of domestic abuse are not confined to one gender or ethnic group. Asylum seeking women and LGBTQI+ individuals may be particularly vulnerable to domestic abuse if they are in a situation of destitution. They may find themselves in exploitative, coercive relationships in return for food and shelter.

Impact on victims

Domestic abuse can have a significant impact on victims both during the relationship and after they have left their partner. The risk of abuse and homicide can increase significantly once a victim makes a decision to leave a perpetrator. Individuals may be at higher risk of violence and being killed after leaving violent and abusive partners. Domestic abuse is a form of gender-based abuse which can have a disproportionate impact on women and girls as highlighted in Government strategies to tackle all forms of violence against women and girls. These strategies also recognise that it is not just women and girls who may be subject to domestic abuse.

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Related external links

[Domestic violence and abuse](#)

[Strategy to end violence against women and girls](#)

[Call to End Violence Against Women and Girls: Action Plan](#)

[Equally Safe: Scotland's strategy for tackling and preventing violence against women](#)

[Llywodreath Cymru Welsh Government: National Strategy on Violence against](#)

[Women, Domestic Violence and Sexual Violence – 2016-2021](#)

[Stopping Domestic and Sexual Violence and Abuse in Northern Ireland Strategy](#)

Initial actions when domestic abuse is reported

There are 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.

Where a report of domestic abuse is received from a person accommodated by the Home Office under the provisions of the [Immigration and Asylum Act 1999](#) the following key points apply in all cases:

- the presumption is that the victim should be believed, at this stage corroborating evidence is not required
- caseworkers must agree and adhere to a safe means of communicating with the victim
- the person and their children must immediately be offered [safe alternative accommodation](#) and if that offer is accepted, transferred without delay
- some victims may wish to remain in their current accommodation and, in these cases, 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, but a report to the Home Office must be made without delay
- the victim should be supported to make a report to the police, should they wish to do so and be reassured that doing so will have no adverse impact on their asylum claim
- 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, although in some high-risk cases, referrals may have to be made without consent
- the victim's consent to make a child protection referral to social services should be obtained wherever possible, although where a child may be at risk of harm a referral must be made whether or not consent is obtained
- the victim must be referred to a specialist organisation for assessment and supported by a domestic violence specialist worker – see GOV.UK section on [Reporting domestic abuse](#) for organisations that can help and the relevant national domestic violence helplines ([National](#), [Wales](#), [Scotland](#), [Northern Ireland](#), [Men's advice line](#), [LGBT+ helpline](#))
- 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), LGBTQI+ organisations that support people who have experienced domestic abuse, specialist organisations that support men, specialist BME women's organisations, counsellors and other specialist health services, including rape crisis centres, specialist advisors and services for women within refugee agencies

- 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

Additional considerations for victims outside Home Office contracted accommodation

If a report of domestic abuse is received from a victim who is not accommodated at the time by the Home Office, but who is eligible for asylum support, priority should be given to finding safe alternative accommodation for the victim and any children, as a matter of urgency.

It is important to note that 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
- 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
 - any accommodation that the person has been living at before or at the time of the application is not to be considered adequate if their continued occupation of it would lead to a risk of domestic abuse

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[Initial accommodation](#)

Asylum Support: Policy Bulletins Instructions Chapter 1- Section 98 Support.

Safe alternative accommodation: the role of accommodation providers

Where an asylum seeker reports that they are a victim of domestic abuse, the Home Office accommodation provider must offer alternative safe accommodation for the victim and any children immediately. Under no circumstances can a victim be expected to return to accommodation with the abusive partner. When selecting alternative accommodation, providers must 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.

The safe alternative accommodation may be a temporary solution, but steps must be taken to identify suitable longer-term accommodation without unnecessary delay.

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.

The Home Office must be informed immediately of changes in accommodation.

The accommodation provider must consider:

- putting the victim in touch with the relevant national domestic violence helpline ([National](#), [Wales](#), [Scotland](#), [Northern Ireland](#), [Men's advice line](#), [LGBT+ helpline](#)) for specialist advice on their options. The accommodation provider must then endeavour to support the victim's desired option
- that the helpline may be able to offer a refuge placement if this is the victim's preferred way forward. In this scenario the accommodation provider must pass the details on to the Home Office to issue the refuge with a letter which confirms the costs that will be met by the Home Office
- that not all victims will require relocation to another area to be safe, as some may wish to remain in their current area, for example because they have children in school and support networks
- relocating the perpetrator if the victim chooses to remain in the current address. The helpline can also advise the victim on steps they can take to secure legal protection
- consulting with the local authority about the appropriate action to take
- referring the victim to a local domestic violence organisation to support them to consider their options
- informing the victim that the Home Office may meet or contribute to the cost of any other alternative accommodation, for example with friends

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Role of the Home Office

Depending on your role, you may receive a report of domestic abuse. For example, this could be to an asylum support caseworker in an application for asylum support or change of circumstances for those already receiving asylum support, to an asylum caseworker during an asylum interview or reporting event. You may also receive reports through social services or the police.

In addition to the key [initial actions](#) you must:

- consider the safety of the victim and children at all stages of planning and contact with them
- ensure effective partnership working with specialist domestic violence workers, the police and social services and Home Office contractors
- liaise with the Home Office safeguarding team lead
- ensure all Home Office records (both the victim and perpetrator) are updated to prevent any correspondence from the Home Office being sent to a previous address where the perpetrator may live or telephone contact with the perpetrator about the victim's circumstances
- consider altering any reporting requirements to reduce the risk of a victim being tracked by a perpetrator but only after hearing the views of the victim and or their advisors on this issue
- reassure victims that they do not need to remain with a violent or abusive partner for immigration purposes, that they can access free legal advice on whether to claim asylum in their own right, and any information provided as part of an asylum claim will be treated in confidence (subject to safeguarding duties)
- provide relevant information in advance of a case conference and, where appropriate, participate

Confidentiality of refuge addresses

Locations of refuges are confidential and therefore refuge addresses are provided in the form of a PO Box number. This must be accepted for all Home Office processing purposes as sufficient and must be recorded on the relevant systems as the refuge resident's address. Residents in refuges are not allowed to disclose the physical address of the refuge and must not in any circumstances be asked to do so.

Complaints

Complaints by the victim or perpetrator about the Home Office or accommodation provider's response to a report of domestic abuse can be made using the Home Office [Complaints Procedure](#) on GOV.UK.

Joint working

All those involved in supporting those at risk of domestic abuse must work together and refer any information regarding the safety of individuals and their children to the Home Office safeguarding team to ensure that a safe response is provided.

Local agencies may convene a case conference about the circumstances of the victim of domestic abuse. The purpose of a case conference is to share information, assess risks to the victim and any children, weigh up the evidence, agree on actions and any review in the future. Where appropriate, the Home Office, led by the safeguarding team, should assist by participating in the case conference and provide relevant information, subject to any restrictions regarding disclosure, in advance of the meeting.

Actions for the Home Office and or accommodation provider may include (this list is not exhaustive):

- evicting the alleged perpetrator from asylum support accommodation on the grounds they have breached their occupancy agreement and conditions of support
- transferring the alleged perpetrator to alternative Home Office accommodation on grounds that their present accommodation is under-occupied
- alternative accommodation must be provided to ensure that the victim and alleged perpetrator are not housed together whilst eviction or transfer action is being taken
- with the consent of the victim, consider returning the victim to their Home Office accommodation once the alleged perpetrator has vacated the accommodation
- transfer the victim to [safe alternative accommodation](#) in either the same area or in another area
- when those staying in a refuge are ready to move on, they must be transferred to [safe alternative accommodation](#) in either the same area or in another area taking into consideration any continuing support that may be required

Other agencies may have actions which include (the list is not exhaustive):

- supporting a victim to consider different accommodation options and empowering them to make an informed and safe decision with the options available to them
- this should include advising them on the possibility of being placed in a specialist refuge to ensure they are provided with support and safety that they may require
- advise the victim on how to access legal advice on their immigration status, family law and domestic abuse remedies, such as obtaining a non-molestation order or other injunction
- support the victim in completing an [Asylum Support Application Form \(ASF1\)](#) where they are not already receiving asylum support or completing a change of circumstances form if receiving subsistence payments only, or set up emergency support payments if they have been relocated, or contact [Asylum Support Applications UK](#) for advice and help
- encourage the victim to report incidents to the police, or consent to have someone else report to the police on their behalf

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Role of Migrant Help UK

[Migrant Help UK](#) must hold, and have on display, information about preventing abuse and what to do if you are a victim. They must be able to respond to reports of domestic abuse by telephone and in initial accommodation.

If [Migrant Help UK](#) receives a report of domestic abuse from an asylum seeker or the dependent of an asylum seeker, or suspects that they may be a victim of domestic abuse they must:

- refer the person, with their informed consent, for further advice and support to another appropriate agency, for example, specialist domestic violence agencies, specialist advisors and services for women within refugee agencies, the police, social services, solicitors and refuges – through the relevant national domestic violence helpline ([National](#), [Wales](#), [Scotland](#), [Northern Ireland](#), [Men's advice line](#), [LGBT+ helpline](#))
- follow their own child protection procedures if they believe that a child is at risk of harm
- with the consent of the victim, report the matter to the Home Office asylum support team leader without delay who will refer to the Home Office safeguarding team
- with the consent of the victim, report the matter to accommodation provider

Role of Asylum Help UK

[Asylum Help UK](#) is part of Migrant Help UK. If Asylum Help UK suspect that an asylum seeker or their dependant is the victim of domestic abuse, they must:

- bring to the victim's attention the assistance available to those who may be experiencing domestic abuse, for example, the Home Office accommodation provider, specialist domestic violence agencies, the police, social services, solicitors and refuges – through the relevant national domestic violence helpline ([National](#), [Wales](#), [Scotland](#), [Northern Ireland](#), [Men's advice line](#), [LGBT+ helpline](#))
- consider whether there are any child protection issues and take the appropriate actions

Role of Asylum Support Applications UK

[Asylum Support Applications UK](#) is part of Migrant Help UK. Where there is a change of circumstances during the asylum claim process the Home Office must be notified, the Asylum Support Applications UK teams can assist the victim with this.

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Monitoring reports of domestic abuse in Home Office accommodation

The Home Office safeguarding team must record all reported domestic abuse cases, including anonymous reports. An anonymous report that did not have significant details, is one made by an asylum seeker or dependant of an asylum seeker who did not consent to a full report being passed to the Home Office.

Minimum details should be recorded and include:

- number of reported cases with location, reference numbers and dates
- number of contributions to case conferences
- analysis of outcomes and, where a complaint is lodged, include actions taken
- number of refuge places funded by the Home Office and length of residence in the refuge
- number of times that initial accommodation is used as a last resort option for victims
- comments and views of the victim on how their case was handled
- brief details of anonymous reports

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