Domestic Abuse Commissioner

Safety Before Status: The Solutions

December 2022

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Presented to Parliament pursuant to section 8 (6) of the Domestic Abuse Act 2021

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This publication is available at www.gov.uk/official-documents.

Any enquiries regarding this publication should be sent to us at Commissioner@domesticabusecommissioner.independent.gov.uk.

ISBN 978-1-5286-3583-7

E02769157 12/22

Printed on paper containing 40% recycled fibre content minimum

Printed in the UK by HH Associates Ltd. on behalf of the Controller of His Majesty's Stationery Office

Contents

1. Background

1.1 It is the firm belief of the Domestic Abuse Commissioner, Nicole Jacobs, that no victim or survivor of domestic abuse should ever be prevented from accessing the support and protection they need. That belief is the driving force behind the Commissioner's work to champion all victims and survivors of domestic abuse, to raise awareness of key issues and best practice, and to hold local and national government to account in their response to domestic abuse.

1.2 *Safety Before Status: The Solutions* is the second report from the Domestic Abuse Commissioner that seeks to improve the policy response to victims and survivors of domestic abuse with insecure immigration status and no recourse to public funds (NRPF). It is based on commissioned research undertaken by the London School of Economics, in partnership with the Oxford Migration Observatory, between January and June 2022.

The Policy Context

1.3 In April 2021, the landmark Domestic Abuse Act passed into law a range of greater protections and provisions for victims and survivors of domestic abuse. Despite the many steps forward that the Act made, the Act has been identified as a 'missed

opportunity' for victims and survivors of domestic abuse with insecure immigration status. Key amendments to improve the provision of support to migrants, including through the extension of the Destitution Domestic Violence Concession (DDVC) and Domestic Violence Rule (DVILR) regardless of their immigration status, were supported by domestic abuse services and members across both Houses, but were unfortunately not supported by the Government.

1.4 In 2020, the Minister for Safeguarding announced that the Home Office would invite bids for grants from a £1.5 million pilot fund for migrant victims with no recourse to public funds. The aim of the pilot was to provide the Government with the necessary evidence to inform future decision making about support for this group. In April 2022, the Government announced that it had renewed the pilot, to a sum of £1.4 million, to be made available for another year. The Commissioner has expressed her concerns that the fund is insufficient to meet all migrant survivors' needs.

The Commissioner's role

1.5 Last year the Commissioner published her first report, *Safety Before Status: Improving Pathways to Support for Migrant Victims of Domestic Abuse.* The report found that migrant survivors with no recourse to public funds were often

unable to access life-saving refuge, meaning they were often forced to stay with an abuser or face homelessness and destitution. The report found that many perpetrators were using victims' insecure immigration status as a tool of coercive control known as 'immigration abuse', for example, threatening to report migrant victims to immigration enforcement if victims report to the police.

1.6 The report set out the Commissioner's clear recommendation that when the Home Office comes to make longer-term decisions about the future of support for migrant victims and survivors of domestic abuse, they need to ensure support is available for all victims, regardless of their immigration status. In January 2022, the Government issued a response to the report accepting this recommendation.

Aims of this report

1.7 *Safety Before Status: The Solutions* provides ground-breaking new evidence on how the Government can improve support for all migrant victims and survivors of domestic abuse. For the first time, the report provides major research on evidence-based estimates of the number of migrant victims with no recourse to public funds in the UK in need of support, the costs of providing such support, and the benefits of doing so. With this research, the Commissioner anticipates that

Government will have a much clearer picture of the nature of support that is so desperately needed for survivors with insecure immigration status and no recourse to public funds.

1.8 The Commissioner has used this research activity to explore different scenarios of support which are practical and deliverable for the Home Office and wider Government. In doing so, the Commissioner aims to ensure Ministers have the information they need to act decisively this summer in extending support to all migrant victims and survivors who need it.

2. The need for change: voices of experts by experience

2.1 With the support of specialist 'by and for' organisations in the Commissioner's Support for Migrant Survivors Working Group, the Commissioner held three roundtables between February and March 2022 with eighteen survivors of domestic abuse with insecure immigrations status and no recourse to public funds.

2.2 Several key themes emerged from these sessions that highlighted: (1) how perpetrators exploit victims' NRPF status to further their abuse, and (2) the need for a wide-ranging and holistic package of support to respond to the particular issues these victims and survivors face.

NRPF as a tool of coercive control

"[My in-laws] put photos all over streets with me and another man saying that I was having an affair... [they] pushed my family to pay them for my visa costs, [it was] very shameful... [my in-laws] said they'll try to deport me."

2.3 An overarching theme of the roundtables was the ways in which victims' insecure immigration status and lack of access to funds was weaponised

by perpetrators. Eleven participants specifically referenced experiencing financial abuse. Survivors described experiencing insecure housing as their partner owned the house and had their accounts frozen. One survivor described working long hours, yet her partner taking all of her money and making her ask for it if she needed essentials, such as sanitary pads.

2.4 The impacts of this were severe, with some survivors describing having to work exploitative cash-in-hand jobs to sustain themselves and their children. One survivor described arriving in refuge with only the clothes on her back, exemplifying the ways in which financial abuse intensifies destitution. Two survivors also described experiencing homelessness before accessing refuge, with several survivors experiencing the threat of homelessness.

2.5 Survivors also described perpetrator(s) threatening to deport them directly, as well as threatening that the police would deport them if they called the police. Some survivors also described fear of losing their children or returning to abusive wider family, should they be deported. Indeed, several survivors described fears of engaging with statutory services altogether. Fears of engagement with police were centred around the fear of their immigration status being shared with Immigration Enforcement and that they would be deported, as

well as lose their children. Fears of engagement with social services centred around losing children.

The impacts on mental health and child relationships

"Nobody understands what it's like to be a migrant woman with no recourse to public funds in an abusive relationship… no options and then deemed an 'unfit' parent."

"I would be in a mental health hospital without [the support of a specialist by and for organisation]."

2.6 Fourteen survivors specifically referenced experiencing poor mental health as a result of their experiences. This included feelings of despair, hopelessness, worthlessness, anxiety, depression, PTSD and suicidality. Survivors also identified the mental health cost to children that included themes of depression and suicidality, and needing expensive long-term psychological support. Some survivors also described how their mental health struggles had been used against them by their perpetrator, particularly in relation to child custody.

2.7 Survivors also described having their lack of financial resources used against them in the Family Court, with perpetrators requesting full custody due to the inability of the survivor to financially provide for them as a result of the no recourse to

public funds status. Several survivors referenced the fear of losing their children as a major barrier to accessing support, and the resulting impact that the fear had on their mental health.

Safety and support: the role of specialist by and for organisations

"The overwhelming support I received from [my specialist by and for organisation] since I came to this country is one of the best things that's ever happened to me."

"Their support is beyond what they are actually supposed to do as their job."

2.8 Twelve survivors specifically referenced the positive impact that a specialist by and for organisation has had on their lives. Survivors described receiving specialist culturally-informed support in their language that ranged from emotional support, support for children, counselling, immigration advice, advocacy (including in the Family Court), support accessing legal aid, refuge and accommodation-based support, peer support groups, further education, fun activities and financial support. One survivor suggested she would be homeless or dead without the support she received.

2.9 Survivors described the importance of their support workers helping them navigate complex legal

proceedings, whether child custody or immigration. Survivors also described the importance of the emotional support they received, with one survivor saying it helps her to stay calm and focus on helping her children.

The solutions

"If a woman could stand on her feet, go to work, go on to different visas, it would be really helpful."

2.10 The Commissioner asked the participants what would have made their journey to support better. The consensus from the participants was that a simple and quick route to emergency funds and regularising visa status was essential, and that the most effective option of support would be to extend the DDVC and DVILR to all visa types. Survivors described the drive to get back on their feet and work as a key draw of this model. Survivors agreed that no matter the pathway to safety, the support of a specialist by and for organisation and the wide-ranging and holistic services they provide are key.

2.11 The Commissioner incorporated the participants' recommendations in the design of the support options that the London School of Economics and the Oxford Migration Observatory modelled in their commissioned research.

3. Methodology

3.1 **Criteria for selecting support scenarios**: The Domestic Abuse Commissioner invited commissioned researchers to undertake their social cost benefit analysis based on scenarios which the Commissioner has determined were most likely to meet a range of criteria required for effective policy making. These criteria included:

- **Responding to what survivors with NRPF tell us they need:** Drawing on the survivor roundtables and engagement with the sector, the Commissioner identified the key barriers to reporting domestic abuse and accessing support that migrant survivors face, as discussed in the previous section.
- **Building on existing policy:** The Commissioner recognises the benefits of amending or adapting an existing mechanism, including building on its existing evidence base and delivery pathways. As such, the Commissioner has investigated:
  - The Destitution Domestic Violence Concession (DDVC) and Domestic Violence Indefinite Leave to Remain (DVILR – sometimes known as 'the Domestic Violence Rule'), which are widely accepted across the domestic abuse sector

and the Home Office as being positive, well respected mechanisms, which enable eligible migrant victims of domestic abuse to access public funds and regularise their stay in the UK. The current drawbacks with these mechanisms are their limited eligibility and limited length of time in which an eligible survivor can access to public funds

  - A Support for Migrant Victims Funding Pot, a model that has already been provided by the Home Office under the Support for Migrant Victims Fund.

- **Enabling support for as long as victims need it:** Victims and survivors of domestic abuse can often face long journeys to recovery after fleeing domestic abuse, with long-term financial and emotional impacts. They may need to stay in refuge and other specialist domestic abuse accommodation for some months before moving to step-down accommodation, other forms of temporary accommodation, private renting, or social housing. Domestic abuse refuges also need to ensure that victims and survivors will be able to access support for as long as they need it, with many refuges unlikely to be able to accept a referral where funding for a bedspace is only available for a limited period of time.

- **Immediate help for all victims without reference to migration status:** Findings from the Domestic Abuse Commissioner's previous report *Safety Before Status: improving pathways of support for migrant victims of domestic abuse,* show that many migrant victims receive referrals to a number of services before they can access the support they need. This may be because of a lack of understanding about the entitlements of migrant victims among both survivors and frontline professionals. Additionally, domestic abuse services tell the Commissioner that many migrant victims face an additional wait for support when applying through the DDVC, due to the delay in processing their application, as well as difficulties making applications for benefits using a letter from the Home Office to confirm their status. This evidence informed the Commissioner's decision to ensure any scenarios included the availability of swiftly administered immediate support.
- **Choosing the most cost-effective policies:** The Domestic Abuse Commissioner's recommendations at the end of this report are strongly informed by the London School of Economics' analysis of the benefit-cost ratio (BCR), using Green Book methodology. It is important to recognise that this research

has been evidence led, and the Office of the Domestic Abuse Commissioner co-designed the scenarios with the LSE, and the Oxford Migration Observatory, and specialist ‘by and for’ organisations. Costings were then produced through the model after the design of these scenarios.

4. About the scenarios

4.1 The Domestic Abuse Commissioner asked the London School of Economics and the Oxford Migration Observatory to consider two possible scenarios, in comparison to 'business as usual', as part of their research into improving support for migrant survivors with NRPF.

Scenario 1 (Recommended): Flexible support for all via the DDVC and DVILR application process

4.2 This scenario enables all migrant victims, regardless of their status, to access protection and support through a model which is flexible and tailored to the length of support for which they require it. To do so it adopts the following prongs:

- **Emergency Assessment Phase (EAP):** Survivors, irrespective of immigration status, refer themselves (or are referred by services) into a domestic abuse support pathway. There is a maximum 72-hour period to confirm they are eligible for support under the Access to Specialist Services Phase (ASSP). During this period, they will access emergency support which will initially be covered by the

national ‘by and for’ funding pot (£2k grant per case which covers both EAP and longer-term community-based support).[1] If required, the accommodation and basic income costs accrued under this period can be back claimed from Universal Credit and/or Housing Benefit once DDVC/DVILR is obtained.

- **Access to Specialist Services Phase (ASSP):** if accepted during the EAP, survivors will be provided access to ASSP, which will be the primary source of spend from the £2k grant per case. ASSP gives access to community-based support and accommodation based services for the survivor and any minor children they have. Community based services include counselling, case work, and specialist legal advice on status and forms. Accommodation-based services are to enable access to refuge or other temporary accommodation, and/or basic income until a DDVC decision has been made. ASSP will on average be provided for up to 6 months regardless of migration status, except for visitor and student groups who will on average have access for up to 1 month

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1 For further information on the recommendations for the national ‘by and for’ funding pot, please see: Domestic Abuse Commissioner’s consultation response on the Victim’s Bill, p.19

with the option to extend as required. The researchers' expectation was that visitors and students, as temporary stayers, would likely require a shorter period of support than regular and undocumented migrants.[2]

– **Destitute Domestic Violence Concession (DDVC):** Survivors who need immediate access to public funds (for accommodation and/or basic income) would continue to apply for the DDVC through which access to public funds will be provided to all survivors meeting the 'destitution' requirement, regardless of migration status and including students and visitors. The costs of accommodation and/or basic income needs would then be met through Housing Benefit or Universal Credit, and could be backdated to the first point of presentation in the emergency period above. Access to the DDVC, if granted, would be given for up to six months for all applicants (in an extension of the current initial three-month period), which can be further extended in the event

2 The assumed averages do not affect the eligibility of temporary visa holders to access support beyond one month, or others beyond six months, should they require it.

that any subsequent application for DVILR remains undecided at the end of that period.

  - **DVILR:** Domestic Violence Indefinite Leave to Remain (DVILR) regulations will be amended to indicate that all migrant victims and survivors of domestic abuse, regardless of immigration status, are also eligible to apply for DVILR and have the right to remain in the UK during this process (as is already the case for those currently eligible for DVILR). This eligibility to apply is not dependent on applications or decisions under DDVC regulations, ASSP or EAP. Applications fees for DVILR to be waived if the victim is destitute.

- **Outcome phase** Decisions on the DVILR application will be processed in accordance with the amended regulations and guidance, and the current consequential action (awarding indefinite leave to remain, known as ILR, with access to public funds, or refusing and then halting support at the end of a fixed transitional period) will continue to be taken.

Scenario 2: Combination model

4.3 Scenario 2 was created to quantify an alternative to a route which does not escalate straight to DVILR, unlike Scenario 1. Its main difference is

that different arrangements are made through a special visa for undocumented migrants and for visitors and students. While it offers some benefits, it is more complex and slightly more costly than the recommended Scenario 1.

- **Emergency Assessment Phase:** Survivors, irrespective of immigration status, refer themselves (or are referred by services) into a domestic abuse support pathway. There is a maximum 72-hour period to confirm they are eligible for support under the ASSP (as defined in Scenario 1). During this period, they will access emergency support which will initially be covered by the national by and for funding pot (£2k grant per case which covers both EAP and the ASSP) and if successful in a DDVC application the accommodation and basic income costs accrued under this period can be claimed from Universal Credit.
- **Access to Specialist Services Phase (ASSP):** Survivors in these groups will have access to the same general range of community-based, and accommodation based, support services as the main group as defined in Scenario 1, though with different funding arrangements (See diagram 3). As in Scenario 1 ASSP will on average be provided for up to 6 months regardless of migration status, except for visitor and student groups who will on average have

access for up to 1 month with the option to extend as required.[3] The subsequent pathways through the ASSP will be determined by the victim's migration status.

- **The Regular Status Group** comprises migrants whose immigration status would permit a period of residence in the UK. Mirroring the process in Scenario 1, they will be eligible to apply for DDVC, and DVILR under the same provisions for each of these as described in Scenario 1. Those eligible to make these applications will include:
  - *Main route:* Those who have arrived in the UK as partners of relevant points-based system migrant partners, and those who are on a route to settlement with a partner who has either LLR or ILR
  - *10-year route:* People on 10-year routes to settlement (family and private life)
  - Survivors with children who are settled or are British citizens
  - Holders of Hong Kong BNO visas

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3 The assumed averages do not affect the eligibility of temporary visa holders to access support beyond one month, or others beyond six months, should they require it.

- There are then two further groups, each of whom has a slightly different pathway from the main group and from each other. These groups are **“undocumented”** migrants, and **“visitors and students”,** either with or without children, as well as a small proportion of the “main” group who do not currently have access to applications for DVILR and DDVC.[4]
- **Access to accommodation-based services.** People in these Scenario 2 groups can apply for means tested support to cover the costs of accommodation and basic income during their period in the initial provision programme, outside of the DDVC. As with the main group, this can be extended in the event that any subsequent application for a ‘special visa’ or subsequently for DVILR remains undecided at the end of their usual period of initial provision support. This support would be provided via a special grant fund administered by specialist ‘by and for’ organisations, and be set at a level commensurate with Universal Credit and Housing Benefit.

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4 Note that “visitors” excludes those people who entered the country on a visitor’s visa but have overstayed, or have an otherwise irregular status, which could include people who entered the country as a visitor but with the intention of subsequently applying for a spousal visa.

- **Longer term status and access to DVILR:** People in these Scenario 2 groups are not normally eligible to apply for DVILR. This scenario proposes a **new special visa** for exceptional cases which if granted would allow them to apply for both DDVC and DVILR. This could be granted on exceptional grounds only. These grounds could include taking account of:
  - Whether other visa application routes are currently available or under consideration (in particular, for asylum) and whether these may be more appropriate to use;
  - Whether relying on these other visa routes would put the safety and wellbeing of the survivor at risk, perhaps in relation to obtaining required evidence or conditions around remaining a family member during a probationary period;
  - If other options for visitors or students are not appropriate;
  - Whether return to a previous country of residence might be unsafe for a survivor due to the risk of family or community abuse for cultural or other reasons;
  - Whether the health and wellbeing of the survivor and any children involved would be harmed by a refusal of ILR in the context

of being a survivor of abuse in the UK and being in receipt of continuing support and assistance.

- Survivors granted a **new special visa** would be awarded access to public funds and could then apply for DVILR in the normal way. Applications fees for DVILR to be waived if the victim is destitute.
- **Outcome phase**: Decisions on the DVILR application will be processed in accordance with the amended regulations and guidance, and the current consequential action (awarding indefinite leave to remain, known as ILR, with access to public funds, or refusing and then halting support at the end of a fixed transitional period) will continue to be taken.

The two options can be summarised as below:

Diagram 1: Types of groups

Regular Status Group

- Main route: Those who arrived in the UK as partners of points-based system visa holders, and those who are on a route to settlement with a partner who has either LLR or ILR
- 10-year route: People on 10 year routes to settlement (family and private life)
- Survivors with children who are settled or British citizens
- BNO visa holders (Hong Kong)

Undocumented Group

- Migrants without current visas
- Those who have overstayed on visitor, student or other visas, and those benefiting from visa waivers. That is, their permission to be in the UK has lapsed

Visitors and Students

- Those who have arrived in the UK and currently hold short term visitors' visas or benefiting from the visa waver scheme
- Students who currently hold student visas, and are over 18

Diagram 2: Process and funding map of Scenario 1

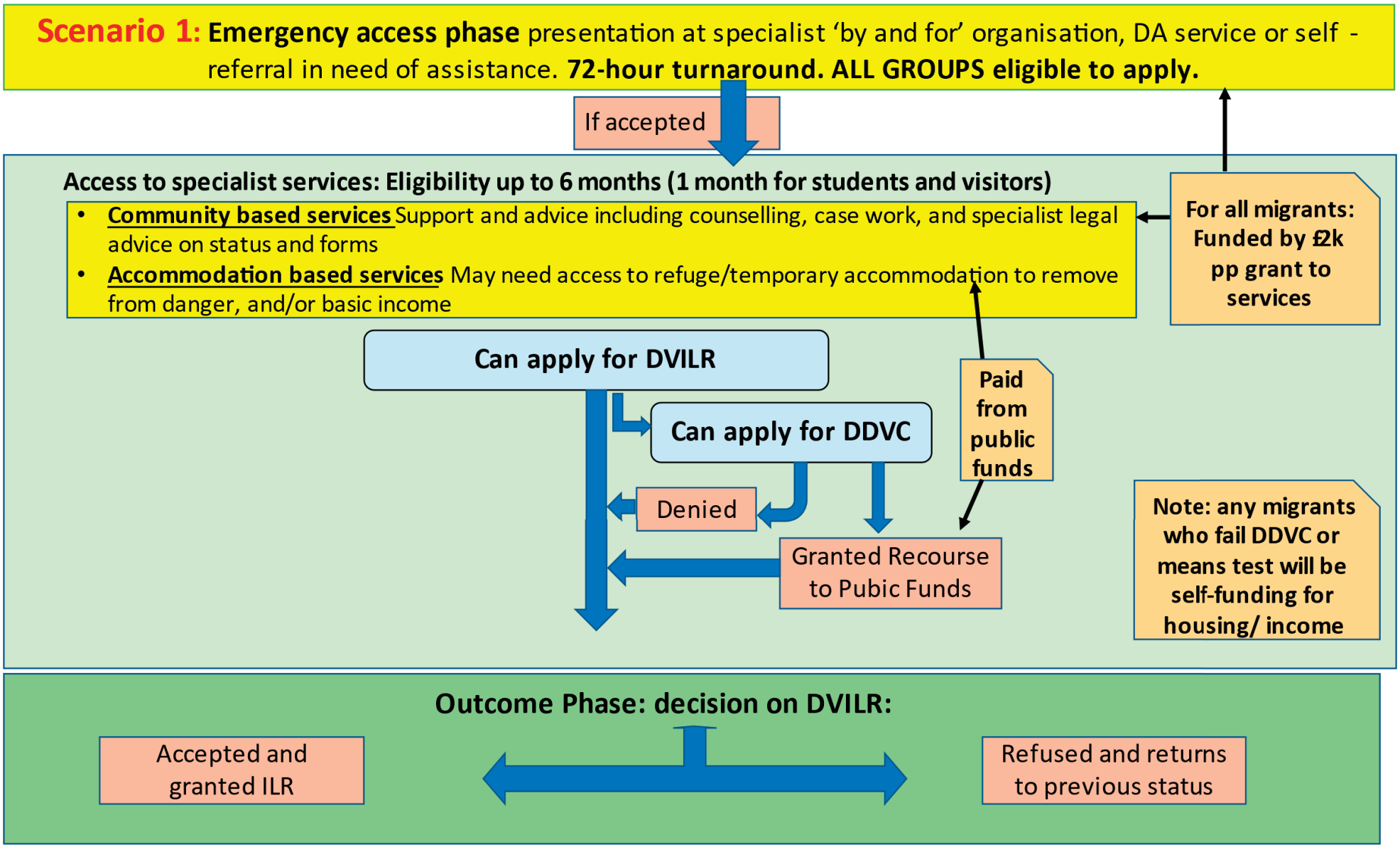
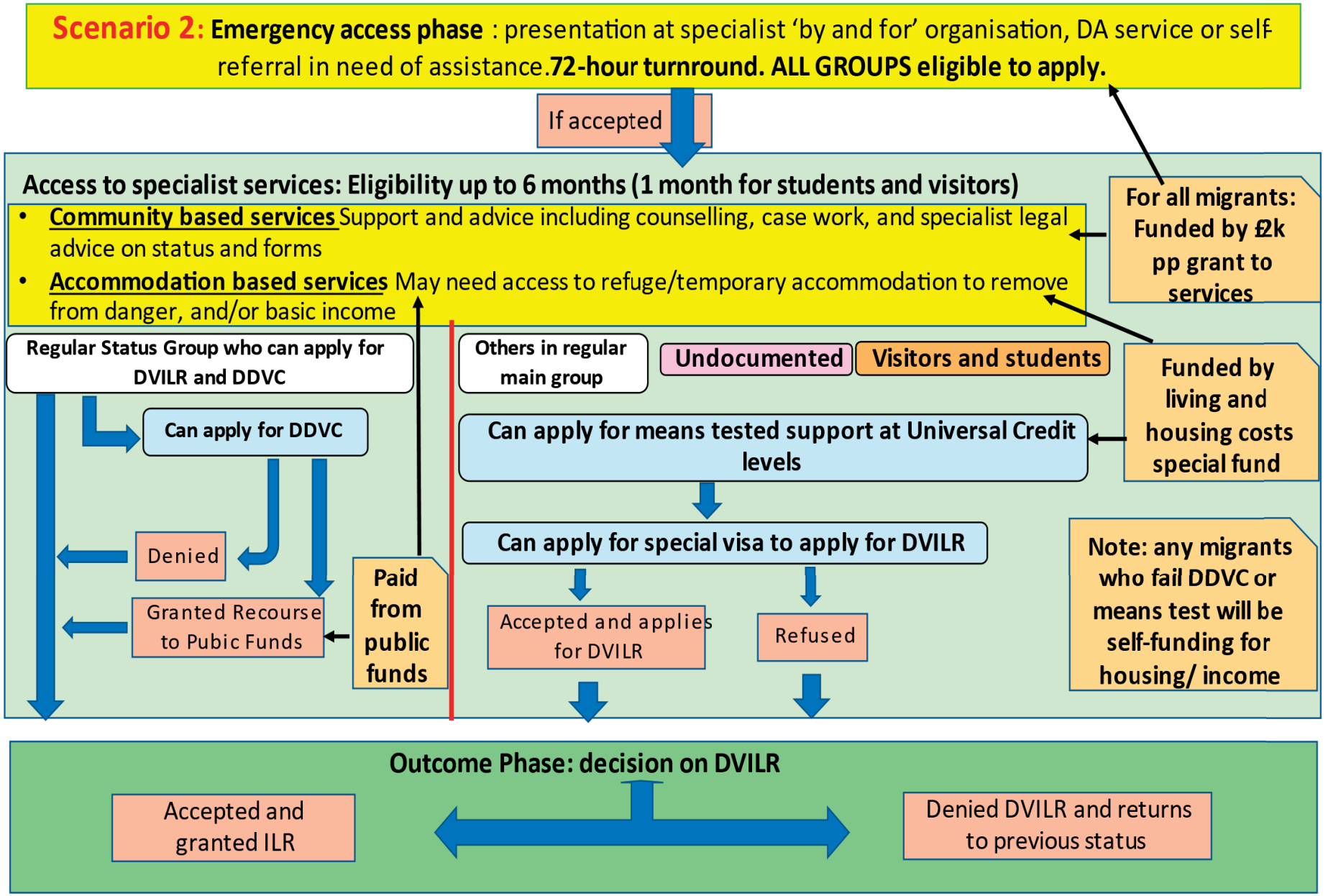


Diagram 3: Process and funding map of Scenario 2



Local Authority Section 17 support for children

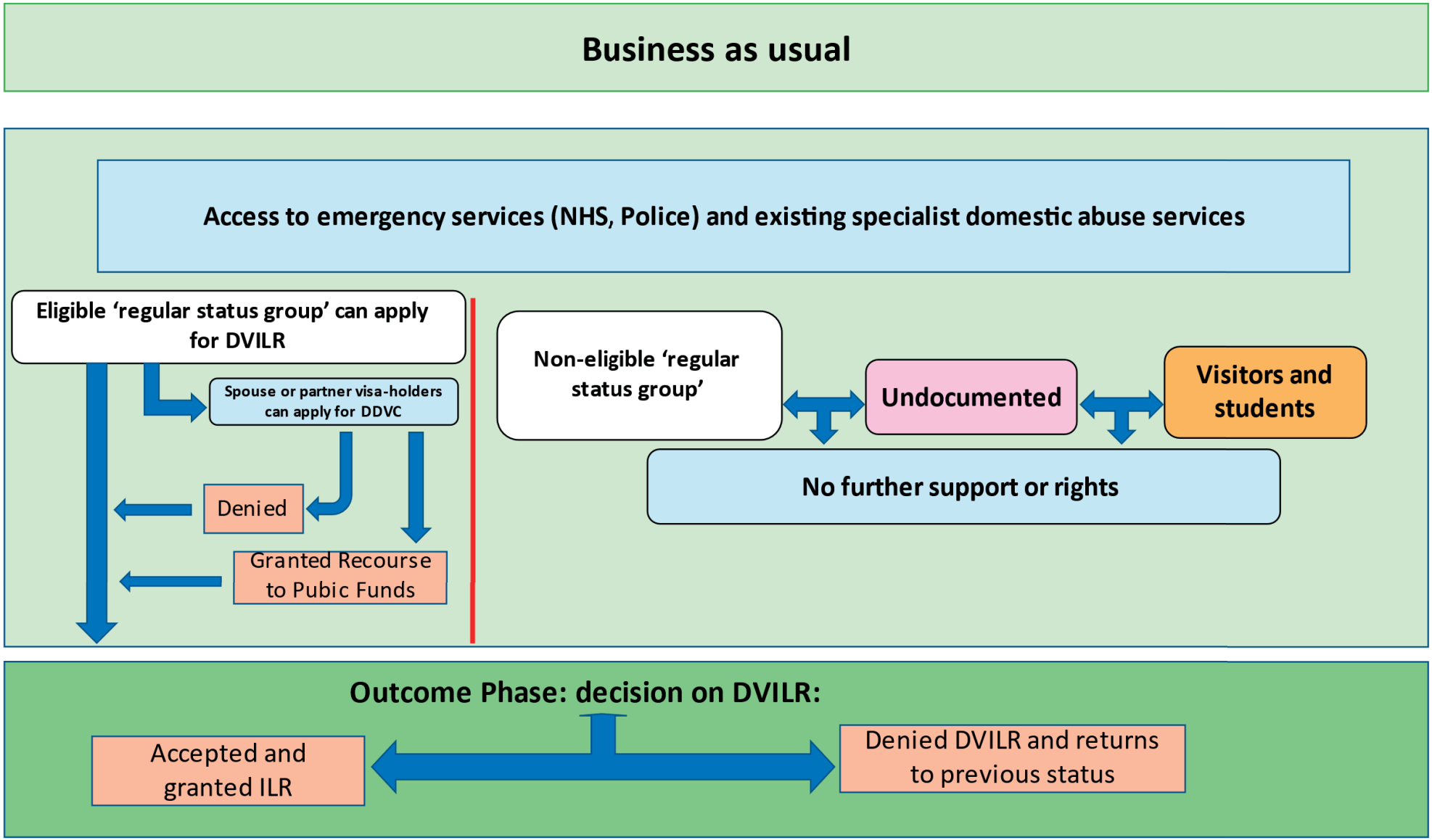
4.4 In both scenarios the social cost benefit analysis accounts for the additional costs of victims with children, despite the fact that children experiencing destitution are entitled to support under Section 17 of the Children Act. This is because the Commissioner's first *Safety Before Status* report (2021) found that in practice, victims and survivors with NRPF often struggle to access this funding.[5] Moreover, support under the Children's Act is not specific to domestic abuse, and so is unlikely to involve specialist domestic abuse counselling or support.

Scenario three: Business as usual

The overview of business as usual is:

5 For further information on access to funding, please see: Safety-Before-Status-Report-2021.pdf (domesticabusecommissioner.uk), p.26

Diagram 4: Process map of Scenario 3



4.5 As is normal for cost-benefit analyses, LSE estimated the costs of business as usual: that is, current public expenditure ***related to the domestic abuse*** of the population in scope.

4.6 These costs take into account public expenditure across three main categories: (1) the costs to the NHS of treating injuries and subsequent medical problems; (2) the costs to the police and criminal justice system; and (3) the costs to local authorities to support children of victims and survivors of domestic abuse who have NRPF via Section 17 of the Children Act. Total costs for the cohort in scope are estimated at £16,196,000 per annum.

Table 1. Business as Usual costs

	Annual cost for cohort in scope
Health services required as a result of victims' injuries	£7,284,000
Police and criminal legal costs	£4,947,000
Annual cost to local authorities of supporting victims with children under S17 of Children Act	£3,965,000
TOTAL	**£16,196,000**

Caveats

4.7 The figures cited above for costs and benefits are based on the best available data, but it must be emphasised that they are only estimates. There are no official data on the numbers of migrants with the NRPF condition, so the characteristics of this

cohort, the incidence of domestic abuse amongst them, the costs of addressing their needs and their likely behaviour if policy were to change have all been modelled using assumptions. The main assumptions used in the LSE social cost benefit analysis are:

- That rates of domestic abuse amongst migrants with NRPF, and the likelihood that they would report such abuse, are the same as amongst the UK population overall, considering age, gender and employment.
- That about 30% of those reporting abuse would require refuge or alternative accommodation, based on information from specialist domestic abuse organisations.
- That undocumented victims would be somewhat less likely to seek support than regular migrants, even if support were extended to them as recommended in this report.
- That victims with regular status would be more likely to be awarded DVILR than undocumented migrants, visitors or tourists, even under Scenario 1.
- That about 75% of those granted DVILR would claim UC, and that the amount claimed

would be the median for similar households in London.[6]

4.8 The estimates on which this report relies are LSE's central figures. Using different assumptions to those set out above affects the results of the model. In the more detailed report on their findings, to be published in December 2022, LSE provides more details of the ranges of uncertainty and wider risks including optimism bias, which provide more context for the figures quoted here.

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6 UC is modelled as the median amount, over the median period of time received (1.5 years). Per DWP statistics, the median length of time claiming UC is between 1 and 2 years. For further information regarding LSE's assumptions, please see their accompanying report.

5. Findings

"The money that I'm receiving right now, I have great difficulty living off that amount. I have to pay my bills from that, I have to pay for my child."[7]

A) The numbers: how many migrant victims and survivors with NRPF are there in the UK, and how many are in need of support?

5.1 According to analysis by the LSE and the Oxford Migration Observatory, about 32,000 survivors with NRPF are likely to report the abuse to an authority each year.[8] Of these, about 7,700 might require refuge or other accommodation—some for only a short period. A proportion of these would go on to receive the right to long-term residence in the UK. Under Scenario 1, this number would be about 2,500 households, while under Scenario 2 the number would be lower, at about 2,300. These figures are based on estimates using the Crime Survey of England and Wales and migration

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7 An anonymised quote from a participant of the Commissioner's survivor roundtables.

8 This is taken from CSEW data in which respondents were asked to indicate if they had reported to any of the following: the police, any health professional, any local council department, any government agency, or a lawyer, solicitor or other legal professional.

statistics from the Home Office, as well as other sources on the undocumented population.

Who has no recourse to public funds (NRPF)?

5.2 The NRPF condition applies to most non-EEA residents who do not have ILR and are thus subject to immigration control. It also applies to people who are undocumented.[9]

5.3 Among the factors shaping the impacts of lifting the NRPF condition are the number of people in each category affected, and the amount of time that they spend in a status that has the NRPF condition. This section outlines the different categories of people subject to NRPF and what is known about their duration of stay in the UK and their numbers.

5.4 There are no official figures on the number of people with NRPF. The Oxford Migration Observatory estimates the total number of people with NRPF in the UK to be approximately 1.7 million.

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9 Please see Appendix 1: Terminology for further information.

Estimating the number of people with NRPF

5.5 **Mainstream immigration categories: work, family and study:** People moving to the UK on family visas are eligible for Indefinite Leave to Remain after 5 years of continuous residence (i.e. five-year routes to settlement). This is also the case for many work-visa holders. Using migration data from 2020, the Oxford Migration Observatory estimates that there are a total of c.**502,000** people on these visa types in the UK.

5.6 **People on ten-year routes to settlement:** Some people hold leave to remain that explicitly requires them to be in the UK for at least ten years before settlement. These **ten-year routes to settlement** (family life as a partner or parent, and private life and exceptional circumstances) also have the NRPF condition normally applied to them.[10] Estimates from Migration Observatory suggest that

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10 People on family visas (5-year route) and those on ten-year routes (family and private life) can apply for a change of conditions to have the NRPF condition removed if they become destitute or they are at imminent risk of destitution. During the period 2017 Q1 to 2020 Q1, an average of 800 people apply for a change of conditions each quarter.

there are c.**162,000 people on ten-year routes to settlement in the UK.**

5.7 **Visitors:** A standard visitor visa for tourism, business, or study (courses up to 6 months) permits a stay of up to 6 months. There are many countries whose citizens do not require a visa to visit (e.g., the USA). Most visitors stay for only a short period (the median visit lasts only 8 days), while a smaller proportion stay for the full permitted period. The number of visitors in the country fluctuates throughout the year, with more tourists in spring and summer.

5.8 **BN(O) Route:** A total of **75,961 people (99% of Chinese or Hong-Kongese nationality)** used this route to come to the UK in 2021, when the route started.

5.9 **Undocumented:** The most recent estimate of the undocumented migrant population in the UK comes from Pew Research Centre, which produced lower and upper bound estimates. **Excluding asylum seekers, the Pew estimates range from 800k to 1.2m.** For the analysis in this report, the Oxford Migration Observatory modified the Pew estimates to correct for those granted ILR since 2004. Using the lower-bound estimate from Pew, combined with data from the Home Office on the number of refused asylum seekers for whom no departure is recorded, the **Oxford Migration**

Observatory estimate the undocumented population in the UK to be 517,000, of which c.445,000 are 18+.

How many people with NRPF experience domestic abuse and of those how many are likely to report to services?

5.10 Estimates from the London School of Economics were produced in two stages. First, they estimated the share of migrants experiencing domestic abuse (domestic abuse prevalence), then the share of those who report it to authorities or seek out help (domestic abuse reporting).[11] It is well established that only a minority of victims of abuse report to someone in authority. For migrant victims, and particularly undocumented victims, who face significant barriers to reporting including the fear that their information will be passed onto immigration enforcement, the proportion reporting to someone in authority is likely to be lower than for British citizens. The rates of domestic abuse prevalence and reporting were calculated using

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11 As above, this is based on CSEW data and includes reporting to the police, any health professional, any local council department, any government agency, or a lawyer, solicitor or other legal professional.

data from the Crime Survey for England and Wales (CSEW) as the data for these nations are the most detailed. These rates were assumed to hold for other UK nations.

5.11 It would be possible to estimate numbers by applying overall prevalence or reporting rates to the NRPF population, but it is well known that domestic abuse is a gendered crime and some groups are at higher risk of experiencing domestic abuse than others. Using CSEW data, the researchers therefore calculated average prevalence and reporting rates for subsets of the overall population, defined by gender, age (18-34; 35-64 and 65+) and employment opportunity. The researchers then classified the NRPF population into the same subsets and applied the respective rates to estimate prevalence and reporting for each subset. Table 2 presents the final estimates used in the analysis. Based on CSEW data, the estimate is that c.32,000 victims would come forward.

5.12 Of these, only a proportion would seek refuge or accommodation. Based on information from specialist services, the researchers assumed that 30% of victims with regular status would seek such help, and 20% of undocumented or temporary migrants. The total number seeking refuge was estimated at 7,659.

Table 2: Estimates of number of NRPF victims of DA likely to report to police, local authority or specialist services (based on CSEW data)

	Victims who would report to any authority			Would seek refuge/ accommodation
	Female	**Male**	**Total**	
Dependent visa (5yr)	139	34		
Family visa (5yr)	3,803	436		
Other visa (5yr)	447	209		
Work visa + BNOs (5yr)	2,672	2,071		
Total 5-year route	7,061	2,750	9,811	**2,943**
Family visa (10yr)	1,775	619		
Other visa (10yr)	210	84		
Total 10-year route	1,985	703	2,688	**806**
Undocumented CSEW	6,068	2,221	8,289	**1,658**
Study	7,627	2,629		
Visitors	*750*	*250*		
Total temporary	8,127	3,129	11,256	**2,251**
OVERALL			32,044	**7,659**

Source: LSE calculations based on Oxford Migration Observatory estimates of migrant numbers and CSEW data. Visitor numbers are LSE estimates, not based on visa data.

B) The costs and benefits of supporting migrant survivors with NRPF

5.13 As set out earlier in the report, the Domestic Abuse Commissioner asked the researchers to model two possible scenarios for providing assistance to migrant victims of domestic abuse with NRPF: Scenario 1 and Scenario 2.

C) Calculating the costs

5.14 This section addresses the likely fiscal costs of policy change as estimated by the researchers; the benefits (gains) are set out in the following section. In general, the costs set out below are per victim household and include the £2k grant, the public sector costs (which includes the DDVC and the means-tested equivalent to Universal Credit and housing), and the ongoing payment of welfare benefits to households that secure DVILR and remain in the country.

5.15 Under both scenarios, migrant victims of domestic abuse are entitled to immediate support from the DDVC or the means-tested equivalent to Universal Credit and housing. Researchers have made the assumption that the payment will be the equivalent of the median Universal Credit payment for that household type, pro rata to the support period, and that there is an average of 1.83 children per

migrant victim household with children.[12] This element of support covers the cost of subsistence and accommodation in a domestic abuse refuge, or other temporary accommodation to provide a place of safety.

5.16 In addition, the researchers have included the cost of the community-based specific specialist support services including emotional and mental health support for victims and children, immigration advice, language and interpretation support, legal advocacy and casework. The cost of these is an average, taken from unpublished research and engagement with the sector. As established, the researchers estimate that the specialist 'by and for' support will cost £2k per survivor.

5.17 The researchers have assumed that in future years the size and composition of annual cohorts would be the same as in Year 0 for both scenarios. Although there could be a 'backlog' of eligible people who could access the then new funds in year 1, many victims and survivors, particularly

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12 Ellie Benton, Jacob Karlsson, Ilona Pinter, Bert Provan, Kath Scanlon & Christine Whitehead (2022) *Social Cost Benefit Analysis of the no recourse to public funds (NRPF) policy in London,* https://www.lse.ac.uk/geography-and-environment/research/lse-london/documents/Reports/Social-Cost-Benefit-Analysis-of-the-NRPF-policy-in-London.pdf

migrant victims and survivors, of domestic abuse are cautious of accessing services and may be unaware of rights, or funds for which they are eligible. The researchers' model assumes a relatively consistent flow of cohorts.

5.18 Table 4 sets out the overall fiscal effects of the two scenarios on government expenditure. For central government, the business as usual (BAU) costs for this group of victims and survivors total approximately £12 million per year. In the first year, Scenario 1 would involve c.£57 million in gross central-government costs, made up of initial support, ongoing benefit payments and administrative costs. This would be partially offset in later years by increased tax revenues from victims whose employment situation was improved. For Scenario 2 the costs are initially slightly lower at c.£56 million; again, these would be partly offset in future by higher revenues. Net of BAU costs, Scenario 1 would require c. £45 million in additional government expenditure in Year 0, while Scenario 2 would require net expenditure in Y0 of c.£44 million.

5.19 Local governments currently spend approximately £4 million under Section 17 of the Children Act to support NPRF victims of domestic abuse with children. Under Scenarios 1 and 2 they would see a net saving of about £3.5 million

in Year 0 as expenditure shifted from local to central government.

5.20 The researchers expect that under Scenario 2, some of the migrants who did not achieve ILR would again be victimised and re-present to public services. This would have the effect of increasing costs under Scenario 2 in future years, compared to Scenario 1, for both central and local governments.

5.21 Due to the wider eligible cohort and greater support for migrant victims of domestic abuse, DVILR and DDVC will incur increased costs. To combat this increased cost, an administrative burden cost has been added into the model to reflect the increased capacity and need for training.

Table 4: Overall fiscal effects of the two scenarios by category, Year 0

Business as usual: central govt		
Costs to NHS	£7,284,000	
Costs to police/justice system	£4,947,000	
Total BAU costs to central govt	**£12,231,000**	
Post-policy costs: central govt	**Scenario 1**	**Scenario 2**
Initial support	£41,667,000	£41,667,000
Universal credit	£13,021,000	£12,148,000
Child benefit	£1,398,000	£1,316,000
Residual public-sector and admin costs	£1,223,000	£1,223,000
Gross post-policy central govt costs	£57,309,000	£56,354,000
Post-policy costs to central govt, net of BAU	**£45,078,000**	**£44,123,000**
Business as usual: Local government		
Annual cost of support under S17 Children Act	£3,965,000	
Post-policy costs: local government		
Residual public-sector and admin costs	£397,000	£397,000
Post-policy savings to local government	**£3,569,000**	**£3,569,000**

D) Calculating the benefits (gains)

5.22 It is important to recognise how the additional problems faced by migrant survivors can influence the likely take up of services, and how potential gains are affected by the migrant status of the survivors -in the context of the two scenarios being evaluated. As established in the findings of the Commissioner's roundtables, the NRPF condition is used by perpetrators of domestic abuse to prevent victims from reporting or escaping the abuse through economic, emotional and physical control and threats. This included threats of deportation and threats to deprive the victim of access to children.

5.23 The researchers considered these additional barriers when estimating the likely gains from the proposed changes, in that they affect the likelihood of survivors coming forward for assistance, and the extent of the gains which might be realised.

The differences between the scenarios and how they could affect engagement

5.24 Both scenarios provide an initial period of support while further steps can be taken to establish what rights the survivor has, and what options are available to move on after this emergency period.

5.25 The scenarios differ in terms of the different options for proceeding in the “move on” period after the initial support. The researchers concluded from their evidence that there may be important links between the likelihood of survivors coming forward for support, and this choice between the two scenarios.

5.26 Firstly, the automatic right to apply for DVILR and DDVC in Scenario 1 may provide more assurance to survivors that there is less risk of deportation and less risk that their children may be taken from their care. There is a guaranteed route to a formal presentation of their case to remain. This may encourage more of them to seek assistance.

5.27 Secondly, the more statutory basis of permitting automatic access to apply for DVILR may make it much clearer to local authorities and other public bodies that these survivors have a recognised right to services, and thereby speed up the provision of those services.

5.28 Thirdly, unlike Scenario 1 which gives statutory access to mainstream funding, Scenario 2 provides for a time-limited fund to provide services. Such funding pots are normally subject to annual or triennial review and approval. There would be regular review points at which the funding and details of the scheme were subject to uncertainty

and possible change. This would be another deterrent to coming forward.

5.29 Finally, it is worth noting that the universal support offering available to all victims and survivors in Scenario 1 enables victims and survivors to obtain support to voluntarily return to their country of origin, if this is something that they wish to do. This was not in the model and LSE did not consider its implications for costs or benefits.

Impact of migrant's immigration status on gains which can be counted

5.30 The HM Treasury Green Book recommends that costs and benefits should be calculated for "the lifetime of the interventions".[13] Estimating gains for non-migrants is done on the basis that they and any children in the household will be resident in the UK for an indefinite number of years (the "lifetime"), during which they will be both consumers of public services and contributors to the costs of public services through taxation and wider contributions to local communities.

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13 For further information on the HM Treasury Green Book, please see: https://www.gov.uk/government/publications/the-green-book-appraisal-and-evaluation-in-central-governent

5.31 This situation is more complicated for migrants. The length of the “lifetime” must be considered for each of the scenarios under consideration. Each scenario envisages an “emergency” period during which any survivor, irrespective of immigration status, can receive support. Each also envisages that some of those survivors may not be successful in any application of ILR under the DVILR or another visa or special route to ILR. The remainder of the survivors will either be able to apply under other schemes (for example continuing on the five-year scheme) or may be subject to deportation if they remain undocumented migrants.

5.32 To address this point, the researchers have not counted gains which would accrue to migrant survivors once they have left the UK. It may well be, and it is to be hoped, that the support given to them would have a lasting positive impact on their lives, and the lives of their children, whether they were in the UK or not. But for the purposes of this cost-benefit analysis, the researchers have taken steps to adjust the monetisable gains to those which would be realised by migrants resident in the UK. This means that in each scenario the researchers divided the estimated gains initially to those which can be reasonably expected to arise within the initial period where the survivors are living and being supported in the UK. There is then a separate estimate of the numbers of

migrant survivors who are awarded ILR, and for whom “additional” gains are added to the overall benefit totals.

5.33 The researchers have calculated the gains under four key categories: (1) physical and emotional harms prevented; (2) homelessness and destitution prevented; (3) employment and skills; and (4) children’s gains, such as impact of witnessing domestic abuse and the wellbeing impact of having basic income.

5.34 There is also likely to be a gain from the overall social impact of more support being provided to survivors of domestic abuse, and less tolerance of perpetrators’ abusive behaviour. The policy, if adopted, could also be seen to be likely to encourage more survivors to come forward to seek advice and assistance in escaping situations of abuse. This is an important benefit but has not been specifically included in this analysis as it has been reflected in the choices made about likely levels of engagement and in other assumptions about gains.

Gains from relief of physical and emotional harm

5.35 The gains from relief of physical and emotional harm suffered by domestic abuse victims are taken from Table 2 of the Home Office's Economic and Social Costs of Domestic Abuse.[14] The value of relief of physical and emotional harm, including from homicide, is estimated at £24,300 (£27,285 at 2020-21 prices).

14 The economic and social costs of domestic abuse – GOV.UK (www.gov.uk), Table 2

Table 6: Unit costs of domestic abuse (from Home Office (2019))

Table 2: Unit costs of domestic abuse in England and Wales for 2016/17[1]

Costs in Anticipation	Costs as a consequence				Costs in response				Total
	Physical and emotional harm	Lost output	Health services	Victim services	Police costs	Criminal legal	Civil legal	Other	
£5	£24,300	£7,245	£1,200	£370	£645	£170	£70	£5	£34,015

5.36 Researchers considered how best to use these figures, particularly those for relief of physical and emotional costs, in light of the constraints set out above from the different position of migrants in relation to long term residence in the UK. Many of those with regular status are on routes which would lead to long term residence, and currently 76% of those who acquire DDVC go on to be granted ILR. Because some proportion of the gain from relief of physical and emotional harm accrues only in the longer term, the researchers allocated half of this gain, representing immediate benefits, to those granted a period of initial support (all survivors). The remaining half, representing longer-term effects, was allocated only to those awarded DVILR, who could be expected to remain in the UK.

5.37 In relation to undocumented migrants, the researchers considered different adjustments to the Home Office figure for gains from relief of physical and emotional harm. They had insufficient evidence to estimate how long such migrants had been in the UK, or what their experiences had been prior to or during their time in the UK. Many such migrants will have experienced traumatic journeys as undocumented migrants and a proportion of any emotional and physical harm experienced may be related to this rather than, or in addition to, domestic abuse. Researchers

therefore counted 25% of the Home Office figure for the initial period for undocumented, but allowed gains equivalent to the main group only where it was estimated that ILR would be awarded. This is because the additional quality-adjusted life year (QALY) gains may be expected to accrue for that group after that point.[15]

5.38 In relation to visitors and students, researchers assume that their previous experiences outside and inside the UK have been very different. Visitors generally will have had little or no experience of life in the UK, and any persistent experience of domestic abuse they have been subjected to will have been mainly in their home countries, even though the use of services may be triggered by a specific incident in the UK. They would not have expected to gain in the UK from improvements in the QALY measures. This is also the case for students. They are likely, nevertheless, to experience significant gains from receipt of initial support. The model assumes that on average such visitors will take up support for a more limited period, so the unit gain is set at 10% of the main

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15 A "QALY" is described by the Home Office (2019) as: "*This approach calculates the reduction in a person's health-related quality of life from different physical and emotional harms, and then applies this reduction to the statistical value of a life year.*"

group amount. Where ILR is awarded, however, the remaining full gains are allocated due to the new expectation that they will remain residents indefinitely. This is because the additional QALY gains may be expected to accrue after that point.

5.39 **Housing:** The main housing gain is already included in the provision of interim refuge or other temporary housing within the framework of the interim support package. This is in relation to the prevention of homelessness and rough sleeping among victims and survivors, and those gains are included as part of the overall gains to physical and mental health included in the previous section. The additional gains in this specific housing section are therefore only claimed for those survivors who are awarded DVILR and become long term UK residents.

5.40 Here the researchers have used value tables. These tables draw on the work of Daniel Fujiwara on the wellbeing impact of alleviation of homelessness, debt, and poor housing for the Housing Association Charitable Trust (HACT).[16] The methodology and evidence behind this work is set out clearly in three background papers and

16 For further information on HACT, please see:https://www.hact.org.uk/measuring-social-impact-community-investment-guide-using-wellbeing-valuation-approach

draws on HM Treasury Green Book guidelines on policy evaluation and is rooted in the UK and international theory and practice around 'social value'.[17] It provides social value tables which estimate the monetised wellbeing gains in areas such as better health, education, employment, and social relations from being able to pay for housing, moving from temporary to permanent accommodation, or moving from overcrowded to appropriately sized dwellings.[18] Here the researchers have used the wellbeing benefit value to households without and with children moving from temporary to secure long term housing. These wellbeing effects are valued respectively at £8,019 and £8,036 respectively.

5.41 **Employment and skills:** As a result of the harm they have suffered, many survivors take time off work and are less productive following their return.

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17 Fujiwara, D. and Campbell, R (2011) *Valuation Techniques for Cost-Benefit Analysis* HM Treasury/ Department of Work and Pensions, London. Fujiwara, D. (2014) *Measuring the social impact of community investment – The methodology paper* HACT, London. Fujiwara D. and Vine J (2015) *The wellbeing value of tackling homelessness* HACT London.

18 For further information and tables, please see: https://hact.org.uk/tools-and-services/uk-social-value-bank/

The Home Office (2019) report cited above sets out two elements of employment-related costs – time lost at work and reduced productivity, with a total unit cost of £7,245.[19]

5.42 The situation for migrants is different from the main UK population and in considering the possible gains here, researchers reviewed the 2019 Nottingham Rights Lab report on employment opportunities and outcome for victims of modern slavery exiting the National Referral Mechanism programme (first stage) in relation to employment opportunities. This used a different approach in looking at how people supported by National Referral Mechanism who obtain "conclusive victim" status after consideration of their case; this is analogous to ILR for survivors of domestic abuse. Support as part of NRM programme also includes job readiness, and in those cases where jobs are obtained there is an estimated unit gain of £26,104. This differs from the Home Office (2019) figure in that the latter relates to the interruption and reduction of income for people already in employment, whereas the modern slavery figure is in relation to people who had not previously had a (non-slavery based) job. In the case of the migrant population that this report focuses on, there is

19 The economic and social costs of domestic abuse – GOV.UK (www.gov.uk), Table 19

a mix of people who were already working and people who were not.

5.43 The researchers' analysis of gains is restricted to those survivors who are awarded DVILR. In making the estimates they took into account:

- The aspects of the programmes of support which stress supporting the survivor to build an economically independent future for themselves, through referrals to training and job search agencies. They also took into account the award of ILR which means that wider resources of training, job search support, and social support from mainstream services will be available.[20]
- During the initial period it is likely that the main focus will be on establishing basic rights to which survivors are entitled, addressing the immediate need for health and counselling support, re-engaging in social relations with

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20 To note, there is also the effect of ILR decreasing the risk of labour exploitation. This is because the rights of residency are clearer to potential employers and therefore it is easier to find better employment opportunities. Furthermore, where employment practices are below standard it allows access to redress mechanisms including taking advantage of employment policy protections or in reporting to labour inspectorates and employment tribunals.

others and building rebuilding self-esteem and self-confidence.

- The cost benefit work by the Social Integration Commission (2016) indicates that social integration increased the chances of finding employment by 13%.[21]
- Evidence from the Women's Aid Federation provided to the DA Commissioner's team suggests that after assistance from their services between April 2021 – April 2022, 66% of survivors leaving a refuge were supported to obtain employment.
- A not insignificant proportion of survivors in the regular visa groups, will have been working before engaging with the programme. Returning more quickly to work can be enabled by engaging with the new services.

5.44 Taking these factors into account, the researchers estimated that amongst those awarded DVILR, 30% of survivors with children might enter or re-enter part time employment, and 50% of those without children enter full time employment.

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21 For background and links to the three reports from this commission on the benefits of integration of migrants and other ethnic minority citizens see https://www.belongnetwork.co.uk/resources/social-integration-commission/

Although the researchers expected that the benefits of having a job and being economically more independent would continue, the model adduces the gains in year 0 only, as they are primarily associated with faster return to economic independence than if the intervention had not taken place.

5.45 Based on this evidence, the researchers concluded that the average survivor without children would benefit by £16,322 per annum from improved employment prospects, while the figure for those with children was £20,206.

Children's gains

5.46 One main gain here comes from the wellbeing impact of the receipt of Child Benefit. Evidence shows that children from low-income families have better long-term outcomes if they receive additional income from welfare benefits in the child's early years. A major systematic review of the impact of additional income on children's outcomes was published in 2013 and updated in 2017 and 2021.[22] These studies examined the impact on children's outcomes of systematically increasing the household cash income. Impacts were seen at

22 Cooper, K., Stewart, K. *Does Household Income Affect children's Outcomes? A Systematic Review of the Evidence*. Child Ind Res 14, 981–1005 (2021).

different ages, and covered a range of outcomes for children, including cognitive development and social and behavioural outcomes. One key gain was cognitive development improvement in early years (pre-school). These gains were seen even where short periods of poverty in the child's early years were followed by later increases in family incomes. As an example of specific benefits, the authors estimated that increased annual household income of £924 (uprated to 2021 prices) was linked to an improvement in a young child's cognitive outcomes of between 5-27% of a standard deviation.[23]

5.47 However, it must be noted that the major gains related to additional household income in the form of children getting better jobs, having better wellbeing, and so on, are evident only in the long term. The researchers included these gains only in Year 0, so the figure is an underestimate because it does not include continuing longer-term gains. In their analysis the researchers used a unit gain figure of £1,671, which is applied to the number of

23 Cooper, K and Stewart, K (2017) . LSE (CASE) London, http://eprints.lse.ac.uk/103494/1/casepaper203

households who receive Child Benefit in the group who are awarded DVILR.[24]

5.48 A second main gain comes from the children no longer being exposed to domestic abuse in the household. There is a considerable amount of evidence about the harm this causes to children, which is reviewed in a separate annex ("The impacts on children from witnessing domestic abuse") of the Home Office's report (2019). It was also noted in Walby (2004 and 2009) as an important element of the impact of domestic abuse, although not included in her study. The Home Office annex concludes that

There is some evidence of this witnessing having immediate and future harms to a child's mental (and possibly physical) health, their future relationships, and links to increases in bullying, and poorer academic and economic outcomes.

5.49 It is of particular concern that this evidence suggests links between witnessing domestic abuse and an increased likelihood of the child experiencing domestic abuse as an adult – either as a victim or perpetrator – continuing a cycle which includes further child exposure. Other

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24 Garfinkel, I., Sariscsany, L., Ananat, E., Collyer, S., & Wimer, C. (2021*). The costs and benefits of a child allowance. CPSP Discussion Paper*. Poverty & Social Policy Brief Vol. 5 No. 3 March 08, 2021

impacts include educational under-achievement, including a study which showed a 12% lower achievement in standardised test scores.[25] Exposure to abuse is also associated with lower incomes and worse housing conditions in later life, with 7% on less than £20,000 per annum, compared with 5% of those who were not victims,[26] and those victims being more likely to live in social housing (20% compared to 14% of non-victims).

5.50 These costs were not monetised and included in the Home Office 2019 study, as that report sets out that children exposed to domestic abuse sometimes live in households where they are also subject to direct child abuse, and this is especially likely for children exposed to the highest-risk domestic abuse. As a result, it is extremely difficult for research to attribute specific impacts on children witnessing domestic abuse. In addition, there are, in the authors' views, fewer longitudinal

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25 Peek-Asa C., Maxwell L., Stromquist A., Whitten P., Limbos M.A. and Merchant J. (2007) *'Does parental physical violence reduce children's standardized test score performance?'* Ann Epidemiol, vol. 17(11), pp 847–853.

26 We use the term 'victim' in line with the definition of children as victims in their own right in the Domestic Abuse Act 2020. This definition includes children who witness domestic abuse or live in a household where domestic abuse is present.

studies of the issue than would be desired. That is to say, there is clear evidence of negative impacts on children from domestic abuse, but technical difficulties in quantifying and monetising the exact amounts.

5.51 A major report by the Early Intervention Foundation (2016) concluded that:

Witnessing domestic violence and abuse between parents irrespective of whether it results in direct physical harm to the child can have similar long-term consequences for a child to physical abuse that is targeted at the child. Children who have experienced domestic violence and abuse in the home display increased fear, inhibition, depression, as well as high levels of aggression and antisocial behaviour, which can persist into adolescence and adulthood.

There is also evidence to suggest that such children have later difficulty forming adolescent and adult relationships as a result of an increased propensity for violence, antisocial behaviour and a lack of trust.[27]

5.52 A report from SafeLives (previously called CAADA) indicates that of children living with domestic abuse, 60% feel shame, 52% have

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27 Guy at al (2014) op cit

behavioural problems, and a quarter exhibit abusive behaviour.[28]

5.53 Similarly, a major review of the literature in 2008 had concluded that

> *The past two decades have witnessed children occupying greater centrality and visibility within the literature and research on domestic violence, with emergent awareness and understanding of the impact of exposure to domestic violence on the growing child and of their needs within that context…*
>
> *This review finds that children and adolescents living with domestic violence are at increased risk of experiencing emotional, physical and sexual abuse, of developing emotional and behavioural problems and of increased exposure to the presence of other adversities in their lives.*[29]

5.54 The researchers considered that the importance of these clearly evidenced impacts should be reflected in the gains. Whether the gains are attributable to specifically preventing domestic abuse or wider aspects of child abuse within the

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28 CAADA (2014) op cit.

29 Stephanie Holt, Helen Buckley, Sadhbh Whelana (2008) *The impact of exposure to domestic violence on children and young people: A review of the literature*.

family, extending support to victims with NRPF would remove many children from the abusive family situation altogether, reducing the risks and generating the gains flagged in the literature.

5.55 The gains described in the literature above are related mainly to cognitive development and subsequent educational performance for younger children. The researchers wanted to include and monetise the wider benefits of preventing emotional and social harm for young people of all ages. To do this, the researchers have used the gain documented in the HACT social impact tables referred to above, which indicates that the one-off lifetime gains for a young person of improvements in confidence would be £9,283. The researchers applied this gain to those children in cohort who would gain ILR.

Summary of gains

Table 7: Summary social cost benefit analysis: Y0 cohort of victims/survivors, over 10 years

	Scenario 1	Scenario 2
If, over 10 years, Government were to spend for the first annual cohort,	£61,684,000	£61,154,000
the gains would include…		
Physical and emotional harm prevented	£106,703,000	£100,766,000
Homelessness and destitution prevented	£26,369,000	£24,374,000
Employment and skills	£91,015,000	£80,712,000
Better outcomes for children	£22,078,000	£20,407,000
Present value of gains over 10 years	£246,165,000	£226,259,000
Benefit-cost ratio, 10 years, Y0 cohort	**4.0**	**3.7**

Table 8: Summary social cost benefit analysis: 10 years of combined annual cohorts of victims/survivors

Sum of PVs of costs: 10 annual cohorts	£536,826,000	£536,613,000
Sum of PVs of gains: 10 annual cohorts	£2,293,420,000	£2,107,967,000
Benefit-cost ratio (BCR) 10 years, 10 annual cohorts	**4.3**	**3.9**

E) The benefit cost ratio

5.56 The LSE conducted a social cost benefit analysis, assessing costs and gains for society at large, not just in terms of government expenditure. In Scenario 1, the benefit cost ratio (BCR) for the first annual cohort of survivors is estimated to be 4.0. This is based on the government paying c.£61,684,000 of costs (present value over 10 years) and the gains to society on the same basis being c.£246,165,000. The BCR for the Y0-10 cohorts over 10 years rises to 4.3. This is based on the government paying c.£536,826,000 of costs, which generates c.£2,293,420,000 of gains.

5.57 In Scenario 2, the BCR for the first annual cohort of survivors is estimated at 3.7. This is based on the government paying c.£61,154,000 of costs and the gains to society being c.£226,259,000 (all expressed as NPVs over 10 years). The BCR for Y0-10 cohorts over 10 years is 3.9. This is based on the government paying c.£536,613,000, which generates c.£2,107,967,000 of gains.

5.58 Scenario 1 is somewhat less expensive over 10 years and has a higher long-term benefit to cost ratio.

F) The cost of doing nothing

5.59 Despite the implications of the term ‘no recourse to public funds’, the public sector does already

undertake expenditure related to victims of domestic abuse with NRPF. These expenditures fall into three main categories, as set out in Table 9.

5.60 The largest cost is borne by the NHS in treating the injuries and consequent medical problems of victims. The Home Office (2019) estimated this cost to be £1,200 in 2017 prices; uprated to 2020/21 values it is £1,347.[30] This is an average cost across all victims; total BAU expenditure in Year 0 is estimated at £7.3 million.

5.61 The second cost element is from police and criminal legal costs, again taken from Home Office research. The average cost per victim was £815 in 2017 prices, or £915 in current values. The total BAU expenditure in Year 0 is estimated at £4.9 million.

5.62 Finally, local authorities support some NRPF victims of DA with minor children through their duties under Section 17 of the Children Act. Researchers found that not all survivors with NRPF manage to access local authority support, and based on their consultation with specialist 'by and for' organisations assumed that this expenditure was undertaken for 20% of NRPF victims with

30 The economic and social costs of domestic abuse (publishing.service.gov.uk)

children who approached local authorities for support. The total estimated BAU local-authority expenditure in this category is £4 million in Year 0.

Table 9: Annual BAU public expenditure on victims of DA with NRPF

	Number	% to which applied	Unit cost	Total cost in Year 0
Health services required as a result of victims' injuries	5,408	100%	£1,347	**£7,284,000**
Police and criminal legal costs	5,408	100%	£915	**£4,947,000**
Annual cost to **local authorities** of supporting victims with children under S17 of Children Act	1,947	20%	£10,185	**£3,965,000**
			Total	**£16,196,000**

5.63 If Scenario 1 were to be adopted, 'business as usual' costs would be reduced but not eliminated, as there would still be residual public-sector costs for administration, signposting and general support. The researchers estimated these as 10% (£1.62m) of the existing expenditure, based on the literature around similar policies.[31]

31 Benton, et al (2022) *Social Cost Benefit Analysis of the no recourse to public funds (NRPF) policy in London.*

5.64 Reduction in BAU costs would not be as marked if Scenario 2 were to be adopted, because most undocumented migrants would receive initial assistance only and some could be expected to re-present in subsequent years. The researchers have therefore modelled a Year 0 reduction commensurate with that for Scenario 1, but then an increase in following years, assuming on average that 25% of those assisted who did not achieve long-term status would go on to re-present to public services.

5.65 In both cases—Scenarios 1 and 2—the model allows for ongoing public-sector costs to last for the expected duration of claiming of Universal Credit.

5.66 These costs do not include the £1.4m temporary fund for the Support for Migrant Victims Pilot in the years 2021/22 and 2022/23.

6. Recommendations

The recommended scenario

6.1 Based on the Domestic Abuse Commissioner's assessment of the social and financial costs and benefits of these different scenarios, the Commissioner would recommend that the Home Office adopt Scenario 1, which extends support for all migrant victims and enables them to access the DDVC and DVILR. This scenario has the highest benefit-cost ratio at 4.0 for the first cohort, rising to 4.3 for the ten years of cohorts. Over ten years, if the government were to pay the expected costs of c.£536,826,000, this would generate overall social gains worth c.£ 2,293,420,000 (both in present value terms).

6.2 In comparison, Scenario 2 has a benefit cost ratio of 3.7 for the first cohort, rising to 3.9 for the ten years of cohorts. Over ten years, if the government were to pay the expected costs of c.£536,613,000, this would generate overall social gains worth c.£2,107,967,000 (both in present values). Scenario 1 is therefore less expensive over 10 years and has a higher long-term benefit-cost ratio.

6.3 Scenario 1 also reflects more accurately the desired support that victims and survivors of domestic abuse told the Commissioner would

have helped them most –one that includes access to emergency support, routes to regularising their stay, and the ability to access support within a specialist by and for organisation supporting migrant victims of domestic abuse. Importantly it ensures that destitute victims and survivors of domestic abuse are given the support that they need to leave a dangerous and potentially life-threatening situation.

6.4 Researchers also concluded that this scenario would increase the likelihood of survivors coming forward for support, and thus further increase the gains. The automatic right to apply for DVILR and DDVC in Scenario 1 may provide more assurance to survivors that there is less risk of deportation and less risk that their children may be taken from their care, as well as providing a route to a formal presentation of their case to remain. Furthermore, the more statutory basis of permitting automatic access to apply for DVILR may make it much clearer to local authorities and other public bodies that these survivors have a recognised right to services, and thereby speed up the provision of those services.

6.5 Scenario 1 also gives statutory access to mainstream public funding, whereas Scenario 2 provides for a time-limited fund to provide services. Such funding pots are normally subject to annual or triennial review and approval. There would be

regular review points at which the funding and details of the scheme were subject to uncertainty and possible change, as well as additional administrative burden. Scenario 1 creates a mechanism which is flexible to the number of victims and survivors that come forward to access support, which may vary year on year, and the length of support victims need support for – rather than a restricted pot which may be too much or too little funding for some victims and may require year-on-year revising.

6.6 Finally, Scenario 2 involves frontline professionals having to determine which victims are eligible for different types of support based on their status, which is likely to create confusion and complication both in the implementation of the DDVC and DVILR access and the national funding pot. There is evidence about the current provision of support that complicated pathways and a lack of clarity about who is eligible for what may lead to victims and survivors being misinformed or turned away from support. Scenario 1 presents a simple, universal option which should tackle any confusion among frontline professionals about what support is available to victims and survivors.

Recommendations for implementation

Consultation

6.7 The Domestic Abuse Commissioner recommends that the Home Office consult closely with the specialist domestic abuse sector, and particularly the specialist by and for sector, in the development and implementation of any new model of support for migrant victims. Through the introduction of the DDVC, following the Sojourner project for example, the Home Office convened a working group with the specialist domestic abuse sector to aid implementation.

Emergency provision leading to initial support

6.8 The first prong of this model involves support being made available to victims and survivors swiftly, within a 72-hour period. In order to support the implementation of this model the Commissioner would recommend that a routine referral pathway be established between public services and the domestic abuse sector, whereby guidance is issued to public services to ensure they refer any migrant victim to interim support from a specialist by and for service. The Commissioner would also recommend that specific guidance is issued to local authorities in the implementation of any central funding model which covers both single

victims and survivors and those with children. This guidance should make clear that the existence of this pathway does not absolve local authorities of their duties under the Children Act.

6.9 The initial support pathway should be funded through a centrally held grant administered by domestic abuse service(s) in every Tier 1 local authority (or a relevant cross authority partnership). To ensure migrant survivors can access tailored and specialist support, this pot should have centrally set conditions for awarding the fund to the following services in order of priority:

1. Specialist ‘by and for’ organisations with expertise in supporting migrant victims of domestic abuse;
2. Specialist ‘by and for’ organisations, in partnership with mainstream specialist domestic abuse organisations;
3. Mainstream specialist domestic abuse organisations.

DDVC and DVILR extension

6.10 There are a number of different factors to consider in relation to DVILR extension. Firstly, the statutory criteria for awarding DVILR should be amended. In particular the rules criminalising migrants arriving by informal routes (particularly those carried by people smugglers) should be waived in terms

of these criminal convictions and bad character provisions of DVILR. The overlapping processes of determining asylum applications and processing applications for ILR under the other visa routes can continue in parallel with the DVILR application, where this is appropriate.

6.11 With survivors on a range of different visa types having access to the DDVC in this Scenario, it may be that there are more complex cases where victims require more than 6 months to gather the evidence they need to make an application for DVILR. There may also be limited capacity for legal advice with additional survivors making applications, particularly in the first months of implementation. There should therefore be some flexibility built into this model whereby survivors with particularly complex cases can extend access to DDVC while they gather the additional information they need to make their DVILR application. Flexibility should be granted based on confirmation that the victim intends to make an application to the DVILR, which could be evidenced through a supportive letter from a voluntary or statutory agency or from a legal advisor.

Improved access to immigration legal advice and representation

6.12 This is vital in ensuring victims and survivors can be supported to make applications to the DDVC and DVILR. This should include:

a. Commissioning a national immigration advice line for migrant survivors of domestic abuse;

b. Implementing reforms through the legal aid means test review which ensure all survivors of domestic abuse should be automatically granted an exemption from undergoing the means test in civil and immigration proceedings.

Supporting recommendations

6.13 In the course of our research and engagement with victims and survivors and sector specialists, additional, linked issues were raised that must also be included in our recommendations to Government to ensure that we put ‘safety before status’ for victims and survivors of domestic abuse.

6.14 The Domestic Abuse Commissioner strongly encourages the Home Office to adopt the following supporting recommendations:

1. Introduce a firewall[32] between immigration enforcement and public services to ensure survivors of domestic abuse can safely report their experiences of domestic abuse, enabling them to access support through this pathway, without fear of immigration enforcement. This firewall would increase survivor confidence in reporting, and help to address the fear of reporting and the impact of immigration abuse described so clearly by survivors in the roundtables held by the Commissioner to inform the report. This firewall should be established through legislation in the upcoming Victim's Bill and should be supported by a routine referral pathway from the police to domestic abuse services;
2. Include the Domestic Abuse Commissioner's definition of 'immigration abuse'[33] in policy and guidance on domestic abuse, including the Coercive and Controlling Behaviour statutory guidance. This would help improve understanding and recognition of the particular

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32 For further information on how a firewall will benefit victims, please see: Safety-Before-Status-Report-2021.pdf (domesticabusecommissioner.uk)

33 For further information on immigration abuse, please see: Safety-Before-Status-Report-2021.pdf (domesticabusecommissioner.uk)

barriers to accessing support that this type of coercive control creates for migrant survivors, as described so clearly by survivors of domestic abuse to the Commissioner. Improved understanding of immigration abuse would also help to bring perpetrators of domestic abuse to justice by understanding the full range of abusive behaviours used.

7. Conclusion

7.1 Migrant victims and survivors with no recourse to public funds face significant barriers in accessing support through domestic abuse services like refuge and other safe accommodation. The lack of funding and status provides their perpetrators with weapons to continue their abuse. It must be stressed that the extension of DDVC is for survivors who are destitute and currently lack the recourse to public funds which can enable them to receive support and leave an abusive relationship while they can apply for DVILR. Furthermore, it gives the survivors regular migration status for a period and will help remove the fear of deportation, which abusers utilise as tool to continue the abuse It is a key priority for the Domestic Abuse Commissioner to improve support for migrant victims of domestic abuse, and as such the Commissioner commissioned this vital research to help inform government decision making on this issue.

7.2 In the Commissioner's first report *Safety Before Status: improving pathways to support for migrant victims of domestic abuse,* the Commissioner set out the clear recommendation that when the Home Office comes to make longer-term decisions about the future of support for migrant victims this year, this must ensure support is available for all

victims, regardless of their immigration status. The Commissioner welcomed the response from the Home Office in January 2022, which accepted this in principle recommendation and highlighted the government's position that migrant victims should be treated as victims first and foremost.

7.3 This report has set out two different support models the Home Office could adopt on the conclusion of the Support for Migrant Victims Pilot, including support for all victims through the DDVC and DVILR, and support for some through a dedicated national funding pot. Both of these scenarios would create a pathway in which all survivors can access some form of interim support, regardless of their immigration status. It is the Commissioner's recommendation that Scenario 1 be adopted as it presents the highest cost-benefit ratio as well as enabling qualified survivors to regularise their stay.

7.4 The Commissioner looks forward to working with the Government, as well as with specialist by and for domestic abuse services, in the development and implementation of the future model of support for migrant survivors. The Commissioner calls on the Government to adopt the recommendations in this report, ensuring all migrant survivors can access the support they need and putting Safety Before Status, once and for all.

8. Acknowledgements

8.1 This report draws on contributions from a range of experts, practitioners, researchers and victims and survivors of domestic abuse. The Domestic Abuse Commissioner would like to thank Kath Scanlon, Dr Bert Provan, Dr Ria Ivandic, Professor Christine Whitehead, and Fanny Blanc at the London School of Economics, and Dr Mariña Fernández-Reino at the Oxford Migration Observatory, for their work to produce the independent research that this report is based on.

8.2 Thanks also go to all the organisations and individuals consulted in the development of this research, including Southall Black Sisters, Latin American Women's Rights Service, Rights of Women, the Angelou Centre, Safety 4 Sisters, Hope, the Halo Project, Praxis, Saheli, Women for Refugee Women, EVAW, IKWRO, Saheli, East European Resource Centre, Latin American Women's Aid, London Black Women's Project, Zinthiya Trust, Ashiana Network, Apna Haq, SafeLives, Joint Council for the Welfare of Immigrants, Kurdish and Middle Eastern Women's Organisation, Middle Eastern Women and Society Organisation, Sangini and the Central England Law Centre.

8.3 The Commissioner is particularly grateful to the survivors of domestic abuse who bravely shared their experiences with our office – their lived experience has shaped the findings and recommendations of this report, and they are at the heart of the Commissioner's work to improve the pathways to support for survivors of domestic abuse.

9. Appendix 1: Terminology

9.1 **NRPF:** The 'No Recourse to Public Funds' (NRPF) condition applies to most non-EEA residents who do not have ILR and are thus subject to immigration control. It also applies to people who are in the United Kingdom without authorization, i.e. the irregular migrant population.

9.2 **Undocumented:** There are four main ways in which a person can become an undocumented migrant in the UK (Walsh, 2021):

- People who enter the UK regularly (i.e. with an entry clearance visa) and breach the conditions attached to their visa, such as overstaying, doing work that is not permitted, or having a criminal conviction.
- People who enter the UK irregularly or without a visa.
- Asylum seekers who do not leave the country after their application has been rejected and all rights of appeal exhausted.
- People who are born in the UK to parents who are undocumented. These children are typically included in estimates of the UK's undocumented population, although some of them can acquire citizenship directly; in those cases, parents might also be able to regularise

their situation though the family or private life 10-year routes.

9.3 **Domestic abuse:** We follow the government's definition, which defines domestic abuse as "Any incident or pattern of incidents of controlling, coercive, 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. It can encompass, but is not limited to, the following types of abuse: psychological, physical, sexual, financial, or emotional." This definition also includes children who live in a household where domestic abuse is present, or witness domestic abuse, as victims in their own right, as per the Domestic Abuse Act (2020) definition.

9.4 **Immigration abuse:** Immigration abuse is a form of perpetration that uses the 'insecure', 'uncertain' or 'unknown' immigration status of an individual (or their dependents) to threaten, coerce, exploit and/or subjugate them (or their dependents) as part of a pattern of control and/or abuse and violence. For further information, see the definition of immigration abuse in the Commissioner's first report, *Safety Before Status: improving pathways to support for migrant victims of domestic abuse.1*

9.5 **Victims and survivors:** We use "survivors" to encapsulate both the legal framing of people who

experience violence (“victims”) and to account for the individual preferences of those who have experienced domestic abuse. For example, survivor is the preferred term of some as it has empowering connotations, whereas others prefer the universal term victim. We have decided that the term “survivors” is more useful in this report.

9.6 **Specialist ‘by and for’ organisation:** We use the term ‘by and for’ to mean organisations that are designed and delivered by and for people who are minoritized (including race, disability, sexual orientation, transgender identity, religion or age). These services will be rooted in the communities that they serve, and may include wrap-around holistic recovery and support that address a victim / survivor’s full range of needs, beyond purely domestic abuse support.

E02769157
978-1-5286-3583-7