



Home Office

Migrant Victims of Domestic Abuse Concession (formerly the destitute domestic violence concession (DDVC))

Version 4.0

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About this guidance

This guidance explains the eligibility criteria to apply for temporary permission to stay in the UK under the Migrant Victims of Domestic Abuse Concession (MVDAC) formerly known as the Destitute Domestic Violence Concession (DDVC).

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 please email Domestic Violence Immigration Policy.

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

Publication

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

- version **4.0** (formerly titled destitute domestic violence concession (DDVC))
- published for Home Office staff on **04 April 2024**

Changes from last version of this guidance

This guidance has been updated to reflect changes to the Immigration Rules made in Statement of Changes HC 590, laid on 14 March 2024.

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Introduction

Background

This concession provides a short period of independent immigration status and financial support to certain partners who are victims of domestic abuse, allowing them to leave an abusive relationship to a position of safety and support. During this three-month period of permission to stay the victim must do one of the following to address their immigration status:

- apply for permission to stay in a relevant immigration route
- apply for settlement on form SET (DV) where they are eligible to do so under Appendix Victim of Domestic Abuse (Appendix VDA)
- make arrangements to leave the UK

This concession (which previously only provided for a victim of domestic abuse in the UK with permission as a partner under Appendix FM or Appendix Armed Forces) was expanded from 16 February 2024 to provide a three-month period of status and temporary support to a migrant victim of domestic abuse in the UK as a dependent partner of a migrant in the UK with permission on a work route or as a student. This is in addition to the previous policy of providing the same period of immigration status and temporary support to a victim of domestic abuse in the UK with permission as a partner under Appendix FM or Appendix Armed Forces (Appendix VDA from 31 January 2024).

This policy extension responds to the findings of the Support for Migrant Victims (SMV) Scheme (initially run as a pilot between July 2021 and July 2022, to support migrant victims of domestic abuse who do not have access to public funds to access safe accommodation).

From 4 April 2024, the eligibility for the Migrant Victims of Domestic Abuse Concession (MVDAC) was further expanded to include a spouse, civil partner or durable partner under Appendix EU with pre-settled status under the EU Settlement Scheme (including where that was granted or is now held on the basis of retained rights), and their dependent children.

The policy does not provide for all victims of domestic abuse and not everyone granted permission under this concession will be eligible to apply for settlement under Appendix VDA.

Policy intention

The overall intention of the policy is to protect eligible migrant victims of domestic abuse and their children, and thus support the most vulnerable by:

- providing an eligible victim of domestic abuse a period of 3 months' permission to stay independent from their partner

- providing an ability to apply for recourse to public funds to enable financial support where required
- facilitating an application for permission to stay in a relevant immigration route, apply for settlement on form SET (DV) as a victim of domestic abuse if eligible under Appendix VDA, or make plans to leave the UK during a short period of lawful status, financial stability and support from specialist services

This is a policy concession outside the Immigration Rules, due to the unique nature of the applications and speed in which decisions must be taken to best support eligible victims.

This policy does not provide for migrants here with status in their own right, such as students and workers, who already have status independent from their abuser and should be financially independent as assessed in their initial application to enter the UK and can retain their current status if they choose, with additional support from the SMV scheme and the charity sector available. Nor does the policy provide for illegal entrants or those who entered the UK temporarily, for example as a visitor who overstayed, as it would be contradictory to the Government's overall approach to illegal migration.

Any previous permission held is varied automatically upon being granted permission under the Migrant Victims of Domestic Abuse Concession (MVDAC).

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Eligibility

This page tells you the requirements which must be met for an applicant to qualify for temporary permission outside the immigration rules, under the Migrant Victims of Domestic Abuse Concession (MVDAC).

For the purpose of this guidance, the definitions are the same as those set out in the Domestic Abuse Act 2021, and in the [Domestic Abuse Statutory Guidance](#).

Eligibility for this concession is limited to those who are, or have last been granted permission as, one of the following:

- a partner under Appendix FM (except for permission as a fiancé or fiancée or proposed civil partner) of a person who is a British citizen, settled in the UK or a European Economic Area (EEA) national in the UK with limited leave to enter or remain granted under paragraph EU3 of Appendix EU on the basis of meeting condition 1 in paragraph EU14 of Appendix EU
- a spouse, civil partner or durable partner under Appendix EU with limited leave to enter or remain as a family member of a relevant EEA citizen (or of a qualifying British citizen), as a joining family member of a relevant sponsor or as a family member who has retained the right of residence, granted under paragraph EU3 or EU3A of that Appendix
- a partner under Appendix FM, Part 11, or Appendix Family Reunion (Protection) of a person with permission as a refugee
- a partner of a person present and settled in the UK under paragraph 285 or 295E of Part 8
- a partner under Appendix Armed Forces or Part 7 (except for permission as a fiancé or fiancée or proposed civil partner) of a person who is or was a member of HM Armed forces
- or as a partner of a person with permission to enter or stay on a work route or as a student

And:

- the applicant's relationship has broken down due to them being a victim of domestic abuse
- the applicant requires a short period of permission to stay independent from their sponsor partner or lead student or worker applicant
- the applicant wants the option to apply for access to public funds

EU Settlement Scheme (EUSS)

A person may be granted limited leave to enter or remain under Appendix EU (also referred to as pre-settled status under the EUSS) as a spouse, civil partner or durable partner of a relevant EEA citizen (or of a qualifying British citizen or relevant sponsor), where they are, or for the relevant period were, party to a marriage, in a civil partnership or in a durable partnership, with that relevant EEA citizen, qualifying British citizen or relevant sponsor. This means that they can apply under this route

where they were granted pre-settled status as the spouse, civil partner or durable partner of that person (including where they have since become a 'family member who has retained their right of residence' under Appendix EU, by virtue of their relationship with that person) or where they were granted pre-settled status as a 'family member who has retained the right of residence' under Appendix EU.

Other than dependent children, other family members who have or last had pre-settled status under the EUSS are ineligible under this route. Any family members who have or last had an EUSS family permit are also ineligible under this route.

For more information on how the EUSS and the EUSS family permit provide for victims of domestic abuse, under those routes. For more information, see the section 'A family member who has retained the right of residence' in EU Settlement Scheme: EU, other EEA and Swiss citizens and their family members and EU Settlement Scheme Family Permit and Travels Permit.

Work routes

Most of the categories under the Immigration Rules relate to work. Not all work routes allow for dependent partners to be granted permission, but, where they do, those partners are included under this concession.

A work route is defined broadly as any route that involves an economic purpose. It includes long standing routes such as UK Ancestry, closed routes such as Turkish worker / businessperson and newer routes such as High Potential Individual.

Work routes can all be found on the [work in the UK](#) page at GOV.UK.

By way of an exception, dependent partners under the Hong Kong British National (Overseas) route are excluded from eligibility under this concession. That is because they can apply for further permission and settle independently of their partner on the Hong Kong British National (Overseas) route after a relationship breaks down and they can make a change of conditions application should they need access to public funds.

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Children

Applicants can include any dependent children under the age of 18, or who are aged over 18 at the date of application if they were last granted permission as the dependent child of their parent or parents and are not leading an independent life, who need to apply for 3 months' permission under the concession. This is most likely to be when the dependent child is also reliant on the partner's sponsor for their immigration status. In all cases, a parent of the child must have been, or is at the same time being, granted permission under the concession.

If a dependent child already has settlement or is a British citizen but is included on the form, then you should disregard this.

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Application process

This page describes the application process.

A person seeking permission to stay under the Migrant Victim of Domestic Abuse Concession (MVDAC) must complete and submit the [LOTR \(DVV\)](#) form to the Home Office at domesticviolence2@homeoffice.gov.uk.

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

DV Duty Officer
Permanent Migration
Department 84
Level 4
The Capital
Old Hall Street
Liverpool
L3 9PP

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

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

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Deciding an application

This page tells you about deciding an application for permission to stay under the Migrant Victim of Domestic Abuse Concession (MVDAC).

Granting permission to stay

Those who meet the criteria of the MVDAC must be granted leave outside the rules (LOTR) for three months on conditions permitting employment with no prohibition on recourse to public funds (code 1A). This will vary any permission currently held by the applicant.

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

You should confirm in that letter whether the applicant is eligible to make an application for settlement under Appendix VDA via form SET(DV) or whether they are not eligible to do so. The letter granting LOTR will inform applicants that they must submit any further application, including a SET(DV) if eligible, before the expiry date of their permission. If an application is validly made before the expiry date, the applicant will benefit from section 3C leave until their application is decided.

If an applicant fails to submit another application before the expiry date of their permission and has not already left the UK, they will become an overstayer, losing entitlement to public funds, and may be removed from the UK.

You must inform the applicant in that letter they should make a separate application to the Department for Work and Pension (DWP) to receive public funds which will be assessed against the normal DWP criteria.

A grant of permission under the MVDAC is recognition that an applicant declared themselves a victim of domestic abuse who required immigration status independent from their partner because of the relationship breaking down because of domestic abuse, with recourse to public funds where eligible, and does not guarantee that any subsequent application for permission under the Immigration Rules will be granted.

3C leave

Where the person has made an in-time application (where they hold extant permission or status at the date of application), and the permission or status expires before a decision is made, that permission, or status and associated conditions will be extended by Section 3C of the Immigration Act 1971 (Section 3C leave) until they receive their decision. This protects a person who makes an in-time application to extend their permission from becoming an overstayer while they are awaiting a decision on that application and while any appeal or administrative review they are entitled to is pending.

For example, if a person with 3 months LOTR under the MVDAC with an expiry date of 10 May 2024, makes a valid SET (DV) or other immigration application on or before 10 May 2024, their LOTR will continue automatically until they receive a decision on their immigration application. If the immigration application is refused, and the applicant has a right of administrative review or appeal which they exercise within the specified deadline, the LOTR will continue automatically until the administrative review or appeal is concluded.

Refusing permission to stay

This page tells you how to refuse an application under the Migrant Victim of Domestic Abuse Concession (MVDAC).

If the applicant fails to meet the criteria to qualify for permission to stay under the concession you must:

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

If an applicant applies under the MVDAC when they already have permission under the concession, then that application should be refused.

Reconsiderations

There is no right of appeal or administrative review against a refusal under this concession, or an automatic right for a refusal to be reconsidered. Requests should only be reconsidered where it is suggested that the policy has been incorrectly applied. Any reconsideration must be agreed by a senior caseworker.

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