Home Office

Appendix Victim of Domestic Abuse

Version 19.0

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Contents

About this guidance

This guidance tells you how to consider applications for entry clearance and permission to stay under Appendix Victim of Domestic Abuse (Appendix VDA).

The provisions of Appendix VDA only apply to applicants who have previously been granted permission as a:

- spouse
- civil partner
- unmarried or durable partner

Furthermore, to be eligible under Appendix VDA the applicant must have, 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 victim of domestic abuse under Appendix FM
- a partner under Appendix Armed Forces or Part 7 (except for permission as a fiancée or proposed civil partner), of any of the below:
  - a person who is a British citizen
  - a foreign and commonwealth citizen with at least 4 years' reckonable service in HM Forces at the date of application under this paragraph
  - a member of HM Armed forces who has applied for or been granted permission or settlement as a foreign and commonwealth citizen discharged from HM Armed Forces
- leave outside the rules granted under the Migrant Victims of Domestic Abuse Concession (formerly the destitution domestic violence concession (DDVC)), and immediately before that, were last granted permission under one of the above categories

Due to a drafting omission, the following cohorts are not within Appendix VDA but should be granted settlement outside the Immigration Rules where they meet all the other requirements of Appendix VDA and are:

- a spouse, civil partner or unmarried or same sex partner under paragraph 282(a), 282(c), 295B(a) or 295B(c) of Part 8 of a person present and settled in the UK
- a post flight spouse, civil partner or unmarried or same sex partner of a refugee granted under Part 8
- a victim of domestic abuse under Part 8

The applicant must be in the UK, unless the applicant has been abandoned overseas as a victim of transnational marriage abandonment.

Dependent children under the age of 18 can also apply under this route, as can a dependent child 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. In all cases, a parent of the child must have been, or is at the same time being, granted leave under this route.

Contacts

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

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

Publication

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

- version **19.0**
- published for Home Office staff on **25 February 2025**

Changes from last version of this guidance

This guidance has been updated to reflect changes to the eligibility for settlement outside the Immigration Rules to include a spouse, civil partner or unmarried or same sex partner under paragraph 282(a), 282(c), 295B(a) or 295B(c) of Part 8 of a person present and settled in the UK; a post flight spouse, civil partner or unmarried or same sex partner of a refugee granted under Part 8; and a victim of domestic abuse under Part 8. There is a further update to the section on the EU Settlement Scheme (EUSS).

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Immigration Rules requirements

This page tells you the requirements the applicant must meet to be granted settlement (also known as indefinite leave to enter (ILE) or indefinite leave to remain (ILR)) as a victim of domestic abuse.

When you consider an application, you must check:

- it is valid
- the applicant does not fall for refusal on grounds of suitability
- the applicant meets the eligibility requirements

Guidance on validity, suitability and eligibility is contained in this document.

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Validity

Application form

A person applying from outside the UK on the Victim of Domestic Abuse (VDA) route must apply for entry clearance online on the gov.uk website on the specified form: "Return to the UK."

Each person requires their own entry clearance application, including children who are applying on the Appendix VDA route at the same time as their parent. However, children do not need to complete the sections on the form concerning domestic abuse or meet the fee waiver requirements if those sections have been completed on the parent's application form.

A person applying in the UK on the Victim of Domestic Abuse route must apply online on the gov.uk website on one of the specified forms as follows:

- for the Victim of Domestic Abuse and any child who is applying for permission on the Victim of Domestic Abuse route at the same as their parent, form SET (DV)
- for a child in the UK who is not applying for permission on the Victim of Domestic Abuse route at the same time as their parent, form SET (F)

Biometric enrolment

Applicants must, in most circumstances, enrol their biometrics before a decision on the application can be considered, unless the Home Office has decided to re-use previously enrolled biometrics or unless the applicant is excused from the requirement to enrol.

Whether the applicant can be excused is based on the Biometric reuse guidance and the Unable to travel to a Visa Application Centre to enrol biometrics (overseas applications) guidance.

Identity and nationality

The identity and nationality requirements under Appendix VDA can be met by providing a valid passport or other document.

You may exercise discretion under rule VDA 1.4. if one of the reasons as outlined in paragraph 34(5)(c) of the Immigration Rules applies.

You can exercise discretion to treat an application as valid even if the applicant has not provided a passport or other document.

It is not possible to provide a list of documents other than a valid passport that would enable an applicant to establish their identity. While we are clear that we will accept

alternative documents in certain circumstances, a valid passport is always the most secure way of proving identity.

The types of documents that provide the highest levels of assurance are those that are secure, which means they are difficult to falsify, can be validated against a trusted source, and contain a facial image that resembles the holder. The alternative types of documents that may be accepted as evidence of a person's identity and nationality could include:

- national identity cards or documents
- UK issued Biometric Residence Permits or Cards
- identification documents issued by the Crown Dependencies
- birth certificates and other source documents issued by national authorities
- identification documents issued non-government organisations
- expired passports or other travel documents

That list is non-exhaustive and the decision to accept alternative documentation will also depend on other factors, such as whether:

- the application is being made in-country or overseas
- the process an issuing authority applies when it issues an identification document is understood
- the person enrols their biometric information
- there are circumstances that are so compelling that we ought to accept the documentary evidence an applicant is able to provide

You should consider that applicants under this route will have previously been granted a form of permission from the Home Office as a partner. Wherever an applicant is unable to provide proof of identity, you can further consult relevant Home Office records to make a decision on an application.

Fee waiver

This section tells you how to assess claims to be destitute and exempt from the application fee as a result of domestic abuse.

In accordance with fees regulations, a person who is destitute will be exempt from paying the application fee for settlement as a victim of domestic abuse.

A person is considered destitute if they:

- do not have adequate accommodation or any means of obtaining it (whether or not their other essential living needs are met)
- have adequate accommodation or the means of obtaining it, but cannot meet their other essential living needs

An applicant who claims to be destitute must:

- submit the relevant application form but not submit the specified fee

- provide evidence on the form or on any attachments to the form that they have no means to pay the specified fee

Where an applicant is applying from overseas for entry clearance under Appendix VDA, the assessment should take into account their circumstances in the UK should they be granted entry clearance, including a consideration of any costs to return to the UK to enable them to resume their residency.

Applicants are not expected to seek a loan to pay the fee and third parties are not expected to pay the fee on their behalf.

The fee waiver application will be assessed based on the information contained on the application form and any accompanying documentary evidence provided.

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Fee waiver: evidence

This page tells you what evidence may be submitted for a decision to be made on the Appendix Victim of Domestic Abuse (VDA) fee waiver. The assessment of whether the applicant qualifies for a fee waiver will be based on their individual circumstances and those of any dependent family members.

The fee waiver application will be assessed based on the information and accompanying documentary evidence provided.

The applicant should provide information and evidence about their financial circumstances. Where the applicant seeks a fee waiver, but the information and evidence supplied is not sufficient to enable a grant, you should normally make additional enquiries to try to establish whether the applicant qualifies for a fee waiver.

The applicant may provide relevant information and supporting documentation to evidence their financial circumstances.

In all cases, evidence should be up to date unless there are compelling reasons the applicant is relying on older evidence.

The ability of the applicant to provide evidence may be impacted by their personal circumstances, in particular, their circumstances arising from domestic abuse.

You might expect to see information and evidence relating to:

- the applicant's accommodation, the cost of it and the applicant's contribution toward the cost of accommodation
- the applicant's income from work, benefits, local authority payments or other sources such as family or friends
- the applicant's capital assets such as savings in the bank
- the applicant's outgoings such as utility bills, food, toiletries, clothes
- any other relevant reason the applicant is unable to pay the fee

Examples of supporting evidence could include:

- tenancy agreement
- pay slips
- bank statements
- utility bills
- letters from Department for Work and Pensions (DWP) or HM Revenue & Customs (HMRC) regarding welfare benefits confirming benefits paid to the applicant
- letters from local authority regarding accommodation and financial support
- letters from domestic abuse organisations or registered charities regarding accommodation and financial support
- letters from family or friends providing accommodation or other financial support

- a written explanation from the applicant explaining their financial circumstances

If the applicant is being supported by family or friends, the Home Office does not expect that support to extend to them paying an application fee.

If an applicant claims they are totally or partially reliant on family or friends for support and they are not able to provide documentary evidence from those providing the support, you will need to understand why documentary evidence is not available and assess whether the explanation is reasonable.

Where an applicant has suffered domestic abuse including financial or economic abuse this may impact their ability to provide information or evidence relating to their financial circumstances. For example:

- the applicant may not have a bank account or, where a bank account has been opened in their name or in their name jointly with another person, they may not have knowledge of, access to or control of that account
- the applicant may still be living in an abusive household and be unable to provide any supporting evidence relating to the accommodation, utility bills or sources of income or expenditure
- welfare benefits may be in the perpetrator's name, or in the applicant's name but the perpetrator has control over them

Applicants applying from outside the UK may face additional barriers in providing supporting evidence relating to financial resources or lack of funds. For example, an applicant who has been subjected to transnational marriage abandonment may be living overseas with their partner's family members or with hostile members of their own family and, for reasons of their own or a child's safety, may be unable to inform those persons that the entry clearance application is being made or otherwise seek evidence of their accommodation or financial support by those individuals.

In addition, an applicant overseas may struggle to access their bank account in the UK, for example if the accounts were controlled by the perpetrator, or they have no knowledge of the accounts, or they are not registered for online banking.

Where you are not satisfied that the applicant qualifies for a fee waiver on the evidence initially provided, you should seek further information from the applicant via the letter for that scenario. Requests for information or evidence, particularly for those applying from overseas, should be managed sensitively in correspondence.

Having reviewed any reasons given for a lack of documentary evidence that arises from any abusive situation the applicant was or is in, you may consider exercising discretion to accept the applicant's account regarding their financial circumstances in the absence of corroborative documentary evidence.

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Fee waiver: decision

This page explains what to do when a decision is reached on whether an applicant qualifies for a fee waiver.

It is the responsibility of the applicant to satisfy you of their claimed financial circumstances. However, where you are not satisfied by the information or evidence submitted that the applicant qualifies for a fee waiver and are minded to reject the application, you must contact the applicant to request further information and evidence, specifying the further information or evidence required, if appropriate.

Rejection of fee waiver request

You should only reject the fee waiver request if, having requested further information or evidence from the applicant and having considered the information and evidence provided in the round, and having considered the exercise of discretion, you are still not satisfied that the applicant qualifies for a fee waiver.

You must set out in writing why the applicant does not qualify for a fee waiver based on the evidence they have provided. This should make clear this is not a refusal of the application for settlement.

You must advise the applicant that if they wish to validate their application, they must pay the specified fee within 10 working days and if they do, the date of application remains the date the original application was submitted.

If the fee is paid within that period, and the application meets the other validation criteria, you should forward it to the relevant case working section for consideration.

If the fee is not paid within 10 working days, or the applicant has failed to demonstrate that they qualify for a fee waiver, you must reject the application as invalid.

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Suitability

To meet the suitability requirements, you must check that the applicant does not fall for refusal under any of the grounds for refusal in Part 9 of the Immigration Rules.

Decisions on suitability are either mandatory (must) or discretionary (may). Due to the importance of safeguarding potentially vulnerable victims you should consider the available Suitability guidance on each of the grounds of refusal that may apply to the applicant.

You should have particular consideration where the possible grounds for refusal directly relate to, or are connected to, the domestic abuse.

The mandatory ground for refusal in Part 9 at paragraph 9.8.4(a) does not apply to applications under this route.

This reflects that passports and immigration documents may be controlled by the abuser so that the victim is unaware of their immigration status or may be deceived about the type of permission to enter or stay they have.

On other discretionary grounds the impact of the wider domestic abuse may give rise to not apply the ground. For example, in acquiring NHS debt the applicant may have provided evidence that the treatments received, and the debt are a result of the accepted abuse. Further case studies of typical themes and patterns that emerge in accounts of abuse and abandonment can be found in the sections restricted for the use of Home Office staff. It should be noted that most cases of abandonment straddle many of the themes set out in those case studies and decisions around suitability should be considered in the round of all the information given.

Additionally, where an application does not fall for refusal under mandatory criminality grounds, criminal convictions that relate to the domestic abuse must not be considered in an assessment of whether the applicant's presence is not conducive to the public good.

Applicant refused on suitability grounds

If you are not satisfied the applicant meets the suitability requirements, you must refuse the application. You should still fully consider whether the applicant meets the eligibility requirements for entry clearance, or settlement, as appropriate. If the applicant also fails under any of the eligibility criteria, you must also include these in the refusal letter.

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Eligibility

This page explains who is eligible to apply for settlement inside or outside the UK under Appendix Victim of Domestic Abuse (VDA).

To be eligible to apply for settlement an applicant must have 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 victim of domestic abuse under Appendix FM
- a partner under Appendix Armed Forces or Part 7 (except for permission as a fiancé or fiancée or proposed civil partner), of any of the below:
  - a person who is a British citizen
  - a foreign and commonwealth citizen with at least 4 years' reckonable service in HM Forces at the date of application under this paragraph
  - a member of HM Armed forces who has applied for or been granted permission or settlement as a foreign and commonwealth citizen discharged from HM Armed Forces
- leave outside the rules granted under the Migrant Victims of Domestic Abuse Concession (formerly the destitution domestic violence concession (DDVC)), and immediately before that were last granted permission under one of the above categories

Due to a drafting omission, the following cohorts are not within Appendix VDA but should be granted settlement outside the Immigration Rules where they meet all the other requirements of Appendix VDA and are:

- a spouse, civil partner or unmarried or same sex partner under paragraph 282(a), 282(c), 295B(a) or 295B(c) of Part 8 of a person present and settled in the UK
- a post flight spouse, civil partner or unmarried or same sex partner of a refugee granted under Part 8
- a victim of domestic abuse under Part 8

Following the judgment of the High Court in AM v SSHD [2022] EWHC 2591 (Admin), this domestic abuse route has been updated to enable victims of domestic abuse who have been abandoned overseas to apply for settlement from outside the UK. Victims abandoned overseas are more likely to be in situations of vulnerability and face additional barriers to applying as compared to those in the UK who may be able to access support services.

Individuals in the UK who have never had permission or leave on one of the specified routes may be able to make an application on form FLR(FP) on the basis of their family and private life under Article 8 of the European Convention on Human Rights (ECHR) or for leave outside the rules on form FLR (HRO) or FLR(IR).

The rules are not intended to benefit people whose relationship broke down because they were the alleged abuser in cases of domestic abuse.

The applicant does not need to demonstrate knowledge of life in the UK under Appendix VDA unless they are a dependent child over the age of 18.

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 the 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, 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 or the section 'Family member of a relevant EEA citizen' in EU Settlement Scheme Family Permit and Travel Permit.

A person with settlement under Appendix VDA can apply for settled status under the EUSS (indefinite leave to enter or remain under Appendix EU) once they are eligible to do so, on the basis of their continuous residence in the UK.

Those who held pre-settled status under the EUSS before obtaining settlement under Appendix VDA can also rely on a right of permanent residence under the Withdrawal Agreement, where they can evidence they have acquired this through

relevant documentary evidence and/or the information available from government systems.

Where a person who held pre-settled status under the EUSS before obtaining leave outside the rules under the Migrant Victims of Domestic Abuse Concession is refused settlement under Appendix VDA, they can reapply to the EUSS where they still meet the requirements for status. As a past holder of pre-settled status, there is no deadline for them to make that application.

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Abuse by a family member other than the partner

This page explains what to do if the alleged abuser is a family member other than a partner which is defined as those who are directly related, in-laws or stepfamily members. If an applicant submits evidence to show their relationship has broken down because they have been subjected to domestic abuse from someone other than their partner, they can still qualify for settlement under this route.

The applicant must show the abuse has been the reason for the breakdown of the relationship between the applicant and their partner. For example, where the person who abuses the applicant is a member of the partner's family and the partner does not protect the victim or prevent the domestic abuse.

Domestic abuse can occur from extended family members and in-laws. The control and abuse of victims may be led by elders in the family, for example parents in law. This can be exacerbated where the victim is living with their partner within a household including in-laws.

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Abuse by a family member or partner directed towards another family member

This page explains what to do if the alleged abuser is a partner or family member who is abusing another family member in the same household. A household is defined as a house and its occupants regarded as a unit.

If an application shows the relationship has broken down because another family member in the same household has been subjected to domestic abuse from the partner or another family member, they can still qualify for settlement under the route.

The application must show that the abuse has been the reason for the breakdown of the relationship between the applicant and their partner. For example, where the partner has abused a child or stepchild in the household and the applicant has left the relationship to protect the abused family member.

Where this involves minors

If the alleged abuser is under 18 in England and Wales or under 16 in Scotland, the law deals with them differently. Offenders may be given a reprimand or a final warning. Both are admissions of guilt and are evidence that domestic abuse has occurred.

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Last grant of permission

This page tells you about the different types of permission to enter or stay an applicant might hold or have held under the Immigration Rules to be eligible under Appendix Victim of Domestic Abuse (VDA). Appendix VDA does not require a person to have valid permission in the UK provided they had permission in a relevant category prior to the relationship breaking down as a result of domestic abuse. In some cases, preventing a victim of domestic abuse from applying for further permission may be part of the abusive behaviour. The rules require that the last grant of permission made to the applicant is in a relevant category.

You must first establish whether the applicant currently has permission and the basis on which it was granted.

If the applicant's permission was due to expire, you must establish whether they made an in-time valid application before it expired such that the previous permission has been extended by section 3C of the Immigration Act 1971.

If the applicant's permission has expired and they did not make an application before it expired, you must establish the basis on which their last grant of permission was made. If an applicant has overstayed their last grant of permission, they are still eligible for settlement under this route if their last grant of permission is in a relevant category.

Once you have established the most recent grant of permission, you must establish whether it meets the requirements of the relevant Immigration Rule. If the applicant has or was last granted permission in one of the specified categories, they meet the requirements of rule VDA 4.1. under Appendix VDA.

There may be circumstances in which it would be appropriate to consider a grant of settlement outside the rules, even though their most recent grant permission was not in one of the categories listed above. This may be appropriate, for example, when:

- applicants were victims of transnational marriage abandonment who made an application for entry clearance before the introduction of the route under Appendix VDA and were granted a different form of permission (for example, a visitor visa; leave outside the rules; or permission as a parent)
- a perpetrator of abuse used the applicant's immigration status as a form of controlling behaviour, deliberately ensuring that they were not on a route to settlement, or that they were on a longer route to settlement (for example, a perpetrator prevents an applicant from switching from permission as a fiancé or proposed civil partner to permission as a spouse or civil partner)
- the applicant entered the UK as a visitor and the perpetrator assured them they would arrange the subsequent applications for permission to stay or provided assurance this had been done on their behalf which then leaves the victim as an overstayer

This list is not exhaustive, and you should refer to the section 'grant or refuse settlement' for further circumstances in which it may be appropriate to consider leave outside of the rules. Complex cases should be referred to a senior caseworker.

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Relationship breakdown and evidence of domestic abuse

This page explains what constitutes domestic abuse, how to consider an application and the different types of evidence that may be submitted with an Appendix Victim of Domestic Abuse (VDA) application.

What is domestic abuse?

The legal definition of domestic abuse in the Domestic Abuse Act 2021 is that domestic abuse involves any single incident or pattern of conduct where someone's behaviour towards another is abusive, and where the people involved are aged 16 or over and are, or have been, personally connected to each other (regardless of gender or sexuality).

The abuse can involve, but is not limited to:

- psychological
- physical
- sexual
- financial
- emotional
- violence
- threatening
- controlling
- coercive behaviour

'Personal connection' means the individuals concerned:

- are due to be, are currently, or have been, married or civil partners to each other
- are, or have been, in an intimate personal relationship with each other
- are, or have been, parents (or had a parental relationship) to the same child
- are relatives (the Domestic Abuse Act further defines 'relatives')

Controlling behaviour is a range of acts designed to make a person subordinate or dependent by:

- isolating them from sources of support
- exploiting their resources and capacities for personal gain
- depriving them of the means needed for independence, resistance and escape
- regulating their everyday behaviour

Coercive behaviour can be an act or a pattern of acts of assault, threats, humiliation and intimidation. There is more information on coercive control in the relevant statutory guidance and in particular the section relating to 'immigration status and migrant victims'.

Domestic abuse includes forced marriage, honour-based violence, dowry-related abuse and transnational marriage abandonment.

Transnational marriage abandonment is a form of domestic abuse involving controlling and coercive behaviour. It refers to the practice whereby the sponsoring partner or their family members, abandons or strands their visa dependent partner abroad, usually without financial resources, usually with the aim of preventing their return to the UK.

As per the principle in section 1(5) Domestic Abuse Act 2021 a person may be a victim of abusive behaviour if the abusive conduct is 'directed at another person', for example their child.

As per section 3 Domestic Abuse Act 2021 a child who sees, hears or experiences the effects of domestic abuse involving their parent / guardian / relative is also a victim of domestic abuse in their own right.

No distinction should be made between psychological (mental) abuse and physical abuse when deciding if an applicant is eligible to be granted settlement under Appendix VDA.

Relationship breakdown and weighing evidence

The Immigration Rules do not specify any mandatory evidence or documents to be submitted with an application.

All information and evidence submitted must be considered in the round and a conclusion drawn as to whether, on the balance of probabilities (such as, it is more likely than not), that based on the information and evidence available, the relationship broke down because of domestic abuse.

Note, that in the case of applications for settlement from outside the UK by victims of transnational marriage abandonment, the breakdown of relationship due to domestic abuse is to be assessed to a reasonable degree of likelihood. In cases where it is the abandonment itself which marks the breakdown of the relationship (which is not always the case), the requirement that the breakdown of the relationship be due to domestic abuse will be met. This is because abandonment is a form of domestic abuse. See section below on transnational marriage abandonment.

Factors to consider when assessing evidence

Victims of domestic abuse have suffered trauma and the information and evidence they provide must be assessed with this in mind. For example, trauma may have impacted their ability to recount events at all or in a chronological manner and may lead to discrepancies in their account.

The nature of the domestic abuse alleged, and reasons given for any difficulties in obtaining and or providing evidence, should be considered when assessing evidence. For example, victims subjected to controlling and coercive behaviour

including threats relating to their immigration status or custody of their children may be less likely to disclose abuse to authorities or any third parties.

Most alleged abusers are not convicted for their crimes against victims of domestic abuse. While there may be police involvement in some cases, there will not be in all cases. The lack of police involvement or criminal prosecution or a conviction is not an adverse factor in itself.

The fact that the applicant and the perpetrator may still be living at the same address, or attempts at reconciliation have been made, should not necessarily be taken as an indicator that the relationship has not broken down, as this could be due to a range of single or interlinked reasons. For example, the applicant's lack of access to safety and support, their fear of losing custody of any children, their fear for their children's safety, a lack of means to support themselves or their children financially, or religious and cultural beliefs or practices.

The timing of the application should be considered, together with assessing the reasonableness of any explanation surrounding issues the applicant may have had accessing or obtaining evidence given the time that has passed.

The fact the relationship broke down due to domestic abuse during the early stages of the relationship is not in itself an adverse factor in reaching a decision to grant settlement but will be considered in the context of the immigration history as a whole.

Non-exhaustive guidance on types of evidence is in the section below Types of evidence.

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Victims of transnational marriage abandonment

Transnational marriage abandonment

Transnational marriage abandonment is a form of domestic abuse involving controlling and coercive behaviour. It refers to the practice whereby the sponsoring partner or their family members, abandons or strands the visa dependent partner abroad, usually without financial resources, usually with the aim of preventing their return to the UK.

It may involve children who are either abandoned with, or separated from, the abandoned partner. Abandonment may be used to punish the victim or exert greater control over them in a country that has fewer protections and support for victims than the UK. It may also be used to prevent them asserting rights and entitlements in the UK for themselves and any children, such as residence rights, matrimonial rights, the right to report crime or childcare and custody rights.

The sponsor or another family member will often mislead the abandoned partner about the intention of the foreign travel and victims often have documentation such as passports and immigration documents removed from their possession. Often the sponsoring partner will contact the Home Office to curtail (cancel) the abandoned partner's permission to stay without their knowledge once they are overseas or their return to the UK is deceptively postponed until such time as their permission expires. This denies the opportunity of a partner who is eligible for the Appendix Victim of Domestic Abuse (VDA) provisions to apply in-country because they are unable to return to the UK.

Cases of transnational marriage abandonment may have some of the following indicative features. This list is not exhaustive:

- a victim of domestic abuse who is outside the UK as part of the domestic abuse
- involvement of multiple perpetrators of abuse, including, but not limited to, in-laws or other family members
- a partner or family members may use deception or coercion as to the reason for leaving the UK, or for the reason for not returning
- alleged abusers taking steps to ensure the victim cannot return to the UK - for example:
  - passport, immigration documents and other essential documents may have been taken by a partner or family members
  - the sponsor notifying the Home Office of relationship breakdown for the purpose of curtailing permission
  - leaving the UK after the victim’s permission has expired or staying outside the UK until it does
- where children are involved, they may be abandoned with the abused partner, in other cases children may be taken from the abused partner’s care and returned to the UK thereby separating them and gaining custody

- domestic abuse prior to the abandonment including:
  - using a victim's immigration status as a tool of controlling or coercive behaviour - for example: threats to cancel permission or to not support extensions of stay; threats of removal as a consequence of any reports to the police; threats to report a victim to the police for overstaying; threats of separation from children
  - isolating victims from their own family, friends and community
- victims may be destitute and homeless abroad, left with no financial resources to support themselves
- after abandonment, the victim's own family (their parents, siblings, extended family members) may be unwilling or unable to support due to the stigma and shame attached to
- marriage abandonment or a lack of resources to help
- victims may be abroad for extended periods of time before making any application to return to the UK, for various reasons including:
  - deception used by perpetrators who promise they are in the process of applying for new passports or permission to re-enter the UK
  - the impact of abandonment (stigma, shame, destitution) forcing victims and their family members to pursue attempts at reconciliation with the sponsor and their family
  - lack of advice and support on options to return to the UK
  - the lack of a recognised re-entry route for victims to return prior to the introduction of Appendix VDA
- the perpetrator may have initiated divorce proceedings in the victim's country of origin or in the UK, often without the victim's knowledge or consent

Whilst most victims of transnational marriage abandonment are female, you may also come across male victims.

Transnational marriage abandonment eligibility requirements for settlement

Prior to 31 January 2024, there was no route under the Immigration Rules for victims of transnational marriage abandonment to apply for permission to enter the UK. Following the introduction of Appendix VDA, victims who have been abandoned abroad can obtain settlement if they satisfy all the requirements of Appendix VDA.

Like in-country applications for settlement, out of country applicants must have or have last had permission in a relevant category and their relationship must have broken down permanently because of domestic abuse.

Out of country applicants must meet additional requirements:

- if Appendix Tuberculosis to the rules applies, they must provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them - under paragraph TB5 of Appendix Tuberculosis a 'decision maker may waive the requirement to provide a valid TB certificate if they are satisfied that the applicant is unable to

obtain a certificate and it is reasonable to waive the requirement on the specific facts of the case'
- in all cases, they must have been abandoned outside the UK

Assessing transnational marriage abandonment settlement applications

The standard of proof needed to establish whether permission should be granted is a reasonable degree of likelihood. You must be assured of transnational marriage abandonment as a result of domestic abuse taking into account the individual's future life and safety being at risk, and that they may not be able to obtain and produce evidence in the same way as in-country applicants, due to the circumstances of their departure from the UK. 'Reasonable degree of likelihood' is a long way below the criminal standard of 'beyond reasonable doubt, and it is less than the civil standard of 'the balance of probabilities' (such as, 'more likely than not').

The question to be asked is whether, taken in the round, you accept what you have been told in the application form and any other evidence provided. In practice, if the applicant provides information or evidence that, when considered in the round, indicates the account given by them is 'reasonably likely,' it can be accepted. You do not need to be 'certain,' 'convinced,' or even 'satisfied' of the truth of the account as that sets too high a standard of proof. It is enough that it can be 'accepted.'

For example, an applicant does not have to provide medical or independent evidence of domestic abuse if the account of the abuse and the circumstance of the abandonment is reasonably detailed, consistent, and plausible. However, additional evidence of domestic abuse from the below section 'types of evidence' may strengthen the overall application of a transnational marriage abandonment applicant where you do not feel the account given is reasonably likely.

Transnational marriage abandonment cases may involve complex situations over an extended period of time. There can be significant cultural and language barriers to abandoned victims making a relevant application to return to the UK. Victims may be unclear how to apply for entry clearance to the UK or even that this is a possibility before receiving legal advice. They may be destitute after their abandonment, suffering from trauma or other mental health conditions and unable to travel to a UK visa application centre. Therefore, delays in applying should not be taken as evidence that the account given is less likely to be true.

Some victims may make decisions to return to their countries of origin in the most constraining and difficult circumstances. As such, their decisions to return cannot be regarded as 'voluntary'. Some make such decisions out of panic and in a state of distress and poor mental health, fear of further violence, duress and coercive control. They may also be isolated, do not know English and are unaware of their rights in the UK and the support that is available to them via the government or from violence against women and girls (VAWG) organisations.

The facts of each case may be highly individual in each circumstance so you should consider referring cases to a senior caseworker as a matter of routine. You can also gain further support and advice from Domestic Abuse Migration Policy colleagues.

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Types of evidence

This section sets out the type of evidence which may be produced and factors which should be taken into account when considering it. The list of evidence is not exhaustive, and applicants can rely on any relevant evidence to support their application.

In the following table of possible supporting evidence any piece of evidence marked conclusive is sufficient to meet the requirements of VDA 4.2. No further consideration of other evidence is required

When considering any other type of evidence in support of an in-country application for settlement under Appendix Victim of Domestic Abuse (VDA), you should consider the evidence in the round and, if the applicant provides information or evidence that, when considered in the round, indicates the account given by the applicant is, on the balance of probabilities, more likely than not, then VDA 4.2. is met.

When considering evidence in support of an application for out of country settlement under Appendix VDA, you should consider the evidence in the round and, if the applicant provides information or evidence that, when considered in the round, indicates the account given by the applicant is reasonably likely to be true, the account should be accepted. As transnational marriage abandonment is a recognised form of domestic abuse then this would be sufficient evidence to meet VDA 4.2. and VDA 4.3.

Where limited evidence is available, in particular where the only evidence available is a statement from the applicant, consideration should be given to any reasons provided for the lack of documentary evidence in support of the application, in particular where any reasons arise from or otherwise relate to the abusive relationship or situation the applicant is or was in.

Where an applicant indicates that evidence in support of their application might be available through records available to or requested by the Home Office, for example, UKVI, HM Passport Office (HMPO), and police records, consideration should be given to making reasonable enquiries on behalf of the applicant on a case-by-case basis and in line with the General Data Protection Regulation (GDPR) and other data sharing protocols.

In assessing evidence of domestic abuse and abandonment, the same weight should be given to evidence of disclosures and reports of abuse and abandonment made by victims to family, organisations, or professionals abroad.

Type of evidence	Weight of evidence	Additional information required
Criminal conviction	**Conclusive** A criminal conviction which relates to domestic abuse is proof that the domestic abuse occurred at the dates cited.	Because criminal convictions require a higher standard of proof (beyond reasonable doubt) than immigration decisions (on the balance of probabilities) an acquittal must **not** be taken as proof that domestic abuse did not occur on balance of probabilities. If the applicant has also been convicted of a criminal offence which is related to domestic abuse, decision makers must consider how far this should be considered, including the general grounds for refusal. However, you should be aware of the context of the relationship and that convictions may not mean the applicant is not also a victim under Appendix VDA.
Police caution	**Conclusive** Accepting a caution is an admission of guilt and can be accepted as evidence that domestic abuse occurred at the dates cited.	If the applicant has also accepted a caution which is related to domestic abuse, decision makers must consider how far this should be considered in the overall context of the relationship.
Final order in civil court – (for example non-	**Conclusive**	-

Type of evidence	Weight of evidence	Additional information required
molestation order or occupation order)	If a judge found that domestic abuse occurred, this will have been on the balance of probabilities and can be accepted as definitive proof of domestic abuse for the purposes of Appendix VDA. Admissions by the perpetrator can also be made during proceedings which can be the basis on which a Non-Molestation Order or Occupation Order can be made and that, like a judicial finding, this should be accepted as conclusive proof of domestic abuse. If there is no finding of fact recorded on the final order, a non-molestation or occupation order should not be classed as conclusive proof domestic abuse has taken place, however it can be compelling evidence that domestic abuse has taken place. You must assess the order in the round with other evidence that has been submitted.	
Multi-agency risk assessment conference (MARAC) referral confirmed by any person who is a member of a MARAC	An assessment should be made of whether the MARAC should be judged as conclusive on the information contained in the document. For example, if the applicant is in imminent danger or there is an element of concern for the individual. The threshold for referring cases to MARAC is not always applied consistently.	Full reports may not be available or disclosable. Applicants may include correspondence from the MARAC, or a professional involved in the referral confirming that the MARAC referral has been made and providing details as to why.
Charging decision from CPS	**Conclusive** The Crown Prosecution Service (CPS) decides to charge someone	-

Type of evidence	Weight of evidence	Additional information required
	with a criminal offence when it is satisfied that there is sufficient evidence to provide a realistic prospect of conviction and that it is in the public interest to do so. The 'realistic prospect of conviction' test is a legal view given by the CPS on the balance of probabilities. Therefore, this should be given the same weight as an order in civil court and no further enquiries are needed.	
Domestic violence protection order	This is an order made by a magistrate's court on the application of the police. They enable the police and magistrates to protect a victim in the immediate period after a domestic abuse incidence and last between 14 and 28 days. The alleged abuser can be banned from contacting the victim and / or returning to a shared residence for up to 28 days.	Although this could be compelling evidence, you may request further information about the circumstances leading up to the order from the police.
Domestic Abuse Protection Notices and Domestic Abuse Protection Orders	From March 2024 there will be a pilot of the new Domestic Abuse Protection Notices and Domestic Abuse Protection Orders introduced by the Domestic Abuse Act 2021 in specified locations across the UK. These will replace the Domestic violence protection order in those areas and can be made in both the criminal court and family court.	Although this could be compelling evidence, you may request further information about the circumstances leading up to the order from the police.
Female Genital Mutilation (FGM) protection order	FGM protection orders can be used to protect someone from FGM and can be compelling evidence.	Police logs and social service reports may be useful additional evidence and give details that will assist in deciding how much weight to give such an order.

Type of evidence	Weight of evidence	Additional information required
Forced marriage protection order	Forced marriage protection orders can be used to protect someone from being forced into marriage or who is already in a forced marriage and can be compelling evidence.	Police logs and social service reports may be useful additional evidence and give details that will assist in deciding how much weight to give such an order.
Prohibited steps orders, contact orders, Specific Issue Orders, disclosure of whereabouts orders, port alert order, securing a child's passport order, order to recover a child, as well as High Court orders using the court's inherent jurisdiction	These orders regulate the relationship between children and parents. Orders of this type can also be made in cases where a relationship has broken down for reasons other than domestic abuse. Conclusive – if there has been a finding of fact after a hearing in the court. If there is evidence that domestic abuse was a factor in granting the order, then how much weight you give this will depend on the details provided.	Decision makers must confirm, for example from the Children and Family Court Advisory and Support Service (CAFCASS), court evidence or social services, that an allegation of domestic abuse was a factor in the decision. It is important to recognise that a judgment with a finding of fact may be relevant evidence, and not necessarily the court order itself. In family court cases there may be a schedule of findings of fact for example. It does not always follow that particular orders are made after findings of fact. The findings of fact themselves should be conclusive as the court has held a hearing to determine their truth or otherwise.

Type of evidence	Weight of evidence	Additional information required
Letter from social services, or welfare officer connected to HM Armed Forces	Can be accepted as compelling evidence if the letter confirms that the author has assessed the applicant themselves and has the experience to consider them a victim of domestic abuse. The letter should also provide details as to what support the applicant is being offered as a result of the domestic abuse or relationship breakdown.	These reports normally also include evidence from any children and may include a Children and Family Court Advisory and Support Service (CAFCASS) assessment.
Letters, endorsements and professional assessments/evaluations from an Independent domestic violence adviser (IDVA) or from organisation or charity supporting victims of domestic abuse (including a refuge) confirming that they have assessed the applicant as being a victim of domestic abuse. Letter or assessment should detail support being provided.	Can be accepted as compelling evidence of domestic abuse depending on the content of what is stated or produced by the organisation. An assessment or evaluation will be considered very compelling or possibly conclusive evidence where it contains a detailed assessment which summarises a professional evaluation from an IDVA or registered domestic abuse charity/refuge eg. interviews/counselling/professional opinions/summaries of other associated services/parties and their opinions. If no additional support is or has been provided, an explanation should be sought (for example, where a refuge is full).	Letters or assessments from domestic abuse support agencies, including IDVAs, refuges and charities, may require you to follow up to confirm that the organisation has made a professional assessment or to provide further detail on how the conclusion was reached, and is not merely relaying the applicant's account.
Domestic Abuse Stalking and Honour Based Violence (DASH) risk assessment or Domestic Abuse Risk Assessment (DARA).	DASH (Domestic Abuse, Stalking and Honour Based Violence) is a risk assessment used by practitioners who work with victims of domestic abuse. The risk levels are standard, medium and high. Victims who are assessed as high risk will meet the threshold for referral to a Multi	DASH risk assessments must be considered with other information and evidence provided, in the round. Where the victim has been assessed as at high risk then

Type of evidence	Weight of evidence	Additional information required
	Agency Risk Assessment Conference (MARAC). The criteria for the high-risk threshold to be met are; 14 or more yes answers on the DASH checklist, escalation in frequency and severity of abuse or professional judgement of the practitioner. When there is no evidence that additional support has been provided by organisations supporting victims of DA and the DASH is presented alone, this is less compelling than a professional assessment from an established DA charity/refuge/IDVA as a DASH is a relatively short checklist, that provides a narrow snapshot of the applicant's experiences, based solely upon the responses to 20 predetermined questions. The DARA is a tool for police first responders which may be used instead of DASH as it contains additional questions to clarify the situation for children. The DARA operates in the same way as the DASH so the same lower weight of evidence should be given in comparison to a professional assessment from an established DA charity/refuge/IDVA.	caseworkers should seek the outcome of the MARAC, where a MARAC referral has been made.
Letter or statement from an independent witness	The weight given to this type of evidence depends on whether it can be verified that: • they witnessed an incident of domestic abuse first hand • have no personal stake in the case - for example, they	The difficulty of evidencing that there is no possible relationship or connection between the applicant and any independent witness will reduce the weight

Type of evidence	Weight of evidence	Additional information required
	are not related to the applicant	given to this type of evidence unless any corroborating evidence demonstrating the witness' independence can be provided.
Arrest	The police have the power to arrest anyone who they suspect has committed a criminal offence and they have reasonable grounds for believing that the arrest is necessary. To arrest someone for domestic abuse, the police will have to have some basis to suspect that the person has committed an offence. However, this is different from having sufficient evidence to charge and the fact that someone has been arrested for domestic abuse is not compelling evidence on its own that it has occurred. It should be noted that a person may be investigated for an offence even if they have not been arrested. For example, if someone will agree voluntarily to attend the police station to be interviewed in relation to an offence, the police may not consider it necessary to arrest them.	Following an arrest if their enquiries are ongoing the police must release someone on bail. Conditions could be attached to the grant of bail. Although the available evidence is considered when deciding whether to impose bail conditions, it is not the principle consideration. The decision to release someone on conditional bail does not, on its own, provide evidence on the balance of probabilities that domestic abuse has or has not occurred. Further information should be sought from the police in relation to the progress of their investigation and outstanding enquiries. Applicants can provide crime reference numbers with their application

Type of evidence	Weight of evidence	Additional information required
		and decision makers can make enquiries with the police and request the relevant reports and confirmation of what action was taken.
Ex parte orders (a decision made by a judge without requiring all the parties to be present) for example ex parte molestation order or occupation order	Ex parte orders are made by the court based on perceived risk to the applicant. As both sides have not been heard, they are not compelling evidence that domestic abuse has occurred.	Ex parte orders are made on the evidence of one party only, although once the order is made, the other party can challenge it. If there is a follow up hearing, decision makers must obtain the details of any further orders, challenges or undertakings.
Interim order	An interim order may be imposed during a civil case when the hearing has started but the case is not yet concluded.	The weight to be attached to an interim order will depend on how far the case has progressed and the terms of the order.
Undertaking to court	An undertaking (for example, not to approach the applicant) is not compelling evidence if no admission of guilt has been made. Undertakings can be given by either or both parties to settle the case.	Unless there is a clear admission of guilt, ask for further details of the court proceedings. Further evidence, for example police reports, medical reports, professional assessments may also be required to understand the weight this evidence should be afforded in your decision.

Type of evidence	Weight of evidence	Additional information required
Police report of attendance at domestic abuse incident	The police have a duty to respond to calls of possible criminal offences or to protect the public. The weight given to this type of evidence will be highly dependent on its contents and the circumstances of the victim.	A report of attendance at an alleged incident is not itself proof of domestic abuse. Evidence of police follow up action or supporting evidence, for example medical evidence, will generally be required to add weight to this type of evidence.
Medical report from UK hospital confirming injuries or condition consistent with domestic abuse	Can be considered compelling evidence where the report confirms injuries or conditions consistent with domestic abuse or reveals a pattern of injuries or reports from the applicant about domestic abuse. The weight given to this type of evidence will be highly dependent on its contents. This type of evidence will be less compelling when the medical report or notes simply reflect the account reported by the applicant although weight should be given to any insight from an experienced medical professional and the timings of the disclosures.	Report should include whether the hospital appointment was a referral from the doctor, or any further treatment required. Many reports are lacking sufficient depth to give much weight to a decision in the round.
Medical report from GP, or medical professional, employed by HM Armed Forces confirming injuries or condition consistent with domestic abuse	Can be considered compelling evidence where the report confirms injuries or conditions consistent with domestic abuse or reveals a pattern of injuries or reports from the applicant about domestic abuse. The weight given to this type of evidence will be highly dependent on its contents.	The medical report should be provided by the GP who provided the consultation and give details of any hospital or other treatment needed.

Type of evidence	Weight of evidence	Additional information required
	This type of evidence will be less compelling when the medical report or notes simply reflect the account reported by the applicant although weight should be given to any insight from an experienced medical professional.	
Power of arrest	A power of arrest is routinely included in a non-molestation order. The wording is standard and does not indicate the evidential weight of the order. An occupation order does not automatically have a power of arrest attached. Under section 47(2) of the Family Law Act 1996 this provides for a power of arrest only if it appears to the court that the respondent has used or threatened violence against the applicant or a relevant child. Given this threshold, a power of arrest attached to an occupation order should be given considerably more evidential weight.	-
Letter, or statement from official source, such as an advice agency or refuge, repeating applicant's account without confirming that applicant has been assessed as, or is being treated as, the victim of domestic abuse.	Not compelling evidence on its own but must be considered in light of the rest of the evidence.	Decision makers should confirm that organisation has not formally assessed applicant as the victim of domestic abuse and is not offering support on that basis.
Statement from applicant	The weight given to this statement should be considered in the round as detailed in the guidance and as per the evidential requirements for out of country applicants bearing in mind their specific circumstances.	The weight to be attached to the applicant's statement will depend on the level of detail and relevant information in the statement.

Type of evidence	Weight of evidence	Additional information required
		The applicant's account must be considered with other information and evidence provided, in the round. Where the account provided is reasonably detailed, consistent and plausible, consideration should be given to whether the applicant's account may be sufficient evidence, in particular where reasons are given for the absence of further or other evidence.
Letter, statement, email, text or photos repeating applicant's account of domestic abuse	Must be considered in the round with the rest of the evidence. Contemporaneous emails, texts, social media conversations or photos could be compelling evidence if they outline incidences of abuse or back up other evidence provided. For example, a conversation about an injury with a family member ahead of a medical report from a GP. Evidence that repeats the applicant's account will add little weight to that given to the applicant's statement. Any correspondence with one or more of the abusive parties that reveals threatening or abusive behaviour may also be compelling	Photos can be linked to any medical reports that may have been submitted. A mobile phone bill addressed to the perpetrator may link them to a phone number. The Home Office cannot accept video or audio files so if an applicant wishes to submit this type of evidence, they must do so in an acceptable format such as screenshots or transcripts.

Type of evidence	Weight of evidence	Additional information required
	if the source of the communications can be verified. Screenshots of video, emails, audio files, photos or text messages will be less compelling as they may provide just a snapshot of interactions between the relevant parties and they have been selected for submission by the applicant.	

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Consideration of applications

Applicants under this route may be vulnerable and affected by the trauma they have experienced as victims of domestic abuse (VDA). Some applicants may still be at risk of abuse including those who apply while still cohabiting with an alleged abuser. You must deal with cases sensitively, flexibly, and cooperatively giving applicants support to demonstrate their eligibility where this is needed.

Where an applicant, who does not fall to be refused on grounds of suitability, needs to provide more information or evidence than the application contains of their eligibility for settlement under Appendix VDA, you must attempt to contact the applicant under the process outlined here:

- you must make at least 2 attempts in total over a minimum of 4 weeks to contact the applicant
- your contacts should set out clearly what further information or evidence you are seeking
- your contacts should explain how the applicant should respond
- contacts should be by email or letter using the applicant's contact details or those of a legal representative if they have asked you to communicate with a representative - however, you should avoid contacting an applicant at their address when they are still residing with their perpetrator
- you may in addition call or text at the same time as sending an email or letter
- you must give at least 28 calendar days for a response to the first contact
- 28 calendar days are counted from the date an email is sent or a letter is received - where the attempted contact is by letter sent by first class post, you may assume delivery on the second business day after the date of postage
- if the applicant informs you within that 28-calendar day period that they require further time to provide information or evidence, you must agree to a reasonable extension of time where you are satisfied that there is good reason to do so in the particular circumstances of the case
- if there is no response from the applicant by the deadline, including any extended deadline, you must contact the applicant a second time by email or letter - you may in addition call or text at the same time as sending an email or letter
- you must give at least 28 calendar days for a response to the second contact. If the applicant informs within that period that they require further time to provide information or evidence, you must agree to a reasonable extension of time where you are satisfied that there is good reason to do so in the particular circumstances of the case
- in either the first or second contact, you may provide longer than 28 calendar days where, following consultation with your senior caseworker, you are satisfied that there is good reason to do so in the particular circumstances of the case
- you can exceed that number of attempts at contact where, following consultation with your senior caseworker, you are satisfied that there is good reason to do so in the particular circumstances of the case
- all attempts at contact must be recorded

- if the applicant makes clear that they are unable or unwilling to provide more information or evidence, you must decide the application based on all the information and evidence before you

Once the final deadline you have given the applicant to provide more information or evidence (or to contact you to discuss this) has passed, you must consider and decide the application based on all the information and evidence before you, including any further information or evidence the applicant has provided.

Throughout this process of engagement with the applicant, you may exercise discretion in their favour where appropriate, to minimise administrative burdens and show sensitivity towards vulnerable applicants. Consideration should be given to any reasons provided for a lack of documentary evidence, in particular where any reasons given arise from or otherwise relate to the abusive relationship the applicant is or was in and consideration should be given to exercising discretion to accept the applicant's eligibility on the evidence available.

In consultation with a senior caseworker, you can, where necessary and appropriate, make reasonable enquiries on behalf of the applicant on a case-by-case basis, and in line with the General Data Protection Regulation (GDPR) and other data sharing protocols, where an applicant is having difficulty in proving their eligibility.'

Related content
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Pending criminal prosecutions, cautions and proceedings

This page tells you about how to deal with applications where the alleged abuser has a criminal case pending or a caution or other proceedings.

Pending criminal prosecutions

Where an alleged abuser has been charged and there is a criminal prosecution pending, the applicant should provide as much information as possible, including any documentary evidence that has been given to them as the victim of a crime.

The applicant may not be able to provide documentary evidence of a decision to prosecute. Where this is the case, you should make reasonable enquiries on the applicant's behalf to obtain this evidence where confirmation of the prosecution is considered necessary to decide the application.

Applicants may not have a comprehensive understanding of the UK criminal justice system and may not have been given information by the police or Crime Prosecution Service (CPS), so may not be able to explain the current status of any criminal proceedings. Where an applicant is unable to provide documentary evidence or detailed information about any criminal proceedings, but indicates that there has been police involvement, consideration should be given to making enquiries with the police or otherwise making reasonable enquiries on behalf of the applicant on a case-by-case basis and in line with the General Data Protection Regulation (GDPR) and other data sharing protocols.

You can continue to assess and decide the application but must remember that the burden of proof in criminal cases is 'beyond reasonable doubt' whereas the standard of proof in immigration cases is 'on the balance of probabilities' and, in transnational marriage abandonment applications under this route is 'reasonable degree of likelihood.'

Police cautions

The applicant may not be able to provide documentary evidence the police have issued a caution against the alleged abuser.

Where the applicant alleges a caution has been issued, and this information has not already been provided in the application, you must ask them for details of the alleged abuser's:

- full name
- date of birth
- nationality
- address (both at the time of the incident and at the time of the application, if different and if known)

You must also ask them for details of the date, time and place where the incident took place.

Using these details, you must confirm with the Criminal Records Office (CRO) of the police force covering the area where the incident took place.

Delay in civil cases

You should only consider delaying a decision on the application until the outcome of a civil hearing if you are genuinely unable to grant settlement based on the evidence already before you.

In such a case, you should only delay a decision pending the outcome of a civil hearing if you have both:

- confirmation from the court that the case is listed to be heard
- the date the case is due to be heard

Court proceedings can be lengthy, and you should monitor progress of proceedings where reasonable. You should write out to the applicant asking for information on any changes to the hearing date and further information once the hearing has taken place.

Applicants should be asked to provide as much information as possible. However, note that there are restrictions, under section 12 of the Administration of Justice Act 1960, relating to disclosure of documents from Family Court proceedings which may mean an applicant cannot provide relevant information or evidence regarding proceedings in the Family Court without the court's permission.

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Court orders

This page tells you about the details included in a court order.

Terms used in court orders

Applicant's name: this should be the same name as the person who requests permission to stay on the basis of domestic abuse.

Respondent's name: this should be the applicant's partner's name or a member of their family. If the respondent's name does not come within the category of a family member, or you are not sure, you must consult your senior case worker.

It may not always be the case that an order has an applicant or respondent's name on it. For example, a female genital mutilation (FGM) Protection Order made in respect of a child will have the name of the child on it as well as those who are a risk to the child in respect of whom the order has been made.

Further, it is not necessarily the case that the applicant's name will be the same person who is applying for permission. A victim of domestic abuse could be a respondent to an application, for example a child arrangements order, and a judgment could still be made including findings of domestic abuse against the perpetrator.

Layout of court orders

The orders generally follow this layout:

- Judge's name and court address
- paragraph on whether the order is made on an urgent basis and, if so, why
- paragraph which indicates whether the order is made without notice (ex-parte)
- paragraph about any 'undertakings' if any are made:
  - undertakings, by one or both parties, may be given to a court instead of proceeding to a full hearing for a final non-molestation order, or together with the issue of a final non-molestation order where 'no finding of fact' is made
  - this means there is not necessarily a 'finding of fact' on the allegations
  - an undertaking is not an admission of guilt unless it specifically says so
- 'important notice to the respondent' 'it is ordered that:' followed by details of what the respondent must or must not do
- detail about period for which the order is to remain in force
- 'power of arrest' - reference to attachment
- 'no finding of fact' (on the allegations by the applicant) - may be detailed at the start or end of the order
- 'notice of further hearing' (interim orders) - may be 'headed up' in this way, or may just provide details of time / date / place of further hearing
- costs

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Related external links
Domestic violence: A guide to civil remedies and criminal sanctions

Counter claims

This page tells you what to do when there is a counter claim of domestic abuse by the alleged abuser or a denial that it has occurred.

You may receive counter claims, or a denial, from the alleged abuser. In some cases, this information may already be on Home Office systems or available to other agencies. You can sometimes consider counterclaims and denials as evidence alongside an application.

A denial is where the alleged abuser claims that the incidents did not take place or that there is an innocent explanation, for example an accident.

A counter claim is where the alleged abuser claims that the applicant has been responsible for acts of domestic abuse.

You may consider disregarding any denial or counterclaim where there is third party corroborating evidence in support of the applicant's account. However, if the counter claim mentions third party involvement such as a police report but has not provided the evidence themselves you may seek to obtain the evidence yourself.

In a case where there are competing accounts and no other supporting evidence from the applicant, you must weigh up the evidence presented by each side and make a judgement as to whether you are satisfied, on the balance of probabilities (or, in cases of transnational marriage abandonment where only a personal account has been given, to a reasonable degree of likelihood), that domestic abuse has occurred, and the applicant's account is more creditable than the counter claim.

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3C leave

There is no requirement for an applicant to hold valid permission to apply under Appendix Victim of Domestic Abuse (VDA).

This page tells you when section 3C of the Immigration Act 1971 applies.

The purpose of section 3C is to prevent 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 or any appeal and, if their application under Appendix Victim of Domestic Abuse has been refused, while any administrative review they are entitled to is pending.

Pending decision on application

A person will have permission extended by section 3C if:

- they have permission to enter or remain in the UK
- they apply to the Secretary of State for variation of their permission
- the application for variation is made before their permission expires
- their permission expires without the application for variation having been decided
- the application for variation is neither decided nor withdrawn

Pending administrative review

Section 3C extends a person's current permission during any period when:

- an administrative review could be sought
- the administrative review is pending, that is to say it has not been determined
- no new application for permission has been made

For further information see guidance on 3C leave.

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Children

This section addresses the requirements that dependent children must meet to qualify for settlement under Appendix Victim of Domestic Abuse (VDA). Dependent children come under the scope of this route where their parent is at the same time applying for settlement or has previously been granted settlement under this route.

Children cannot be granted settlement under Appendix VDA unless their parent has been, or is at the same time being, granted settlement under this route. Where a child applies and their parent has not applied for settlement or previously been granted settlement under this route, consideration should be given to whether they should be granted leave outside the rules, taking into account the Secretary of State's obligations under section 55 of the Border, Citizenship and Immigration Act 2009. This is in recognition of the fact that children can be victims of domestic abuse in their own right, and their leaving an abusive household or re-joining their parent should be facilitated.

With regards to the care requirement of Appendix Children, victims of transnational marriage abandonment are not likely to have accommodation in the UK arranged at the time of their application. This is not grounds for refusal. Victims of transnational marriage abandonment can return to the UK and avail themselves of accommodation and support that is available to them and their children as victims of domestic abuse. This is specified in the Appendix Children guidance.

Further details of the relationship, care, age and independent life requirements are contained in the Appendix Children guidance.

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Life in the UK test and English language requirements

This section addresses the requirement that a dependent child over the age of 18 may need to meet the requirements under Appendix Knowledge of life in the UK (KOL UK) and English language requirements to satisfy the requirements under Appendix Victim of Domestic Abuse (VDA).

Unless an exception applies a dependent child over 18 will need to:

- pass the Life in the UK Test
- meet the English language requirements

You should consult the guidance for assessing the English language requirement to see of any of the exceptions apply for applicants over the age of 18.

You should consult the guidance for Appendix KOL UK to see if any of the exceptions on the Life in the UK test apply for applicants over the age of 18.

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Maintenance and accommodation for a child of a victim of domestic abuse

This section addresses the maintenance and accommodation requirements for a child of an applicant under Appendix Victim of Domestic Abuse (VDA).

When the applicant is a child they must meet the maintenance and accommodation requirements.

Where a child applies and their parent has not applied for settlement or previously been granted settlement under this route, consideration should be given to whether they should be granted leave outside the rules, taking into account, among others, the Secretary of State's obligations under section 55 of the Border, Citizenship and Immigration Act 2009. This is in recognition of the fact that children can be victims of domestic abuse in their own right, and their leaving an abusive household or re-joining their parent should be facilitated.

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Consideration outside the rules

Leave outside the rules (LOTR) on compelling compassionate grounds may be granted where the decision maker decides that the specific circumstance of the case includes exceptional circumstances. These circumstances will mean that a refusal would result in unjustifiably harsh consequences for the applicant or their family, but which do not render refusal a breach of Article 8 European Convention on Human Rights (ECHR), Article 3 ECHR, Refugee Convention or other obligations.

Not all LOTR is granted for the same reason and discretion is applied in different ways depending on the circumstances of the claim and the applicant's circumstances. There are separate pieces of guidance for deciding cases raising factors relevant to exceptional circumstances, discretionary leave and compelling compassionate grounds. See LOTR guidance.

Due to a drafting omission, the following cohorts are not within Appendix VDA but should be granted settlement outside the Immigration Rules where they meet all the other requirements of Appendix VDA and are:

- a spouse, civil partner or unmarried or same sex partner under paragraph 282(a), 282(c), 295B(a) or 295B(c) of Part 8 of a person present and settled in the UK

- a post flight spouse, civil partner or unmarried or same sex partner of a refugee granted under Part 8

a victim of domestic abuse under Part 8Where you refuse settlement under Appendix Victim of Domestic Abuse (VDA), you should consider, in discussion with a senior caseworker or relevant Home Office team, whether it would be appropriate to grant permission or settlement outside the rules.

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Grant or refuse settlement

This page tells you how to grant or refuse applications for settlement under Appendix Victim of Domestic Abuse (VDA).

Grant settlement

You must grant settlement if a person meets all the requirements of Appendix VDA and confirm this in writing.

In-country applicants should be granted settlement with the endorsement Domestic Violence – ILR.

Out of country applicants should be granted settlement with the endorsement Settlement Victim of Domestic Abuse – ILE.

Refuse settlement

You should normally refuse settlement if any of the requirements of Appendix VDA are not met notwithstanding the discretion allowed to caseworkers in the above sections.

A detailed explanation must always be given in cases where you do not consider the evidence provided is sufficient to demonstrate that domestic abuse has taken place.

An applicant who is refused under Appendix VDA does not have a right of appeal. Instead they can apply to have their decision reviewed under the administrative review process.

For examples of wording to use when you are refusing leave or permission, see the refusal wording section in this guidance restricted to Home Office staff.

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Reconsiderations

This page explains under what circumstances a case may be reconsidered.

Applications should normally only be reconsidered following:

- instruction from the court
- advice from Government Legal Division (GLD) or policy
- request from the Administrative Review team
- reconsideration request from the applicant or their legal representatives

For example, the Administrative Review team may request a review of the decision because you may have omitted to include an assessment of a piece of evidence in your original decision. You must re-consider all the evidence submitted with the original application or during the Administrative Review, fully address all the information and issue a new decision.

You should allow introduction of new evidence at a reconsideration stage, especially so if the new evidence clearly shows that the applicant does now meet the rules under Appendix Victim of Domestic Abuse (VDA). The new decision will need to address the new evidence raised, as well as that originally submitted. The revised decision will need to address the issues raised by GLD or policy colleagues in order sufficiently to address any legal challenge. You should seek further advice from the chief or deputy chief caseworker (CCW / DCCW) if necessary.

The applicant or their legal representative must be contacted during the reconsideration process to advise of the likely timescale for a reconsideration decision to be made.

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Cancellation

This page tells you what additional action you may take when you refuse an application under Appendix Victim of Domestic Abuse (VDA).

In non-EU Settlement Scheme (EUSS) cases you must consider a referral concerning cancellation of permission when you refuse an application from someone who meets Appendix VDA 4.1. (permission under a relevant category) but does not meet Appendix VDA 4.2. (relationship breakdown) and who has over one month permission to stay or enter the UK as a:

- spouse
- civil partner
- same-sex partner
- unmarried partner

This is because they now cease to meet the rules under which they were granted permission to enter or stay in the UK but ensures that those who apply but do not satisfy Appendix VDA 4.1. because they do not have permission in a qualifying category, for example because they have permission under the Hong Kong (BNO) route, do not find their permission unlawfully curtailed.

Consideration of curtailment of EUSS limited leave

The Status Review Unit (SRU) is the team responsible for EUSS curtailment decisions.

Referrals for curtailment of EUSS leave, including from Immigration, Compliance and Enforcement (ICE) teams, must be made to the SRU in line with section ‘Consideration of curtailment of EUSS limited leave or EUSS family permit leave to enter’ in the guidance Cancellation and curtailment of permission.

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