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Dear Caroline,

Thank you for your letter of 18 May 2009 to the Rt Hon Harriet Harman QC MP on behalf of the Amnesty International Campaign in support of victims of domestic violence who have no recourse to public funds. The letter has been passed to me to answer as the Minister responsible for domestic violence policy.

I do understand and sympathise with the plight of these victims. I am aware of the difficulties that victims of domestic violence face and in particular those who have no recourse to public funds. I would like to reassure you that the Government has been working both within the statutory and voluntary sector to find ways to support victims with no recourse to public funds.

You will appreciate that the no recourse to public funds policy is part of a general Immigration Rule and that is to ensure that entitlement to services such as housing and other payments are accessible and benefit claimants within the rules. There have however, been several changes to the way the UK Border Agency (UKBA) handles cases that fall within the domestic violence provision of the Immigration Rules and where victims have no recourse to public funds. For instance:

In 2002, the rules were amended to widen the category of evidence which victims of domestic violence may use as proof of domestic violence. Indefinite Leave to Remain (ILR) applications from victims of domestic violence are now prioritised and an assessment of whether the applicant is destitute is carried out, which can lead to the usual fees for their ILR application being waived. Although victims of domestic violence who are still subject to immigration control cannot access public funds until their application has been decided, they can however, get access to housing-related support through the Supporting People arrangements.

There are existing national organisations where victims can access advice on immigration issues and we will continue to work with key stakeholders to ensure that adequate information and advice for victims of domestic violence can be fed into these services.

Government departments have been working together to find long term solutions for those victims with no recourse to public funds. Some of the work we have undertaken includes:

- writing to all local authorities in England in February 2006, outlining the position of women who have no recourse to public funds and how local authorities can help and support these women within existing legislation, for example, under the NHS & Community Care Act 1990, the Local Government Act 2000, and also the Children Act 1989. Accompanying this letter was a fact sheet, the purpose of which was to spell out the specific dynamics of domestic violence to assessors so that they are aware of the factors and circumstances that women can find themselves in. You will understand that much of this work is determined by the interpretation and assessment of local authorities and we can only offer guidance.
- introducing new steps to improve application processing and evidence gathering.
- negotiating a fast track system with Immigration colleagues to deal with any of these cases which are brought to the attention of a MARAC.

More recently, UKBA have made a number of amendments to their processes including;

- Extensive revisions to the DV Immigration Directorate Instructions.
- Substantial changes to the SET (DV) application form, for example eliminating duplications in checklists, providing more scope for applicants to explain the reasons why they cannot supply information.
- Implementing a new definition of destitution.

You may also be interested to know that more recently we have been working very closely with other government departments to identify ways in which the process can be reviewed with the aim of accommodating the housing of this particular group of women.

In March 2008 we announced plans for a new scheme where victims of domestic violence whose applications for Indefinite Leave to Remain are successful, may qualify for a contribution towards their housing and living costs. The proposals under the scheme will strengthen the way in which domestic violence cases are considered enabling those victims who are vulnerable to access additional support.

Although we had planned to launch this scheme in Spring 2009, stakeholders raised concerns about elements of the scheme. We listened carefully to our stakeholders and service providers and in light of this, are taking further time to consider these concerns. An announcement regarding the implementation of a scheme to assist this group of women will be made shortly.

We will continue working closely with the No Recourse to Public Funds Network in order to gain a national picture of the issue. I know that there is still more to do and we remain committed to finding a long term solution to support victims of domestic violence who have no recourse to public funds, however, I hope that this provides some reassurance that the Government is working hard to seek solutions for this group of women.

Yours,

Alan Campbell

ALAN CAMPBELL