

Economic abuse and no recourse to public funds

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Translating this resource

If you are supporting someone who requires this resource in a different language, please contact SEA on info@survivingeconomicabuse.org to request a translation.

If you have experienced domestic abuse, including economic abuse, and are in the UK on a spousal visa or another visa that says you have 'no recourse to public funds', this resource is for you.

The 'no recourse to public funds' rule means that you are not entitled to key welfare benefits and local authority housing. This can be a major barrier to escaping abuse, but it should not stop you from trying to access the limited support that is available. You should not feel trapped into staying with someone who abuses you, including economically, because of the 'no recourse' rule. This resource outlines some steps you can take and places you can turn to for legal, housing, welfare and practical support.

Immigration and domestic abuse

Domestic abuse takes many forms and does not always involve the use of physical violence. Some abusers repeatedly dictate their partner's choices and control their everyday actions. This control can also involve taking away your essential documents and passport.

An abuser may interfere with your money or other economic resources in some way to control you and to limit your choices. They may restrict how you acquire, use and maintain money and economic resources, including accommodation, food and clothing. This is known as **economic abuse**.

If you are in the UK on a visa that gives you limited rights to remain in the country, it can leave you more vulnerable to domestic abuse, including economic abuse. Your immigration status may mean that you are financially dependent on your husband, partner and/or extended family members and that you have no or limited access to an independent income.

If you do not have the right to live in the UK permanently, you may feel anxious and worried about seeking help and support and you may feel trapped in the relationship with the abuser. The abuser/s may even use your immigration status to frighten you into silence and prevent you from seeking help. For example, they might threaten to have your visa taken away or to have you deported if you report the abuse.

Speak to an immigration adviser

If you have 'no recourse to public funds', as a condition of your stay in the UK, it is important that you **speak to a qualified immigration adviser immediately about your rights and options**. A list of organisations that can help you find immigration advice and representation can be found at the end of this resource.

What is no recourse to public funds?

Your immigration status can make it much harder to get support if you are a victim of domestic abuse, including economic abuse, especially if you are subject to 'no recourse to public funds'.

Certain types of visas that allow you to live in the UK have the condition 'no recourse to public funds' attached. This can apply to spousal visas, student visas, visitor visas and some other types of limited leave. This information may be stamped in your passport or written on the back of your residence permit. It means that you cannot claim most forms of state benefits. These include income support, housing benefit, and jobseeker's allowance (now all part of Universal Credit), as well as other benefits including disability living allowance. Public funds also covers local authority housing but it does not include legal aid and refuge accommodation and child benefit (where the child is British). However, without access to housing benefit and basic welfare benefits, in practice it is difficult for women to access refuge accommodation.

The important thing to remember is that even if you have no recourse to public funds, there are some things that you can do to try to reach safety if you have experienced domestic abuse, including economic abuse.

"I have no recourse to public funds here in the UK. As such I have no money and so he is able to control and dictate my life."

First steps you can take

Speak to a qualified immigration adviser

The most important step you can take when seeking support is to speak to a qualified and reputable immigration adviser or lawyer. They are there to help you and will be experienced in advising people with no recourse to public funds. They will be able to let you know what your legal rights are and how you might be able to apply for the right to remain in the UK if you have experienced abuse and are afraid to return home. They may also be able to help you get in touch with a support service for abused migrant women in the UK if you are worried about your immigration status and wider circumstances and need more support to stay safe.

- **Southall Black Sisters** may be able to support you and refer you to an immigration adviser via their helpline, on **0208 571 0800** (Mon, Weds, Fri, 9.30am–4.30pm). They also run a project that provides temporary financial support to those with no recourse to public funds and will be able to provide advice on accessing what other limited support is available for abused women with insecure immigration status.
- **Rights of Women** run an immigration advice line that you can call on **020 7490 7689** (Mon & Thurs, 10am–1pm & 2pm–5pm). It will also advise you on your immigration and support options.
- You can search for an immigration adviser on the Office of the Immigration Services Commissioner website at https://home.oisc.gov.uk/adviser_finder/finder.aspx.
- You can also contact one of the organisations that provides advice to migrants listed at the end of this leaflet, or contact a local advice or law centre.

You should always check that the person you see for immigration law advice is professionally qualified. You can check by calling the Officer of the Immigration Services Commissioner on **0345 000 0046**. (Note that this is not a freephone number).

Speak to your local domestic abuse service

A local domestic abuse service may be able to help you reach safety and access support in your local area. Your safety will be their first priority. You can find a local service by:

- searching on the Women's Aid website at www.womensaid.org.uk/domestic-abuse-directory.
- calling the Freephone National Domestic Abuse Helpline (a confidential, 24-hour service run by Refuge) on **0808 2000 247**.

Call the police

If you are a victim of domestic abuse, you have the right to call the police to protect you from violence. If you are in immediate danger, you can call the police on **999**. If you are worried about your immigration status, make sure that you also speak to a domestic abuse support service. They can support you to contact the police and advise you on what to do about your immigration status. If you are worried about how the police respond to you, get in touch with a domestic abuse service for support (see the end of this leaflet) and tell them. They can help you by liaising with the police on your behalf.

Apply for a court order

You can apply for a court order that can protect you from the abuser/s without the need to speak to the police. There are two types of court orders, or injunctions, that could protect you from the abuser:

- **An occupation order:** This type of injunction can prevent the abuser from living in the family home but it will depend on your circumstances.

- **A non-molestation order:** This type of injunction is more common. It can protect you (and any children) from being harmed or threatened by the abuser.

The court may be able to grant both orders, if it is appropriate. You should seek legal advice from a family law practitioner if you are applying for an injunction against the abuser, and you may be eligible for legal aid to help you with the cost of legal fees (see below). To find a family law solicitor, contact organisations like Rights of Women or the Law Society. It is important to seek legal advice if you need a protection order or other advice about your marriage or relationship, but you can also apply to court for protection orders yourself. The forms to apply for an occupation order or a non-molestation order are available at www.gov.uk/injunction-domestic-violence.

Guidance on how to apply yourself is also available on the Rights of Women website at <https://rightsofwomen.org.uk/get-information/violence-against-women-and-international-law/domestic-violence-injunctions/>.

Securing your immigration status

If you have limited rights to remain in the UK and have experienced domestic abuse, including economic abuse, you may be able to apply for the right to remain in the UK (known as **indefinite leave to remain**).

There are a number of possible routes to secure your immigration status and a qualified immigration adviser can advise you on finding the most appropriate route for you.

If you have access to your passport, visa and any other immigration documents, it is important to try to take these with you when you see an immigration adviser (if you can do so safely). They will need to know:

- when you came to the UK
- how long you are allowed to stay
- why you came to the UK
- if your visa has any conditions or restrictions
- your background of abuse
- why you can't return to your country of origin.

It would also be helpful to inform your adviser or lawyer about any reports you have made about the abuse to any other agencies. If you can, it will also help to provide any evidence that you may have gathered about the abuse, including any court protection orders; statements from friends, relatives or work colleagues; and letters from your GP or other medical professionals, counsellors, domestic abuse services or school authorities. If the case has been reported to your local MARAC (Multi-Agency Risk Assessment Conference), a letter from them would be very strong evidence to support your case. Testimonies from neighbours and friends may also help. They can serve as crucial evidence, especially if you have faced less visible forms of abuse such as economic abuse, and do not have other evidence.

If you don't have any evidence, don't worry; just explain to your adviser why you don't have the evidence. There are often good reasons why abused women do not have evidence. Sometimes they have not been able to report the abuse to anyone because they were threatened, don't speak English, didn't know where to go for help or were imprisoned in the marital home. If you cannot access your documents safely or if they have been taken from you, speak to your immigration adviser.

Your immigration adviser or lawyer will then be able to advise you on what steps you may be able to take to remain in the UK if you are afraid to return to your country of origin.

The Domestic Violence Rule

One way of applying for the right to remain in the UK is through the **Domestic Violence Rule**. You may be able to apply for the right to remain in the UK under this rule if you are in the country as the wife, partner or civil partner of someone who is British or has indefinite leave to remain in the UK and have experienced domestic abuse, including economic abuse.

Physical violence is not required to apply for leave to remain under the Domestic Violence Rule – coercive and controlling behaviour, including economic abuse, also meets the government's definition of domestic abuse. It is best to give a full account of your experiences of abuse and harassment to your immigration adviser or lawyer so that he/she can advise you properly about the Domestic Violence Rule and check that you meet the criteria.

You must be free of criminal convictions to be eligible to apply, and you must be able to provide evidence that domestic abuse, including economic abuse, took place. Evidence could be a police or medical report, or a letter of support from an organisation or an advocate supporting people who have experienced domestic abuse. A qualified immigration adviser and any domestic violence service that is supporting you should be able to help you collect evidence and will be able to support you to make the application.

The fee for applying for indefinite leave to remain under the Domestic Violence Rule is currently £2,389 for each individual (including children). But this can change so do check here: <https://www.gov.uk/government/publications/visa-regulations-revised-table/home-office-immigration-and-nationality-fees-29-march-2019#applications-made-in-the-uk>. However, if you are destitute and cannot access any money, you do not have to pay the fee. Your immigration adviser can write a letter to the Home Office explaining that

you are destitute and help you to provide the evidence you will need to show that you are destitute. This evidence is usually in the form of a letter from social services, relatives or charitable organisations that may be supporting you, stating that you are destitute and that you are wholly dependent on them to meet your basic needs.

If you do not have current leave to remain in the UK, for example because it has expired, you may in certain circumstances still be able to apply for indefinite leave to remain under the Domestic Violence Rule. For example, if you have overstayed your visa because of the domestic abuse, including economic abuse, that you have experienced and you were not in control of your immigration process or stay in the UK. It is vital that you get legal advice from an immigration adviser and explain your entire history and circumstances of abuse.

Domestic Violence Destitution Concession

If you are applying for indefinite leave to remain under the Domestic Violence Rule, you may be eligible for temporary financial support, known as the **Domestic Violence Destitution Concession (DDVC)**. This allows you to access financial support for three months while you make your application for indefinite leave to remain under the Domestic Violence Rule. Remember, this option is only for those who have come to the UK on a spouse visa and have experienced abuse, including economic abuse. It is strongly advised that you seek advice from an immigration lawyer or a domestic abuse service to see if you are eligible.

To apply for the DDVC you must show that:

- you are living in the UK
- you are the partner of a British person or someone settled in the UK and were granted leave to remain as a spouse or partner
- the relationship has broken down as a result of domestic abuse
- you intend to apply for leave under the Domestic Violence Rule as a victim of domestic violence.

Financial support you may be entitled to

If you have experienced domestic abuse, including economic abuse, some financial support may still be available to you (especially if you have children) even if your visa states that you have no recourse to public funds. The Domestic Violence Destitution Concession (see above) will only apply to some people. If it does not apply to you, you may be able to obtain other forms of financial support, some of which are set out below. It is always important to seek advice first:

Non-public funds

Not all government benefits and financial support count as 'public funds'. Even if you have no recourse to public funds, you may still be entitled to certain funds. These include child maintenance from a partner or former partner, child benefit (if you are a spouse or partner of a person who is a UK, EEA or Swiss national), legal aid, free school meals (if your child is in year 1 or 2) and government-funded childcare.

Benefits associated with National Insurance contributions

This includes statutory maternity pay and statutory sick pay.

Social services support

You may also be able to receive support from social services if you have children and you are destitute and in need. Ideally you should try to get a local domestic abuse service to help you to identify support that you can access depending on your immigration status. You may also wish to speak to your immigration adviser before applying for support from social services or the local authority because it can be a lengthy and difficult process.

Other financial support

Some charities and organisations provide temporary financial support to people with no recourse to public funds who have experienced domestic abuse, including economic abuse. [Southall Black Sisters](#) (London), the [Angelou Centre](#) (Newcastle) and [Safety4Sisters](#) (Manchester) operate a 'No Recourse Fund'. This is a last resort fund for women living in England and Wales that can provide you with temporary support to meet your housing and living costs if you are destitute and cannot access any other financial support. You can contact these organisations to find out if you might be eligible and how to apply.

[Turn2us](#) has a grants search, where you may be able to find out if there are other grants you could be eligible to apply for. See <https://grants-search.turn2us.org.uk/>.

Legal aid

It is vital that you speak to a qualified legal adviser for advice on eligibility for legal aid. Legal aid is government-funded financial support for people on a low income to help pay for legal advice or legal proceedings, for example in obtaining a protection order from the court or to apply for indefinite leave to remain under the Domestic Violence Rule. You will be eligible for legal aid if you have faced abuse and are destitute. You can also obtain free advice on legal aid from a local advice or law centre.

See also www.gov.uk/legal-aid to check whether you are eligible. Remember that legal aid does not constitute 'public funds' so if you are eligible you are entitled to apply for legal aid for any matter even if you have 'no recourse to public funds'.

Finding somewhere to stay

If you are fleeing an abusive partner and need somewhere safe to stay, your options may seem limited because of the no recourse to public funds rule. You may not be able to access a refuge because you will not be eligible for housing or other benefits to help with your rental and living costs. However, some refuges may still accept you, so it is important to obtain advice from a domestic violence agency to help you to access refuge accommodation if possible.

Other options that you can try include:

Contacting Southall Black Sisters, The Angelou Centre or Safety4Sisters

They may be able to help you access their 'No Recourse Fund'.

Staying with friends or relatives

Do you have friends or relatives who you could stay with safely on a temporary basis until your immigration matter is resolved? Be careful and only stay with people you can trust to keep you safe, and who do not take advantage of you in any way.

Local authority

Contact your local authority to ask whether they have any other emergency accommodation that you may be able to access. If you have children, the local authority has a legal duty to fund accommodation for you and your children. It is vital that you contact a local domestic abuse service or speak to a legal adviser to help you to liaise with the appropriate local authority and advocate on your behalf.

Getting help from the local authority is often not an easy process and you are likely to need support.

Call the Freephone National Domestic Abuse Helpline

A minority of refuges may provide somewhere to stay temporarily if you are destitute and have no other option. The Freephone National Domestic Abuse Helpline (a 24-hour service run by Refuge) may be able to suggest some refuges that provide accommodation for people with no recourse to public funds. Call the helpline on **0808 2000 247**. For more information, also see www.nationaldahelpline.org.uk.

Hostels and charities

Some charities and hostels may provide temporary accommodation for women with no recourse to public funds. Homeless Link has a list of some temporary accommodation that may be available in England at www.homeless.org.uk/facts/help-if-you-are-facing-homelessness.

Accessing healthcare

Free health care

Regardless of your immigration status, you have a right to access free primary care in the UK. Primary care includes dentists, pharmacies and optometrists (where you can get your eyes tested).

Refugees and asylum seekers are entitled to free hospital care, but refused asylum seekers and undocumented migrants may be charged.

The following services are free for everyone who needs them:

- accident and emergency (A&E) services (up until you are admitted to hospital as an inpatient)

- family planning services (not including pregnancy termination)
- diagnosis and treatment of certain contagious diseases e.g. TB or HIV
- diagnosis and treatment of sexually transmitted infections
- treatment for any physical or mental condition that is a direct result of torture, female genital mutilation (FGM), domestic violence or sexual violence (as long as you have not travelled to the UK specifically for treatment)
- palliative care services provided by a registered palliative care charity or a community interest company, for example, a hospice
- receiving support from a local authority under the Care Act or receiving treatment under the Mental Health Act.

In addition:

- GPs have the discretion to accept anyone and to fully register them as an NHS patient in order to receive free treatment. Often though, you may be seen by a receptionist who refuses to register you so always ask to speak to a GP. If you have paid the health surcharge (see below) then you should be registered as you are entitled to all NHS treatments.
- Some minor illnesses and injuries can be treated free of charge and without the need for prior GP registration at NHS walk-in centres and minor injuries units.
- In some circumstances, prescriptions may be free of charge.

All maternity care, including antenatal, birth and post-natal care, is classed as 'immediately necessary treatment' and must not be refused or delayed for any reason. You cannot be refused maternity care or face delays because of charges or potential charges. You can get more advice

here: <https://www.maternityaction.org.uk/advice-2/maternity-care-access-advice-service/>

If you are receiving the Domestic Violence Destitution Concession, you will not be required to pay charges to access healthcare for you or your children.

Paying for health care

To access most other forms of healthcare, you will normally need to pay the 'immigration health surcharge' as part of your immigration application. The fee is £400 per year, with a reduced rate for students. This amount can change, so you will need to check the latest charges at: <https://www.gov.uk/healthcare-immigration-application/how-much-pay>.

If you need urgent medical care, including maternity care, you should get legal advice and if you cannot wait, ask to speak to the Overseas Visitors Manager at the hospital to explain your circumstances and discuss your options.

If you access healthcare in the UK that you are required to pay for, it is important to be aware that this can affect your immigration application if you are not able to pay. The Home Office will be notified by the NHS of debts of £500 or more that are outstanding two months after a patient has been invoiced and it can refuse an application for leave to remain on this basis. However, the NHS has the ability to write off debts and not pursue them if you are destitute and genuinely unable to pay.

The No Recourse to Public Funds Network has more information on healthcare services that are available to you if you have no recourse to public funds. See <http://www.nrpfnetwork.org.uk/Documents/NHS-healthcare.pdf>.

It is always advisable to speak to a specialist immigration advice organisation like JCWI or Rights of Women for more advice if you are not sure about your entitlement to health care.

Further support

If you are experiencing domestic abuse, including economic abuse, you are not alone. There are organisations that can support you to take steps towards safety and to begin to regain control of your finances.

'No Recourse' advice and support

Southall Black Sisters (London)

W www.southallblacksisters.org.uk

T 0208 571 0800 (Mon, Weds & Fri, 9.30am–4.30pm)

The Angelou Centre (Newcastle)

W www.angelou-centre.org.uk

E admin@angelou-centre.org.uk

T 0191 226 0394

Safety4Sisters (Manchester)

W www.safety4sisters.org

E safety4sisters@gmail.com

T 0161 464 9505

Immigration advice and support

Joint Council for the Welfare of Immigrants (JCWI)

W www.jcwi.org.uk

E info@jcwi.org.uk

T 020 7251 8708

Migrants' Right Network

W www.migrantsrights.org.uk

E info@migrantsrights.org.uk

T 020 7424 7386 or 07534 488696

Rights of Women

W www.rightsofwomen.org.uk

T 020 7490 7689 (Mon & Thurs, 10am–1pm & 2pm–5pm)

Law Centres Network

W www.lawcentres.org.uk

Hackey Migrant Centre

W www.hackneymigrantcentre.org.uk

Turn2us

W www.turn2us.org

T 0808 802 2000 (Mon–Fri, 9am–5.30pm)

Also contact Southall Black Sisters for immigration advice and support (see details above).

General legal advice and information

Citizens Advice

W www.citizensadvice.org.uk

T 03444 111 444

Community Legal Advice

W www.communitylegaladvice.org.uk

T 0845 345 4345 (Mon–Fri, 9am–8pm; Sat, 9am–12.30pm)

Law Centres Network

W www.lawcentres.org.uk

The Law Society

W www.lawsociety.org.uk

T 020 7242 1222 (Mon–Fri, 9am–5pm)

Supporting children

Project 17

W www.project17.org.uk

E info@project17.org.uk

T 07963 509 044

Child Poverty Action Group

W www.cpag.org.uk

E info@cpag.org.uk

T 020 7837 7979

Maternity Action

W www.maternityaction.org.uk

E benefitsadvice@maternityaction.org.uk

T 0808 802 0062 (Mon, 10am–12pm)

Family Action

W www.family-action.org.uk

E familyline@family-action.org.uk

T 0808 802 6666 (Mon–Fri, 9am–3pm & 6pm–9pm)

Surviving Economic Abuse (SEA) is the only UK charity dedicated to raising awareness of economic abuse and transforming responses to it. We are determined that women are supported to survive and thrive.

Southall Black Sisters (SBS) is one of the UK's leading women's organisations for black, minority ethnic (BME) women. Through advice, advocacy and campaigning work, SBS seeks to secure BME women's right to freedom, equality and justice.

For more information

Visit www.survivingeconomicabuse.org

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