



## **No recourse, no rights? Rights of Women Position Statement on No Recourse to Public Funds**

The “No recourse to public funds” rule prevents people subject to immigration control from accessing certain public funds, including welfare benefits such as income support and child benefit, as well as housing and homelessness assistance. The provision of accommodation and support is vital for women who are experiencing violence, a fact recognised by the Government in 2003:

**“Victims are often deterred from seeking help or leaving a violent relationship because they have nowhere else to go, do not feel safe in their own homes or do not have legal rights to remain. The availability of safe and secure accommodation for victims.... is therefore critical and can be life-saving.”<sup>1</sup>**

However the no recourse rule prevents women who have come to the UK because of their relationship with someone who is British or settled here from accessing the services and support they need to leave a relationship that is violent or abusive.

Emma Scott, Director of Rights of Women says:

**“Women who have come to the UK to join their husband, civil partner or partner and who are experiencing violence cannot access critical, life-saving services because of the no recourse rule. They are faced with an unacceptable choice: remaining in a violent, even life-threatening relationship or becoming destitute.**

**All women in the UK should be entitled to live lives free from violence. Women experiencing violence who have no recourse must be given the ability to access the services they need to escape violence and protect themselves and their children.”**

### **Spouses and domestic violence**

Under the Immigration Rules, women who have experienced domestic violence and who were admitted to the UK as spouses, civil partners or partners can apply for Indefinite Leave to Remain (ILR) if they can provide evidence that their relationship broke down before the end of their period of limited leave because of domestic violence. Whilst a woman’s application for ILR is being processed she has no recourse to public funds.

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<sup>1</sup> *Safety and Justice* Para 1, page 43.

In the Government's *Saving Lives, Reducing Harm. Protecting the Public: An Action Plan for Tackling Violence 2008-11* it is acknowledged that: "**Domestic violence has the highest rate of repeat victimisation**"<sup>2</sup> so that "**It is important to have services in place to provide immediate, targeted protection and support, to reduce the long-term impact of these crimes, and prevent re-victimisation.**"<sup>3</sup>

The no recourse rule therefore has particularly serious implications for women who are experiencing domestic violence as they are unable to access refuges or seek homelessness assistance if they want to leave a violent relationship. As Margaret O'Mara, Director of Crime Reduction at the Home Office has stated:

**"However... their existing immigration status means they have no access to housing provision. In addition, as the majority of these women are from BME communities, there are often additional barriers such as language... Without a place of safety or any means of support, these women are often forced to return to their home to face further abuse and in some extreme cases, homicide."**<sup>4</sup>

### **Taking action to protect women from violence**

In Spring 2008 Vernon Coaker, the then Parliamentary Under-Secretary of State for Crime Reduction, stated that the Government intended to introduce a scheme to enable the payment of money retrospectively to organisations who support women who receive ILR under the domestic violence rule<sup>5</sup>.

Over year after this announcement we are no closer to achieving a durable solution to the no recourse problem, an intolerable situation that has left hundreds of women and children in violent and abusive situations<sup>6</sup>. Consequently Rights of Women, along with other women's and human rights organisations, is a member of the **Campaign to Abolish No Recourse to Public Funds**<sup>7</sup> because we believe that all women and children should be entitled to receive the support they need to escape violent situations.

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<sup>2</sup> *Saving Lives. Reducing Harm. Protecting the Public: An Action Plan for Tackling Violence 2008-11*, page 36.

<sup>3</sup> Ibid page 45.

<sup>4</sup> Letter from Margaret O'Mara, Director, Crime Reduction sent to all local authorities on 16 February 2006.

<sup>5</sup> Evidence given to the Home Affairs Committee - Domestic Violence, Tuesday 4 March 2008.

<sup>6</sup> Research indicates that there are 600 women in the UK who have an insecure immigration status and are experiencing domestic violence. See *How Can I Support Her? Domestic Violence, immigration and women with no recourse to public funds* by Southall Black Sisters and the Women's Resource Centre.

<sup>7</sup> Further information about the campaign can be found on the Women's Resource Centre website at [www.wrc.org.uk](http://www.wrc.org.uk).