



## Immigration Bill

### Violence against women and girls amendment - Rights of Women proposed amendment for committee stage

Rights of Women calls on the Government to have regard to their own action plan in the *Call to End Violence against Women and Girls*<sup>1</sup>, and to ensure that the causes of domestic violence are addressed and women are adequately protected, whatever their immigration status.

#### Amendment to Part 4

*A person (P) shall be entitled to a residence permit for one year for rest and reflection where:-*

- a) P is married, in a civil partnership, or in a durable relationship with someone who is lawfully in the UK; and*
- b) P is in the UK as a dependant of that other person; and*
- c) The relationship breaks down as a result of domestic violence*

*The residence permit shall be available to P and any dependants already in the UK with entitlement to work and access public funds.*

#### Briefing

The current Government has made significant progress in addressing domestic violence and through the publication of the Call have set out that protecting women and girls is a priority. As part of this, they introduced the Destitute Domestic Violence Concession – a 3 month period of leave to allow spouses and civil partners of those settled or British citizens limited leave with access to public funds while making an application for Indefinite Leave to Remain. At the time, the immigration minister said “No one should be forced to stay in an abusive relationship and this scheme helps victims in genuine need escape violence and harm and seek the support they deserve.”<sup>2</sup>

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<sup>1</sup> The Call to End Violence Against Women and Girls Action Plan 2013. In the ministerial foreword, Theresa May states “I am determined to see continued reductions in domestic and sexual violence. But I am also determined to see a society where abuse is no longer tolerated, where all businesses and organisations offer support to those who may be victims, where those affected by domestic or sexual violence feel confident in coming forward to report their experiences and are fully supported for doing so, where female genital mutilation and forced marriage are no longer practiced, and where the criminal justice system rightly punishes those who would abuse and blight the lives of others.”

<sup>2</sup> Damien Green available at <https://www.gov.uk/government/news/support-for-victims-of-domestic-violence>

We believe that any Government committed to eliminating violence against women and girls should extend that protection to all victims of domestic violence who cannot leave relationships because their immigration status leaves them at risk of destitution, removal and further harm if they do so.

Whilst the domestic violence rule and destitute domestic violence concession enables a small group of women to be able to remain in the UK permanently in some circumstances, there is no avenue for protection for women who are unable to benefit for the rule or who seek only temporary support in the UK. The current piecemeal approach, whereby some women may benefit from the domestic violence rule whilst others might secure limited leave to remain if there are ongoing criminal or civil proceedings denies support to those who are most vulnerable. If a victim of domestic violence is required to leave the UK immediately, they may be leaving employment, being removed from their support networks and services and uprooting their children.

The aim of the amendment is to simplify the position of vulnerable victims by guaranteeing them a period of safety with access to services and benefits. It is intended to augment current provisions for victims of domestic violence. We do not believe that this amendment should alter the right to apply for Indefinite Leave to Remain (ILR) for spouses or civil partners of British citizens or those settled here, but that it should act in tandem to extend support available to victims of domestic violence and allow them a period in which to consider any applications they may make, or **allow them to leave the UK legally having made appropriate arrangements.**

The use of a residence permit is analogous with the language of the Convention of Action Against Trafficking in Human Beings<sup>3</sup>; and is intended to entitle victims of domestic violence to a period of rest and reflection. For many victims, this will allow them to make arrangements to return home at the end of a school term, or work notice period, and gives them a safe, dignified escape route from an abusive partner.

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<sup>3</sup> European Convention on Action Against Trafficking in Human Beings, 2005, Article 13