# Practice Guidance for Local Authorities

## Assessing and Supporting Victims of Domestic Violence who have No Recourse to Public Funds (NRPF)

April 2010

## Table of Contents

1. **Introduction** .................................................................2
   1.1 Relevant legislation.................................................................2

2. **Context** ...........................................................................3

3. **Summary of key steps** ......................................................3

4. **Assessing eligibility for services** ........................................4
   4.1 Establishing ordinary residence ..............................................4
   4.2 Checking Immigration status ..................................................5
   4.3 Establishing whether an individual is ineligible for support under Schedule 3 of the Nationality, Immigration and Asylum Act 2002 ..................................................5
   4.4 Establishing eligibility for temporary accommodation ..................6

5. **Assessment of Need** ..........................................................7
   5.1 Assessment of Need for Single Adults........................................7
   5.1.1 Section 21 (1)(a) National Assistance Act ...............................7
   5.1.2 Section 21 (1)(aa) National Assistance Act .............................8
   5.2 Assessment of Need for Children and Families .............................9
   5.3 Human Rights Assessments where Schedule 3 NIAA Applies .............9

6. **Domestic Violence Rule (DVR)** ..........................................10

7. **Pilot scheme for victims of domestic violence with NRPF** ..........11

8. **Southall Black Sisters No Recourse Fund** .............................10

9. **EEA Nationals** .................................................................14

10. **Further information** ..........................................................14

11. **Resources** .........................................................................14

12. **Acknowledgements** .............................................................15
1. Introduction
This paper provides guidance for local authorities in assessing whether they have a duty to support victims of domestic violence who have no recourse to public funds (NRPF) under community care and human rights legislation. This supplements the guidance provided in *Assessing and Supporting Adults with No Recourse to Public Funds* (April 2009) and *Assessing and Supporting Children and Families with No Recourse to Public Funds* (December 2008).

This document is intended as background guidance only on local authority duties and powers and how authorities might wish to respond to requests for service provision. It does not attempt to provide an exhaustive statement of the relevant law; nor is it a substitute for legal advice either generally or in relation to individual cases.

This guidance uses the term “subject to immigration control” as defined by section 115(9) of the Immigration and Asylum Act 1999 in order to describe people who are excluded from various forms of welfare provision.

While every attempt will be made to keep this guidance up to date on the NRPF Network web pages,¹ local authorities should check the issue date on this document against any recent case law or changes in statute or Government guidance.

1.1 Relevant legislation
The following legislation is relevant to this area of work:

**Community Care:**
- National Assistance Act 1948
- Children Act 1989
- Children (Leaving Care) Act 2000
- NHS and Community Care Act 1990
- Mental Health Act 1983
- Chronically Sick and Disabled Persons Act 1970
- Local Government Act 2000

**Immigration:**
- Immigration and Asylum Act 1999
- Nationality, Immigration and Asylum Act 2002
- Asylum and Immigration (Treatment of Claimants, etc) Act 2004
- Immigration, Asylum and Nationality Act 2006
- Borders, Citizenship and Immigration Act 2009

¹ [www.islington.gov.uk/nrpfnetwork](http://www.islington.gov.uk/nrpfnetwork)
Human Rights:
  • Human Rights Act 1998

2. Context
   The Association of Chief Police Officers (ACPO) Guidance on Investigating Domestic Violence (2008) defines domestic violence as "Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults, [i.e. aged 18 or over], who are or have been intimate partners or family members, regardless of gender and sexuality. Family members are defined as mother, father, son, daughter, brother, sister and grandparents, whether directly or indirectly related, in-laws or step-family."²

Victims of domestic violence with NRPF who present to social services for accommodation and subsistence support will usually have been granted limited leave to enter the United Kingdom as a spouse or a fiancé of a person present and settled in the UK.³ This leave is granted subject to a condition that the individual has no recourse to public funds, although individuals granted leave as spouses or civil partners are permitted to take up employment.

Under the Immigration Rules there is a concession for victims of domestic violence. The ‘Domestic Violence Rule’ allows those who were admitted to the UK with limited leave to remain as spouses or unmarried partners or civil partners to apply for Indefinite Leave to Remain (ILR), as long as they can provide evidence that the relationship broke down permanently before the end of their limited leave (or during the ‘marriage or partnership probationary period’) as a result of domestic violence. However, whilst this application is pending, people in this situation have no recourse to public funds and therefore cannot access public housing or benefits (more detail in Part 6).

For victims of domestic violence with children or those who may have a community care need, they can be referred to local authority Children’s or Adult Social Services departments respectively, who will assess whether there are any duties or powers to support and their eligibility for services (including accommodation) under community care law. For able-bodied single women (more detail in Part 5.1), local authorities should make a referral to a refuge, who can request reimbursement for this support from the Home Office (more details in Part 7).

3. Summary of key steps
   There are two fundamental steps that an authority should undertake in assessing whether they have a duty to support an individual or an individual with children.

³ This is because they have no access to alternative support, unlike those in the asylum system who may have access to UKBA asylum support.
1. Conduct an assessment of eligibility, looking particularly at any barriers to support by reason of immigration status; and
2. Carry out an assessment of need (either by way of community care assessment under Section 47 NHS and Community Care Act 1990 for lone adults, or under Section 17 Children Act 1989).

4. Assessing eligibility for services – Checking for statutory prohibitions and limitations on ability to provide services

In assessing eligibility a local authority should:

i) establish whether it is “territorially responsible” (that is, for community care services to adults that the person is ordinarily resident in the borough and for children in need, that they are within the borough’s area);

ii) carry out an immigration check to establish immigration status

iii) having established immigration status, check whether the authority is excluded from supporting the person under Section 54 and Schedule 3 of the Nationality, Immigration and Asylum Act 2002; and

iv) establish eligibility for emergency accommodation.

4.1 Establishing ordinary residence

Duties to provide certain community care services to adults, most notably provision of residential accommodation under Section 21 National Assistance Act 1948, fall to the local authority in whose area a person is ordinarily resident. In respect of duties arising to homeless children, they usually attach to the local authority in whose area a child is living or found. A detailed description of how to establish ordinary residence is provided in Assessing and Supporting Adults with No Recourse to Public Funds (pages 5-6) for adults and Assessing and Supporting Children and Families with No Recourse to Public Funds (pages 4-6) for children and families.

Where a local authority accepts the duty to provide services under NAA or CA and places a victim of domestic violence with NRPF in a refuge in another local authority’s area, the original local authority retains responsibility for supporting this case

If a local authority refers an individual to a refuge and there are no powers/duties under Children or Community Care law, then the local authority is not considered to be “placing” the individual and as such would not have financial responsibility. The new authority will be responsible for providing local services in respect of

---

4 In cases that do not involve NRPF the agreed practice between local housing authorities is that a victim fleeing to a refuge in another local authority area is likely to be accepted for housing by the local housing authority in the new area. This practice cannot apply where the victim has NRPF as individuals are excluded from social housing.
health, community care, education etc. It is good practice for the two authorities to work in partnership in meeting the individual’s needs and those of any dependent children.

In the event of the victim being granted indefinite leave to remain, giving them access to work or to benefits, including housing benefit, then the individual would usually become ordinarily resident in the new authority, applying the test in the leading case of *Shah v Barnet (1983)*; that ordinary residence means a person’s abode, adopted voluntarily as their home for settled purposes, whether for short or long duration.\(^5\)

It is important to note that where a person is provided with accommodation out of borough under Section 21 National Assistance Act 1948 because they are in need of care and attention, they are deemed to remain ordinarily resident in the placing authority’s area while they continue to be provided with such accommodation.\(^6\)

### 4.2 Checking Immigration status

It is important to check the immigration status of persons with NRPF in order to apply the correct considerations and assessment(s). In particular it must be established whether they are excluded from Section 21 NAA or Section 17 CA support under Schedule 3 of the NIAA (see part 4.3 below) and whether they have any claims pending with the Home Office.

A detailed description of how to check immigration status is provided in *Assessing and Supporting Adults with No Recourse to Public Funds* (Part 5.2, pages 6-7).

### 4.3 Establishing whether an individual is ineligible for support under Schedule 3 of the Nationality, Immigration and Asylum Act 2002

Section 54, which gives effect to Schedule 3 of the Nationality Immigration and Asylum Act 2002, sets our four classes of person who are ineligible for support under certain statutory provisions. The four classes of excluded person are:

1) Persons granted refugee status by another EEA State and any dependants;

---

\(^5\) The leading guidance on ordinary residence remains that contained in LAC(93)7.

\(^6\) It is also important to note that while duties may not arise to provide lone adults in need of care and attention with residential accommodation under s21 National Assistance Act 1948, there are powers to provide the service to persons of no settled residence or in urgent need under s24(3) and to persons ordinarily resident in another local authority’s area under s24(4) National Assistance Act 1948. This means that it is not the case that you *must* always establish ordinary residence in the local authority’s area in order to provide a service.
2) EEA nationals and any dependants;
3) Failed asylum seekers who are failing to comply with removal directions, and any dependants;
4) Persons unlawfully present in the UK. This includes people who have overstayed their visas and failed asylum seekers who made their initial application for asylum in-country, rather than at the port of entry.\textsuperscript{7}

Such persons are excluded from provision of support or assistance under statutory provisions which include, notably:

- Sections 21 and 29 National Assistance Act 1948
- Section 17 Children Act 1989
- Section 2 Local Government Act 2000

There are some exceptions to the exclusion from services, namely, where they are necessary to prevent a breach of the person’s:

- human rights under the European Convention on Human Rights
- rights under the Community Treaties (European law)

None of the exclusions under Schedule 3 NIAA apply to children or UK nationals.

Further information on how to establish whether an individual is ineligible for support under Schedule 3 NIAA is provided in \textit{Assessing and Supporting Adults with No Recourse to Public Funds} (Part 5.3, pages 7-8)

Human Rights assessments are dealt with generally under Part 5.3 of this guidance, but should be considered as part of the ‘eligibility for services’ process.

\textbf{4.4 Establishing eligibility for temporary accommodation}

Where an individual or family presents to the local authority as destitute, the authority can exercise its power to provide temporary accommodation pending the outcome of relevant assessments (under Section 47 NHSCCA or Section 17 CA, respectively).

Further information on establishing eligibility for temporary accommodation is provided in \textit{Assessing and Supporting Adults with No Recourse to Public Funds} (Part 5.4, page 8)

\textsuperscript{7} Someone who applies for asylum at an airport, seaport or train port when they first arrive is considered to be a ‘port of entry’ asylum applicant. Someone who applies after passing through immigration control at the UKBA offices in Croydon or Liverpool are considered to be ‘in country’ asylum applicants.
5. Assessment of Need

Part 4.3, above, considers whether there are any barriers to provision of services by reason of immigration status as set out in Schedule 3 Nationality Immigration and Asylum Act 2002, and if there are, whether services are necessary to prevent a breach of human rights or Community Treaty rights. In addition to this, local authorities can only provide support to people where they have a statutory duty or power to do so. This means that local authorities must assess whether the lone adult or child(ren)’s needs are such that duties to provide support arise, or that powers should be exercised.

In order to assess needs, local authorities should carry out, as appropriate:

- a community care and/or community mental health assessment; and/or
- a Child in Need assessment; and/or
- a Human Rights Assessment.

Further information on the assessment of need is provided in Assessing and Supporting Adults with No Recourse to Public Funds (Part 6, page 9)

5.1 Assessment of Need for Single Adults

5.1.1 Section 21 (1)(a) National Assistance Act

Section 21(1)(a) NAA sets out a duty to provide residential accommodation to persons aged eighteen or over who by reason of age, illness, disability or any other circumstances are in need of care and attention which is not otherwise available to them. Fair Access to Care Services (FACs) criteria cannot be applied when assessing whether this duty arises, including for people with NRPF. The test is whether or not the person has an unmet need of care and attention, as per the legislation and as defined by the House of Lords in M v Slough (2008). ‘Care and attention’ means a need for ‘looking after’. Baroness Hale stated at paragraph 34 of the judgment:

“Looking after means doing something for the person being cared for which he cannot or should not be expected to do for himself: it might be household tasks which an old person can no longer perform or can only perform with great difficulty; it might be protection from risks which a mentally disabled person cannot perceive; it might be personal care, such as feeding, washing or toileting. This is not an exhaustive list. The provision of medical care is expressly excluded... This definition draws a reasonable line between the ‘able bodied’ and the ‘infirm’…”

---

8 R (N) v Lambeth LBC [2007] EWHC 3427 (Admin)
9 M v Slough [2008] UKHL 52
For a detailed description of how to assess a person’s need for ‘looking after’ please see *Assessing and Supporting Adults with No Recourse to Public Funds* (pages 9-11).

The case of *Khan v Oxfordshire*\(^{10}\) indicated that there may be instances where domestic violence can make a person’s need for ‘care and attention’ more acute.\(^{11}\) However, this case was decided before *M v Slough*, and there is no precedent in case law for the effects of domestic violence themselves giving rise to a need for ‘care and attention’, defined as a need for ‘looking after’ in *M v Slough*. The individual circumstances of each case must be looked at carefully, including whether there are physical or mental injuries caused by the domestic violence that might give rise to a need for care and attention, and it is recommended that you seek legal advice for individual cases.

Some refuges may offer NRPF places to those who are not eligible for support from the local authority. Refuges can claim some of the money back for supporting women with NRPF from the Home Office (more detail in Part 7).

### 5.1.2 Section 21 (1) (aa) National Assistance Act

There is a *power* for local authorities to provide support to expectant or nursing mothers under Section 21 (1)(aa) of the NAA who are in need of care and attention which is not otherwise available to them.

The case of *R (Gnezele) v Leeds City Council; R (Dayina) v Leeds City Council*\(^{12}\) has clarified that expectant and nursing mothers who are in need of residential accommodation are dealt with exclusively under Section 21(1)(aa), in the absence of any other needs for care and attention not associated with pregnancy or nursing a baby. The case held that destitute expectant or nursing mothers are not in need of care and attention by reason of their being pregnant or nursing a child meaning that the duty under Section 21(1)(a) does not arise. If the expectant or nursing mother had a separate need for care and attention (i.e. ‘looking after’) of the kind outlined in Part 5.1.1 above, then the duty under Section 21(1)(a) may arise.

It is important to remember that consideration of exercise of the power must be reasonable and rational, all relevant factors must be considered and irrelevant ones ignored. Where support is otherwise available e.g. UKBA support, this will be relevant to the assessment of need under Section 21 (1)(aa) NAA. In the case of a pregnant woman on a spousal visa fleeing domestic violence, the situation is

---

\(^{10}\) [2004] EWCA Civ 309

\(^{11}\) The court was applying the interpretation of the “destitution plus” test under s21(1)(A), which was applied more frequently in NRPF cases before *M v Slough*. This is because, prior to *M v Slough*, it was considered that a person who was facing homeless and had NRPF was in need of care and attention because they needed warmth, shelter and food.

\(^{12}\) [2007] EWHC 3275 (Admin)
different as UKBA support is not available. It would therefore be expected that
the local authority would use its powers under Section 21 (1)(aa) to avoid the
woman becoming homeless.

If the woman is a national of a European Economic Area (EEA) country, or
unlawfully in the UK, support under Section 21 (1)(aa) will be excluded by
Schedule 3 NIAA.

5.2 Assessment of Need for Children and Families
A Child in Need assessment should be made in respect of children and families
with NRPF, who present as requiring accommodation. A destitute child will be a
‘child in need’. Local authorities have a general duty to safeguard and promote
the welfare of children within their area who are in need and, so far as is
consistent with that duty, to promote the upbringing of such children by their
families. As such, a local authority will usually have a duty to accommodate a
destitute child, either under Section 20 CA or under Section 17 CA with their
carer if in their best interests and to prevent a breach of the child or carer’s right
to family and private life. In making this decision consideration needs to be given
to the child’s individual needs and its right to family life under Article 8 of the
ECHR.

The refusal of support under Section 17 CA may raise safeguarding concerns for
the child.

As per Part 5.3 concerning human rights assessments, where the child’s carer is
ineligible for support under Schedule 3 of the Nationality, Immigration and
Asylum Act 2002, it may be possible to discharge duties to children by offering to
assist the family in returning to their country of origin if this would prevent a
breach of human rights. In such circumstances, it is advisable for the local
authority to seek legal advice for each individual case.

5.3 Human Rights Assessments where Schedule 3 NIAA Applies
Schedule 3 NIAA bars local authorities from providing support and assistance
under specified statutory provisions to the four categories of person subject to
immigration control, as referred to in Part 4.3 above. In such cases, local
authorities must consider whether it is necessary to provide support and
assistance in order to prevent a breach of their human rights. Local authorities
are entitled to look at whether the person is able to return to their country of

---

13 EEA nationals and any dependants; persons granted refugee status by another EEA
state and any dependants; refused asylum seekers who have failed to comply with
removal directions, and any dependants; persons unlawfully present in the UK (this
includes people who have overstayed their visas or failed asylum seekers who made
their initial asylum claim in-country).
origin in order to prevent a breach of human rights. Where return would prevent a breach, it would be lawful for a local authority to offer assistance in returning clients to their country of origin.

In the case of EEA Nationals, Human Rights Assessments must consider whether support by social services is necessary to prevent a breach of their rights under the Community Treaties.

When looking at whether return to country of origin is a viable option, it is necessary to look at whether return is impeded for legal or practical reasons, or whether the individual/family is unable to travel due to illness.

The relevant articles of the Human Rights Act 1998 (HRA) are likely to be:
- Article 3 (prohibition on torture or inhuman or degrading treatment or punishment); and
- Article 8 (respect for private and family life).
- In cases where the person is involved in court proceedings in the UK, Article 6 (right to a fair and public hearing).

The NRPF Network has developed a template Human Rights Assessment that local authorities can use in assessing people with NRPF under the Human Rights Act.

Where an individual is caught by the restrictions to support under Schedule 3 NIAA, the local authority can only provide support if the applicant demonstrates it is necessary in order to avoid a breach of their human rights, and, in the case of EEA nationals, their Community Treaty rights.

The recent case of N v Coventry City Council\(^\text{14}\) held that the human rights assessment can be completed first, as the lead assessment, to determine whether there would be a breach of human rights if no support is provided. The local authority is entitled to take this approach and then, in the case of lone adults, only assess community care needs if the conclusion is that there would be a breach of human rights without any support.

A detailed description of concerns relevant to Human Rights Assessments are given in Assessing and Supporting Adults with No Recourse to Public Funds (pages 13-17) for adults and Assessing and Supporting Children and Families with No Recourse to Public Funds (pages 9-10) for children and families.

6. Domestic Violence Rule (DVR)

In 1999, the government introduced a concession for women fleeing domestic violence who are in the UK on spousal visas, enabling them to apply for indefinite

\(^\text{14}\) R (on the application of N) v Coventry City Council [2008] EWHC 2786 (Admin)
leave to remain (ILR) as long as they can provide evidence that the relationship broke down permanently before the end of their limited leave (or during the ‘marriage or probationary period’) as a result of domestic violence. This was incorporated into the immigration rules in 2002, which gave applicants a right of appeal on a negative decision.

UKBA guidance on the DVR application and the latest application form itself can be found on the following website: [http://www.ukba.homeoffice.gov.uk/ukresidency/settlement/applicationtypes/applicationformset(dv)/](http://www.ukba.homeoffice.gov.uk/ukresidency/settlement/applicationtypes/applicationformset(dv)/)

Applicants should seek advice from an organisation registered with the Office for Immigration Solicitors Commission (OISC) in completing this application, such as a local Law Centre.

The application costs £820 to submit; however this fee will be waived if the applicant can prove they are destitute. A letter from a supporting organisation such as the local authority or refuge would be sufficient evidence of destitution. The UKBA define ‘destitution’ in this context as someone, who, on the date of application:

“a. no access to sufficient funds to pay the specified fee; and that they are
b. totally and necessarily reliant on a third party for the provision of essential living costs, such as basic accommodation and food”

Applicants must submit one piece of ‘first class evidence’\(^\text{15}\) or two pieces of ‘second class evidence’\(^\text{16}\) with their application.

The UKBA aims to process all applications within 20 working days once all supporting documentation has been received.

More information about applying for ILR under the Domestic Violence Rule can be found on the Rights of Women website: [www.rightsofwomen.org.uk](http://www.rightsofwomen.org.uk)

7. Pilot project for victims of domestic violence with NRPF

The Sojourner Project is a pilot scheme run by Eaves and funded by the Home Office. The pilot project will run from Monday 30th November 2009 until the end of August 2010. Eaves will act as the national coordinating body during

\(^{15}\) non-molestation order, occupation order, or other protection order; relevant court conviction, relevant police caution

\(^{16}\) medical report; undertaking given to a court; police report (confirming they have been called out because of domestic violence; letter from social services; letter from certain listed domestic violence organisations
the pilot, and will identify and manage refuge provision for victims who are eligible under the pilot.

The Sojourner Project is for individuals with no recourse to public funds, who entered the UK on a spousal or partner visa and are eligible to apply for Indefinite Leave to Remain (ILR) under the Domestic Violence Rule.

Who is eligible for this service?

- Victims of domestic violence who have no recourse to public funds
- Those admitted to, or granted an extension to their stay in the UK as a spouse, civil partner, unmarried or same sex partner
- Those who qualify for ILR under the Domestic Violence Rule

The service can be offered to those meeting the above criteria, and their dependents.

Referrals to the scheme can be made by anyone calling the Sojourner Project Duty Worker on 0207 840 7147

The pilot will be monitored and evaluated throughout with an overall evaluation being conducted in April 2010 which will assist in informing next steps in developing a longer-term solution to the issue.

Refuges supporting the victims will be provided with funding for up to 20 working days to support the victim whilst they complete an application for Indefinite Leave to Remain (ILR) under the Domestic Violence Rule.

The UKBA anticipate making a decision within the initial 20 working days, however if a decision cannot be made within that time frame, support will be provided up to a further 20 working days, whilst UKBA come to a decision on their application.

The pilot process will be monitored closely to establish robust data on the number of people who may require this support and the benefits to individuals and refuges of the new approach.

Underpinning this pilot is a UKBA commitment to decide upon ILR applications within 20 working days of receipt of the application by the caseworker, provided that all the required supporting information has been provided with the application. In addition, UKBA have made a number of amendments to their processes including:

- extensive revisions to the Domestic Violence Immigration Directorate Instructions
- substantial changes to the SET (DV) application form, for example eliminating duplications in checklists and providing more scope for applicants to explain the reasons why they cannot supply information
- implementing a new definition of destitution

8. Southall Black Sisters No Recourse Fund
In recognition of the plight of hundreds of women and children with no recourse to public funds, Southall Black Sisters (SBS), have, with funds provided by London Councils and the charity Oxfam, set up a small ‘last resort fund’ called the ‘SBS No Recourse Fund’. The fund will be used to help accommodate and provide subsistence costs for a limited period for women who have experienced domestic violence and have insecure immigration status with no recourse to public funds. The funds will also be used to help women who are victims of trafficking and prostitution.

The funds will be allocated in the following way:
- Funds from London Councils will be used to cover emergency housing costs and living expenses for women and children in London
- Funds from Oxfam will cover emergency housing and living expenses for women and children outside London.

Please note that the SBS No Recourse Fund is a last resort fund. The funds will only be open to non-statutory organisations. The overall funds available are severely limited and will only be provided where organisations give a commitment to assist women to pursue other avenues of financial assistance, including legal proceedings against local authorities. The No Recourse Funds will not be released if organisations fail, during the period of NRF funding from SBS, to assist women to obtain alternative funding.

The No Recourse Fund will cover the costs of emergency accommodation and other basic living expenses to enable women and children to access places of safety such as a refuge pending more long-term arrangements for housing and living expenses. SBS can assist applicants through this process.

The fund will pay accommodation and subsistence costs of up to £30 per week for an adult and £10 per week for a child.
- Single women will be assisted for a maximum of 6 weeks.
- Women with children will be assisted for one week.

Application packs
Contact SBS for an application pack, which sets out the criteria and conditions of eligibility in more detail. You can also download the application pack from the SBS website:
http://www.southallblacksisters.org.uk/norecoursefunds.html
9. EEA Nationals
European Economic Area (EEA) nationals suffering domestic violence may be eligible for assistance from mainstream housing departments or refuges if they or their partner are exercising a European Community Treaty right as a 'qualified person', as per the definition in Regulation 6 of the Immigration (European Economic Area) Regulations 2006. Accession 8 and Accession 2 (A8/A2) nationals who have completed 12 months of registered employment may also be able to claim Housing Benefit and use this to fund their space in a refuge. A8/A2 nationals who have not completed 12 months continuous, registered employment however, will lose their 'right to reside' and have no recourse to public funds.

For A8/A2 nationals with no recourse to public funds (NRPF) a Human Rights Assessment should be carried out to assess whether the withholding of support would be a breach of human rights. In cases involving children, a Child in Need assessment must also be carried out. For more information, please see Part 5.3 of this guidance.

A8/A2 nationals are not eligible to apply for Indefinite Leave to Remain (ILR) under the Domestic Violence Rule (DVR).

For a more detailed consideration of the assessment process for A8 and A2 nationals, please see the NRPF Network guidance Assessing Accession 8 and Accession 2 European Economic Area (EEA) Nationals for Support from Social Services.

10. Further information
Further information on domestic violence can be obtained from:
www.crimereduction.gov.uk
www.info4local.gov.uk
www.southallblacksisters.org.uk
www.wrc.org.uk
www.ashiana.org.uk
www.womensaid.org.uk
www.refuge.org.uk

10.1 Resources


Family Rights Group (2008), Family Support Services for Asylum Seekers
11. Acknowledgements
This guidance was written by Frances Smith, Olvia Fellas and Southall Black Sisters in 2007. It was updated by Jonathan Price and Malgorzata Strona in October-December 2009. We would like to thank Stacey Rowse from Islington Council Legal Services for checking its legal content.