

Domestic Abuse Bill

AMENDMENTS
TO BE MOVED
ON REPORT

After Clause 72

BARONESS LISTER OF BURTERSETT

Insert the following new Clause—

“Social security: exemption from repaying benefit advances

- (1) The Social Security (Payments on Account of Benefit) Regulations 2013 are amended as follows.
- (2) In regulation 7 (definition of financial need), after paragraph (3) insert—
 - “(4) It shall be presumed for the purposes of this regulation that A is in financial need where A—
 - (a) is or has recently been a victim of domestic abuse; and
 - (b) provides evidence of the domestic abuse in one or more of the forms set out in regulation 33(2) of the Civil Legal Aid (Procedure) Regulations 2012.
 - (5) A has recently been a victim of domestic abuse if a period of 12 months has not expired since the domestic abuse was inflicted or threatened.
 - (6) For the purposes of this regulation—
 - (a) “domestic abuse” has the meaning set out in section 1 of the Domestic Abuse Act 2021;
 - (b) “victim of domestic abuse” means a person on or against whom domestic abuse is inflicted or threatened.”
- (3) In regulation 10 (bringing payments on account of benefit into account), after sub-paragraph (b) insert—
 - “(2) In the case of a payment on account of benefit made to a person who can provide evidence of being or having recently been a victim of domestic abuse, paragraph (1) shall not apply.
 - (3) A person has recently been a victim of domestic abuse if a period of 12 months has not expired since the domestic abuse was inflicted or threatened.
 - (4) For the purposes of this regulation—
 - “domestic abuse” has the meaning set out in section 1 of the Domestic Abuse Act 2021;

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“victim of domestic abuse” means a person on or against whom domestic abuse is inflicted or threatened.

- (5) For the purposes of this regulation, evidence of being or having recently been a victim of domestic abuse must be provided in one or more of the forms set out in regulation 33(2) of the Civil Legal Aid (Procedure) Regulations 2012.”

THE LORD BISHOP OF GLOUCESTER
LORD ROSSER

Insert the following new Clause –

“Victims of domestic abuse: leave to remain and the destitution domestic violence concession (DDVC)

- (1) The Secretary of State must, within three months of this Act being passed, lay before Parliament a statement of changes in rules made under section 3(2) of the Immigration Act 1971 (“the immigration rules”) to make provision for leave to remain to be granted to any person subject to immigration control who is a victim of domestic abuse in the United Kingdom.
- (2) The statement laid under subsection (1) must –
 - (a) set out rules for the granting of indefinite leave to remain to any person subject to immigration control who is a victim of domestic abuse in the United Kingdom; and
 - (b) provide for those rules to be commenced no later than one month after the laying of the statement.
- (3) The Secretary of State must make provision for granting limited leave to remain for a period of no less than six months to any person eligible to make an application under the immigration rules for the purposes of subsection (2); such leave must include no condition under section 3(1)(c)(i), (ia), (ii) or (v) of the Immigration Act 1971.
- (4) The Secretary of State must make provision for extending limited leave to remain granted in accordance with subsection (3) to ensure that leave continues throughout the period during which an application made under the immigration rules for the purposes of subsection (2) remains pending.
- (5) Where subsection (6) applies, notwithstanding any statutory or other provision, no services shall be withheld from a victim of domestic abuse solely by reason of that person not having leave to remain or having leave to remain subject to a condition under section 3(1)(c) of the Immigration Act 1971.
- (6) This subsection applies where a provider of services is satisfied that the victim of domestic abuse is eligible to make an application to which subsection (3) refers.
- (7) The Secretary of State must, for the purposes of subsection (5), issue guidance to providers of services about the assessment of eligibility to make an application to which subsection (3) refers.
- (8) In this section –
 - (a) an application is pending during the period –
 - (i) beginning when it is made,

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- (ii) ending when it is finally decided, withdrawn or abandoned;
 - (b) an application is not finally decided while an application for review or appeal could be made within the period permitted for either or while any such review or appeal remains pending (meaning that review or appeal has not been finally decided, withdrawn or abandoned);
- “person subject to immigration control” means a person in the United Kingdom who does not have the right of abode;
- “provider of services” includes both public and private bodies;
- “services” includes accommodation, education, employment, financial assistance, healthcare and any service provided exclusively or particularly to survivors of domestic abuse.”

Member’s explanatory statement

This would make provision in the immigration rules for the granting of indefinite leave to remain to migrant survivors of domestic abuse. It would provide for limited leave to remain, and access to services, for a survivor who is eligible to apply for indefinite leave to remain.

Clause 73

BARONESS LISTER OF BURTERSETT

Page 58, line 32, at end insert “and any strategy to end violence against women and girls adopted by a Minister of the Crown.”

Member’s explanatory statement

This amendment ensures that statutory guidance issued alongside the Domestic Abuse Bill takes into account any violence against women and girls (VAWG) strategy adopted by the Government, so that efforts to prevent and address domestic abuse are linked to integrated and coordinated responses to tackle VAWG.

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24 February 2021
