

A2/2024: Victims of forced marriage and victims of transnational marriage abandonment

Introduction

Circular contains information regarding Victims of forced marriage and victims of transnational marriage abandonment

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Who should read

All Housing Benefit staff

Action

For information

Subject

Victims of forced marriage and victims of transnational marriage abandonment

Guidance Manual

The information in this circular does affect the content of the HB Guidance Manual. Please annotate this circular number against paragraph 4.68 in Chapter C4.

Queries

You can get [extra copies of this circular/copies of previous circulars](#).

If you need to ask about the new layout of this circular, contact: lawelfare.correspondence@dwp.gov.uk

If you need to ask about the distribution of this circular, contact: lawelfare.correspondence@dwp.gov.uk

For queries about the technical content of this circular, contact: internationalaccessto.benefitpolicyteam@dwp.gov.uk

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Introduction

1. This circular updates circular HB A22/2010 and:

- clarifies the guidance for victims of forced marriage
- includes provisions for victims of transnational marriage abandonment within the same guidance
- focuses on the retention of actual habitual residence for the purpose of claiming income related benefits.

Victims of forced marriage

2. The Forced Marriage Unit (FMU) is a joint Foreign and Commonwealth Office and Home Office unit. Established in 2005, the FMU works together with other government departments, statutory agencies and voluntary organisations to:

- develop effective policy for tackling forced marriage, and
- provide support to persons within the United Kingdom (UK) and consular assistance to those overseas.

3. The FMU also run a public helpline that provides confidential advice and support to victims and to practitioners handling cases of forced marriage.

4. Local authorities can contact the FMU by telephone on 020 7008 0151 or by email at: fmu@fcdo.gov.uk

Guidance

5. Under current Social Security regulations, people returning to the UK from abroad may make an immediate claim for income-related benefits including Housing Benefit (HB). In addition to satisfying the normal conditions of entitlement, anyone who claims these benefits must demonstrate that they have a right to reside and are habitually resident in the UK.

6. In this guidance, victims of 'forced marriage' means individuals who have been removed from the UK where they are normally resident. In some circumstances, this will be those who have left the UK voluntarily, for example, a holiday, and have subsequently been detained abroad against their will. This means that they have been prevented from residing habitually in the UK through no fault of their own.

7. Under such circumstances, as with victims of transnational marriage abandonment, victims of forced marriage do not lose their habitual residence in the UK and, therefore, are viewed as being actually habitually resident from the outset of their claim.

8. See example as follows:

Example

Leila was 18 when her parents took her out of the UK for what she thought was a family holiday to visit relatives. Once abroad Leila was forced to stay in the family house and wasn't allowed out on her own. Leila was told that she must agree to marry a man her family had chosen.

After some time she managed to escape from the house and was able to contact the British Consulate, who found her a place to stay and helped her get in touch with her friends in the UK. She eventually came home to the UK and, with the help of a women's refuge and her friends, has built a new life for herself.

Leila is a UK citizen who had no intention to leave the UK for anything other than a short holiday. She was detained outside of the UK against her will. Because of this, she is not considered to have lost habitual residence in the UK during her enforced absence abroad, and so would have a claim for income related benefits accepted from the outset of her claim, subject to meeting all other eligibility requirements.

FMU assistance letter

9. Individuals helped by the FMU are issued with a letter confirming no loss of habitual residence throughout any period of enforced absence from the UK.

10. An example of the FMU assistance letter is at Annex A.

Victims of transnational marriage abandonment

11. Victims of transnational marriage abandonment are individuals who have been abandoned overseas due to domestic abuse, in this case by their spouse who is a British or Irish national or has indefinite leave. These individuals often find themselves unable to return to the UK as they have been detained against their will, often through the withholding or destruction of their documents, causing their immigration status to lapse. This means that they have been prevented from residing actually habitually in the UK through no fault of their own.

12. In these cases, the individual can apply to the Home Office for Indefinite Leave to Enter (ILE) to allow them to return to the UK. This leave provides recourse to public funds so they can access benefits.



Guidance

13. Under current Social Security regulations, people returning to the UK from abroad may make an immediate claim for income-related benefits including HB. In addition to satisfying the normal conditions of entitlement, anyone who claims these benefits must demonstrate that they have a right to reside and are habitually resident in the UK.

14. As with victims of forced marriage, victims of transnational marriage abandonment granted ILE have not lost their habitual residence in the UK during any enforced absence resulting from domestic abuse. Therefore, they are considered habitually resident from the outset of their benefit claim.

Biometric Residence Permit letter for identification

15. To confirm their status as TMA victims under the TMA route, these individuals will be identifiable through their Biometric Residence Permit (BRP) letter which will be granted by the Home Office. This BRP letter will have the endorsement of 'SETTLEMENT ILE TMA'. This can be used in conjunction with this guidance to support their access to income-related benefits. You will still need to confirm their immigration status as normal.



Annex A

Forced Marriage Unit
Foreign and Commonwealth Office
Kind Charles Street
SW1A 2AH

Tel: 020 7008 0151

Address

Day/Month/2024

RE: Habitual Residence

Name, NINO: DOB: Address (if applicable as may be refuge)

I am writing from the Forced Marriage Unit (FMU), a joint Foreign and Commonwealth Office and Home Office initiative providing confidential advice and support to victims and practitioners in cases of forced marriage. This is done in conjunction with government departments, statutory agencies and voluntary organisations.

The person named above, has recently received assistance from the FMU in returning to the UK after a forced absence abroad for the period xxxx to xxxx.

Under current Social Security regulations, people returning to the UK from abroad may make an immediate claim for income-related benefits. In addition to satisfying the normal conditions of entitlement, anyone who claims these benefits must demonstrate that they have a right to reside and are habitually resident in the UK.

The individual named here will have been taken from the UK, where they are normally habitually resident, and detained outside the country against their will. As such they will have been forcefully prevented from fulfilling their desire to reside in the UK. This means that they have not lost their habitual residence in the UK throughout any forced absence from the country.

DWP guidance allows that under such circumstances individuals **do not lose their habitual residence in the UK and are therefore viewed as being habitually resident from the outset of their claim.**

Please treat this letter as acceptance that the period spent outside the UK, stated above, was a forced absence and should not count against xxxxx when considering their entitlement to housing or other support.

For further information about this case please contact me on the above telephone number. Read general advice regarding [forced marriages](#)

The FMU may be contacted on the above telephone number in cases where identity is in doubt. If this is the case please quote the FMU reference stated on this letter.

Please **do not** contact the FMU as a means of routine ID checking.

Yours sincerely,

(staff name)
Forced Marriage Unit

This letter is to assist the individual in making a claim to benefit and accommodation without further need for distress. Any individual bearing this letter has not lost their habitual residence in the UK throughout any forced absence.” **

**Bearers of the FMU letter will generally be UK citizens or have leave to remain in the UK.