



GETTING AND PAYING FOR HOUSING

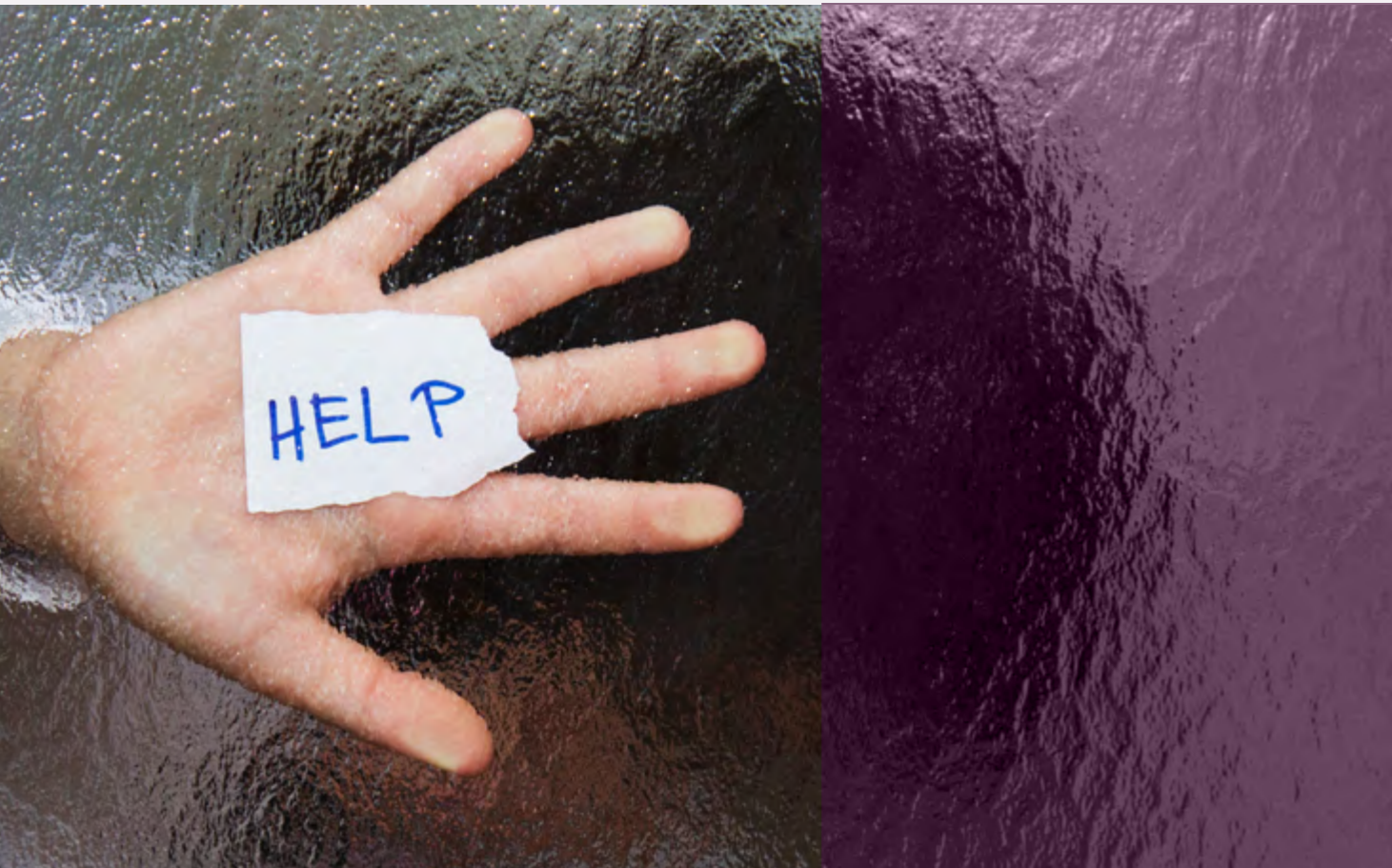
A GUIDE FOR THOSE ADVISING POLISH
VICTIMS OF DOMESTIC ABUSE

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FOREWORD

We are very pleased to present this guide to all professionals working with Polish families affected by domestic abuse. It aims to provide them with knowledge and understanding of complex areas of housing entitlement of Polish nationals in the context of domestic violence. Being homeless in a foreign country as a result of domestic abuse is a devastating experience for victims and their children. We must ensure that the response of support agencies effectively tackles this problem and foreign nationals get the help that they are entitled to receive to be safe.

We know from our work with Polish victims of domestic violence that they not only face a lot of barriers in reporting abuse to statutory and voluntary agencies but also face problems preventing them from leaving abusive partners. One of them is financial abuse. Victims who do not receive appropriate support with housing are very likely to go back to the perpetrators and the cycle of abuse starts again and escalates over time. We can break this cycle by giving victims adequate advice and support.


The guide has been updated in January 2022 to reflect changes to housing rights for the European Union citizens, which were implemented after Brexit.

Ewa Wilcock
 Managing Director
 Vesta – Specialist Family Support CIC

1st March 2022

Gosia	<i>has just arrived at the refuge with her two children. She arrived in the UK in 2014 to join her husband, who was working on a building site then. He has “always been a drinker” and his employment history seems very irregular and complicated, but he has worked on and off, sometimes self-employed, sometimes on contracts. The older daughter, was born in Poland, the younger was born in the UK in and is now 6. Both were in school, but after the last attack (there have been several), three months ago, Gosia fled their rented flat and went to stay with a friend in another city. She has not worked since arriving in the UK but did attend a local college to learn English and do a dressmaking class. She has not applied for settled status but believes her husband may have done for all of them: he always “did all the paperwork”.</i>
Teresa	<i>works as an administrator in a local commercial office and has been there since she arrived in the UK in 2017. Her ex-boyfriend arrived at her workplace and threatened her and colleagues two days ago. He then broke into her flat and smashed it up. She has stayed with a colleague since then, frightened to go home. Teresa applied for and got EU pre settled status in early 2019.</i>
Ewelina	<i>arrived in the UK with her parents in 2009, when she was 10. She went to school, her parents both worked, but her mother died two years ago and her father returned to Poland. She started living with her British partner two years ago in his flat and he claimed benefits for both of them but he has become violent since she became pregnant: the baby is due in three months. She has never applied for any status in the UK.</i>
Ilona	<i>arrived in the UK in 2014, to live with her daughter, who was working in the UK. She helped look after her two grandchildren and then took on some cleaning work, self-employed, once the children were older. She now has 15 hours cleaning a week. However, her son in law has developed mental health problems and the marriage is in trouble. Yesterday while her daughter was at work, he started accusing her of breaking up his marriage and threatened her with a knife. Ilona and her daughter applied for EU settled status before the end of 2020. Her daughter has got it but Ilona is still waiting.</i>
Natalia	<i>came to the UK with her boyfriend and has now been in the country for 3 weeks. She believed she could find work, although she speaks little English and has few qualifications, but her boyfriend has just stolen all her money, and punched her so hard he broke her jaw.</i>
Basia	<i>arrived with her daughter aged 2 in the UK in January 2021. She came to join her husband who has lived and worked in the UK for “at least 7 years” before she came, although he often returned to Poland for a month or two each year. She has run away after he threatened her and the girl with violence.</i>

WHAT CAN THESE WOMEN DO?

 see what they can do on page 11

- ✓ Can they find and pay for a safe place to live?
- ✓ Can they get benefits to pay for accommodation?
- ✓ Should the local council offer them temporary or longer-term accommodation?

For most Polish citizens that will depend on their immigration status, including their EU settled or pre-settled status. So, this guide explains about these statuses and how those fleeing domestic violence in England and Wales may be able to claim benefits and get housing from the council. The benefit rights and rights to reside are the same in Scotland but the housing rights are slightly different. Scottish housing law can be checked at www.housing-rights.info which has a section for people fleeing domestic abuse.

At the **end of this guide** you will find what options these women may have for benefits and for any help in obtaining housing from the council or other authorities.

1. EU SETTLED AND PRE-SETTLED STATUS

When the UK left the European Union (EU), it created two new types of immigration status for EU citizens and their family members who wanted to stay in the UK. They are available to all those resident in the UK on 31st December 2020. Applications for these statuses had to be made by 30th June 2021 although people can apply after that date if they had “reasonable grounds” for that delay. Vulnerable people, including survivors of domestic abuse, can get free help with making such late applications, and their vulnerability can be a good reason for being late with the application. you can find out where to get help on this at <https://www.gov.uk/help-eu-settlement-scheme>

People who proved that they had lived in the UK enjoying a right to reside for at least five years got “EU Settled Status”. People who proved residence, under a right to reside, for shorter periods are given “EU Pre-Settled Status” and can later apply to convert this into “EU Settled Status”. These are statuses granted under the Immigration Rules: as a UK immigration status, not a right to reside as applied previously to EU or EEA citizens.

EU Settled Status is indefinite leave granted with no conditions attached and so people with this leave can apply for council housing and claim benefits and have the right to work.

EU Pre-Settled Status is limited leave, with the right to work. But people with EU Pre-Settled Status also need a right to reside in order to receive benefits and/or housing assistance.

There are no documents or cards to prove you have EU settled or pre settled status. You are sent the details electronically. If you need proof, for an application for housing, benefits or work, you need to use the UK Government service that provides that, and which can give you a “share code” so other people can check it:

<https://www.gov.uk/view-your-settled-status>

EU Settled Status and Pre-Settled Status are new types of immigration status and some service providers may not yet understand them well. There have also been delays in dealing with applications, so many people who applied before the deadline of 30th June 2021 have not yet received a decision. As long as they applied in time, they are still entitled to live and work in the UK and claim relevant benefits and housing. Family members of an EU citizen with settled or pre-settled status can come to live in the UK after 31st December 2021, and can apply for their own settled or pre-settled status within 90 days of arrival.

The rules for EU citizens also apply to citizens of Switzerland, Norway, Iceland or Liechtenstein. Collectively those countries, plus the 27 EU countries, are known as the European Economic Area (EEA). When we refer to “EU citizens”, we include citizens of Switzerland, Norway, Iceland or Liechtenstein.

The UK government guidance on these rules is at: <https://www.gov.uk/settled-status-eu-citizens-families>

2. RIGHTS TO RESIDE

The EU has rules designed to encourage freedom of movement. Once the UK left the EU, from 1st January 2021, those rules no longer apply in the UK.

Generally, these rules allowed EU citizens to live in the UK if they did something (such as working, being self-employed or studying) that gave them a “right to reside”. Any family member of an EU citizen, where that EU citizen had a right to reside, was also entitled to a right to reside.

The EU allows each country to apply special rules to some new member countries, known as “accession states”. Poland joined the EU in 2004 and the UK applied special rules to newly arrived Polish citizens between 2004 and 2011, requiring them to register on the Work Registration Scheme for their first year of work in the UK in order to be entitled to claim benefits and/or housing assistance (although in November 2017, the UK Court of Appeal found that the UK had acted unlawfully in extending these rules in 2009, so the rules only applied between May 1st 2004 and April 30th 2009). This guide does not cover the detail of these rules, because they are no longer relevant.

Polish citizens who came to the UK before 2004 had rights to live in the UK defined by their immigration status. They arrived as workers, family members and refugees, and settled in the UK over many years. Some became UK citizens. Their rights and options are generally not covered in this guidance.

2.1. WHY ARE RIGHTS TO RESIDE STILL IMPORTANT?

Although the EU rules no longer apply, the “right to reside” is still important for one group: EU citizens who have pre-settled status. They can claim benefits and housing if they have certain rights to reside. Some rights to reside are “qualifying” rights and some are not.

Rights to reside are ONLY relevant for claiming benefits and applying for housing. Pre-settled status gives the right to live in the UK, irrespective of what the person is doing.

2.2. WHAT RIGHTS TO RESIDE ARE THERE?

The table below is a quick guide to the different types of right to reside. Some are explained in more detail below. It covers just the basic “means tested” welfare benefits which are available to people who are on low incomes or have no money coming in. For people making a new claim this will generally be Universal Credit, but some people still receive other benefits (which Universal Credit replaced), such as Income Based Jobseekers Allowance (for the unemployed), Employment Support Allowance (for those too ill to work), Income Support (for people who cannot work because they are ill or caring for a child), Housing Benefit (for people on a low income or benefits to help pay the rent).



RIGHT TO RESIDE	HOW DO YOU GET THIS RIGHT TO RESIDE?	HOUSING AND BENEFITS: IS THIS A QUALIFYING RIGHT TO RESIDE?
SELF SUFFICIENT	By having enough money available to support yourself to at least the level of means tested benefits.	Eligible for housing as long as you can pass the “habitual residence test” and also technically eligible for benefits. But of course, if you have enough money then you cannot claim means tested benefits.
STUDENT	Register to study on a relevant course and signing a declaration that you can support yourself without needing benefits. then if your circumstances change and you can no longer support yourself then you still have a student right to reside.	Eligible for housing and benefits as long as you can pass the habitual residence test.
SELF-EMPLOYED PERSON	Being in genuine and effective self-employment..	Eligible for housing and benefits.
WORKER	Being in genuine and effective work that is not marginal.	Eligible for housing and benefits.

2.3. IMPORTANT TO NOTE ABOUT RIGHTS TO RESIDE

- The law on them is complicated and key aspects of it are explained below.
- Rights to reside are now only relevant for people with pre-settled status.
- These rights to reside may also cover family members (see below).
- The rights are determined by the facts, not by papers or documents. So, a worker has a right to reside because she is working, the husband of a worker has the right to reside because he is the husband and because the worker is working.

2.4. THE HABITUAL RESIDENCE TEST

- The Habitual Residence Test (HRT) is used in benefits and housing applications by the Department for Work and Pensions (DWP: who pay benefits) and housing authorities.
- It is a test of whether you have a “centre of interest” in the UK, in other words, how settled you are. So the DWP or local authority look at:
 - how long you have been in the UK
 - why you came
 - how long you hope to stay
 - whether you have possessions or property in the UK and where you have bank accounts
 - if you have family here
 - if you have registered with a doctor or dentist, or your children are attending school
 - are you involved with local communities: have you joined a church, club, or similar.
- When the DWP apply the HRT they start by checking whether you have a right to reside or an immigration status that allows you to claim benefits. So sometimes they say you have “failed the HRT” when they mean “you have no right to reside” or “your immigration status does not allow you to claim benefits”.
- The HRT is not applied to workers and the self-employed.
- The HRT is applied to British citizens (unless they have been deported back to the UK).

3. WORKER RIGHT TO RESIDE

- A worker right to reside starts from the day the person starts work. There is no minimum period and no habitual residence test.
- To count as work, the work must be genuine, effective and not “marginal”:
 - Effective work means that there is an employer, an employee, a job to be done and a payment for it. A contract is not needed but some evidence of the work will be needed.
 - Payment for work does not have to be in money but it should be something that has a monetary value (like accommodation for example).
 - If the work is for at least 10 hours a week and at least at minimum wage levels on average then it will not normally be marginal.
 - BUT the DWP has guidance that means that any claim based on work that earns less than £184 average per week (in 2020/21) for the last three months will be subject to special checks as to whether it is marginal so these claims are often refused. This can be challenged.
- When a worker is on leave s/he is still a worker. This includes maternity leave.
 - If a woman has to stop work altogether because of the demands of pregnancy (maybe because she has no rights to maternity leave) she keeps her worker right to reside as long as she intends to return to the labour market in a reasonable time. A year can be a reasonable time.
- Workers can keep their right to reside sometimes even when they are no longer employed.
 - A worker who cannot work temporarily because of illness or accident keeps their right to reside as a worker for as long as there is realistic prospect that he or she will return to work in the foreseeable future. There is no time limit on this: in one case the doctors involved confirmed that they expected the man to be able to work eventually even though he had been unable to work for four years, and he kept his right to reside.
 - In some cases, the worker may keep their right to reside because they have left work to temporarily look after a spouse or child who is ill or injured.
- If a worker loses their job through no fault of their own (redundancy or a contract coming to an end) they keep their worker right to reside for a time as long as they sign on at the job centre as available for work.
 - If the worker has worked for less than a year, the worker keeps their right to reside for a maximum of six months.
 - If the worker has worked for at least a year, they will keep their right to reside for a minimum of six months. After that, the DWP may test them to see if they have a “genuine prospect of work”, and if they do not, they may be refused further benefits.
- Workers may have other rights to reside e.g., as family members or the carer of a child in education (see below).

4. SELF-EMPLOYED RIGHT TO RESIDE

- A person with a self-employed right to reside is eligible for benefits and housing from the day they start self-employment. There is no minimum period and no habitual residence test.
- To qualify for this right to reside, the self-employment must be effective and genuine, which means that the person must be actively engaged in carrying on their business.
 - Self-employed people do not have to earn any minimum amount but they do need to be spending a reasonable amount of time on their business. Not all of this will earn them money: activities like looking for work, doing accounts, maintaining equipment also count.
 - BUT the DWP has guidance that means that any claim based on self-employment that earns less than £184 average per week (in 2020/21) for the last three months will be subject to special checks as to whether it is genuine and effective self-employment so these claims are often refused. This can be challenged.
- Self-employed people do not lose their right to reside if they are temporarily unable to work due to illness or accident. This may include having to look after a spouse or child who is ill or has had an accident.
- A self-employed person can take maternity leave for the usual period allowed by law.

5. FAMILY MEMBERS' RIGHTS TO RESIDE

- Rights to reside also cover family members:
 - For workers and self-employed people, the right to reside also covers husbands, wives and civil partners and children up to the age of 21 PLUS dependent children and grandchildren over 21 and dependent parents and grandparents.
 - “dependent” means that the person shares a household OR is financially dependent OR depends on the worker or self-employed person for physical care and/or case management.
 - For self-sufficient people and students, the right to reside covers children up to the age of 18 and husbands, wives and civil partners.
 - Workers and self-employed people may also have other people as family members, but they will need to apply for a residence permit or certificate. Those other people are cohabitants in a “durable relationship” and adult family members who need personal care because of long term illness or disability.
 - None of these family members need themselves to be EU citizens. But those who are not then need to apply for a residence permit.
- The right to reside of a wife, husband or civil partner continues even if the couple no longer live together, the only issue is whether or not the marriage or civil partnership has ended, by divorce, annulment or death:
 - If the couple divorce, then the right to reside may continue if the wife, husband or civil partner has been married/partnered for at least 3 years, one of which is in the UK, and they are working or self-employed.
 - If there is domestic violence then the three year/one year may not apply.
- Generally, the right to reside of a cohabitee ends when the relationship ends.
 - The cohabitee may have other rights to reside (as the carer for a child, or as a worker for example).
 - Other options for ex cohabitants may be available but will need skilled legal representation.
- There is a special right to reside for the children of EU workers: they have a right to reside to complete their education in the country where their parent works or has worked:
 - This right is triggered when the child starts education in a school, college or university. There is no minimum age, provided that the child has commenced education at some point before he or she turns 18.
 - The right ends when the child finishes their education.
 - For the right to exist, the child must have been in the UK at some time when the parent was a worker.
 - Once that has happened, the child has that right. It does not matter what the worker parent does then. Even if they die or leave the country, the child still has the right.
 - the child is eligible for benefits and housing.
 - The child's carer/s also have the same right to reside and the same eligibility for benefits for as long as the child is in education, or for as long as the child needs a primary carer.
- There is a special right to reside for the parent of a British child who has no-one else to care for them, or for the sole carer of a British adult who needs care.
 - However, people with this right (sometimes called Zambrano parents, after the case that established the right) are NOT eligible for housing and means tested benefits. they have the right to work and can get contributions-based benefits but will need to apply to social services for help if they cannot afford basic housing and food (see below).

6. APPLYING FOR BENEFITS

- This pamphlet does not cover the general rules about benefits and how to apply for them but just eligibility for benefits for Polish citizens.
- All new claims for means tested benefits are for Universal Credit (UC), which replaced the following benefits (but people already on those benefits may continue to receive them):
 - Income Based Jobseekers Allowance (IBJSA: for the unemployed).
 - Employment Support Allowance (ESA: for those too ill to work).
 - Income Support (IS: for people who cannot work because they are ill or caring for a child).
 - Housing Benefit (HB: for people on a low income or benefits to help pay the rent).
- You can find general information about these benefits on the [government website](#). The [Citizens Advice](#) website also has a lot of useful information about how to claim and how much you may get.
- European citizens with settled status are eligible for IBJSA, ESA, IS HB and Universal Credit. Those with pre-settled status are eligible for some depending on their right to reside: you can see which rights to reside make you eligible in the sections above.
 - To apply for benefits you will need proof of your settled status or proof of your pre-settled status (the share code) and of your qualifying right to reside. This may include:
 - evidence of work or self-employment
 - evidence of family relationship
 - evidence from your place of study
 - evidence about the resources you have to show you are self sufficient.
- UC and some child benefits cannot be paid in the first three months after arrival in the UK.

7. APPLYING FOR HELP WITH HOUSING

- In the UK, local councils are responsible for housing. Some provide longer term housing or have arrangements with Housing Associations to provide it. They have a legal duty to:
 - Make sure that housing advice is available for anyone in their area who is homeless or in housing need.
 - Assess anyone who asks for help because they are homeless.
 - Provide temporary accommodation for some homeless people.
 - Arrange for longer term housing for some homeless people.
 - Make sure that any housing they own or control access to is allocated fairly, via a system that they publicise and which people who are entitled to it can use.
 - Other organisations provide housing to people in need. Housing Associations are charitable organisations offering housing, usually in cooperation with local councils. Refuges provide emergency housing and support to women fleeing domestic violence.
 - If you are homeless because of domestic abuse the local council should assess your case and may provide you with temporary or longer-term accommodation. The temporary accommodation may be in a refuge, a council

hostel, a bed and breakfast hotel or a private flat. The longer-term accommodation may be owned by the council, a housing association or a private landlord.

- The council will assess your case to find out whether you are:
 - **Eligible:** do you have settled status, another immigration status that makes you eligible (e.g., indefinite leave to remain) or pre-settled status and a qualifying right to reside?
 - **Homeless:** do you have a right to live anywhere, and if you do, can you access it safely, with no probable risk of domestic abuse? If not, then you are homeless. Domestic abuse is:
 - physical or sexual abuse
 - violent or threatening behaviour
 - controlling or coercive behaviour
 - economic abuse
 - psychological, emotional or other abuse.

If you are eligible and homeless, the council has a duty to take reasonable steps to help you find your own accommodation (which generally means that they will help you find private rented accommodation). If you have (or there is reason for the council to believe that you may have) a priority need, the council must provide temporary accommodation while they help you find your own accommodation.

- **“Priority need”:** a person is in priority need if she is pregnant, under 18, has a child as part of her household or if she is vulnerable because of illness, disability or other special reason. **Since 2021 anyone who is homeless as a result of domestic abuse has a priority need and does not need** to show that he or she might be vulnerable in other ways. The council may seek information. An applicant whose household member is pregnant or is vulnerable would also have a priority need.

If you have a local connection with a different council, the council can refer you to that different council for help, and for temporary accommodation.

- **Local connection** with their area. This may be through having lived there before, working there, or having family members who live there. If you have no local connection with the area of the council to which you applied, the council can send you to an area where you do have a local connection but not if you would be at risk of domestic abuse or violence there.

If, after at least 56 days, you have not been able to find anywhere to live, then the council will assess whether it should provide you with temporary accommodation in the longer-term. It will only do so if it is satisfied that you have a priority need and that you have not become homeless intentionally.

- **“Intentionally homeless”:** because you did or failed to do something that meant you lost your accommodation. Leaving in fear of violence does not make you intentionally homeless. If you are intentionally homeless, the council will just provide temporary accommodation, probably for around 28 days. In Wales, councils cannot use the “intentionally homeless” test for families with children or for young people.

If the council does provide you with longer-term temporary accommodation, because you have a priority need and did not become homeless intentionally, then you may receive an offer of permanent accommodation of council or housing association housing, or the council may make arrangements for you to be given a private rented tenancy for 12 months.

There is guidance on how councils should deal with those approaching them who are homeless and have experienced domestic help in the government’s Homelessness Code of Guidance, particularly [chapter 21](#). Councils will ask the woman to tell her story. They can ask if there is corroborating evidence from the police, health services, friends, social services. They must ask the woman’s permission before approaching her friends or relatives and they may not make



any inquiries that would put her at risk, for example by informing the perpetrator that she has approached the council. If there is no corroborative evidence, the council cannot simply dismiss her account but must decide whether they believe her, and whether her account constitutes domestic abuse. Councils must also consider whether there is a risk of domestic abuse in the future, even if there has not been any abuse in the past. Councils should not make judgments about what the woman should have done (for example if she decided not to go to the police). Councils may interview the woman in a safe space for her, for example at a school or doctor’s surgery or social services. The woman should be given the option of being interviewed by a woman council officer. Councils may not approach the perpetrator or do anything that would put the woman at further risk of domestic abuse.

If the council make you an offer of suitable accommodation during this time, which might be private rented accommodation, and you refuse it, the council can require you to leave the temporary accommodation and may have no other duty to help you.

- You do not need all your documents when you apply to the council for emergency help, but you will need to produce them later. The council should help you with this.
- Many women fleeing violence or abuse prefer to go to refuges: these are safe places where women and their children can stay. Refuges can help women sort out their longer-term plans and housing. The easiest way to access a refuge is via the [National Domestic Violence Helpline](#) on 0808 2000 247.
- There are other options for those fleeing abuse. Sometimes councils will help them apply for injunctions to keep the perpetrator away from them and their homes. The police may issue a Domestic Violence Protection Notice to keep the perpetrator away for 48 hours, and the courts can extend this by order. Some councils will do building work to make the home safe or provide them with a safe space within it, a “sanctuary”.

8. HELP IF YOU CANNOT GET BENEFITS OR COUNCIL HOUSING

- If you do not have settled or pre-settled status, or your right to reside does not make you eligible for housing or benefits you may be able to get help from the council social services department.
- Social services provide help for people with children in their household and people with care needs. This help may include accommodation and money or vouchers for food and other necessities.
- However, social services do not have to provide accommodation and support if there are any other options for the family. This may include them simply offering to pay the fare home and making travel arrangements. This should not be offered to families who have a right to reside (for example, caring for a British child), who should be able to get support from social services.
- Social services are also responsible for child protection, and sometimes women are afraid to seek help from them because they are worried that they may be blamed for failing to provide a home and food for their child, or that social services may try to take their children away. Homelessness alone is not enough reason for social services to remove a child from their mother.
- However, the law on social services support is complicated and it is a good idea to get advice and help before approaching them.

9. PRIVATE RENTED SECTOR: THE RIGHT TO RENT

- Since February 2017, landlords have to check whether any new tenants (or other adults moving in) have the “right to rent”.
- Polish citizens will have the “right to rent” if they have settled or pre-settled status but will still need to provide evidence of this. Landlords can check this via a government online system, using the share code.
- Local councils do not have to check the right to rent of people they house, and if they send people to be housed by private landlords or housing associations then those landlords do not have to check documents.
- Housing associations do have to check documents if they are renting directly to a new tenant who has applied to them directly.
- Refuges are exempted from the “right to rent” rules.

SO WHAT ABOUT GOSIA, TERESA, EWELINA, ILONA, NATALIA AND BASIA?

So, what can these women do about their housing and benefits?

Gosia

Gosia has just arrived at the refuge with her two children. She arrived in the UK in 2014 to join her husband. He has “always been a drinker” and his employment history seems very irregular and complicated, but he has worked on and off, sometimes self-employed, sometimes on contracts. The older daughter, was born in Poland, the younger was born in the UK in and is now 6. Both were in school, but after the last attack (there have been several), three months ago, Gosia fled their rented flat and went to stay with a friend in another city. She has not worked since arriving in the UK but did attend a local college to learn English and do a dressmaking class. She has not applied for settled status but believes her husband may have done for all of them: he always “did all the paperwork”.

Gosia and her daughters may have settled status if her husband did apply for it, but she will need the share code to prove it. She can contact the EU Settlement Resolution Centre <https://www.gov.uk/government/collections/eu-settlement-scheme-applicant-information> to find out if they have. If she has settled status then she can claim housing and benefits. If she goes to the local council, they may say she does not have a local connection but she cannot be sent back to an area where she is unsafe.

If she does not have settled status, she has a good reason to put in a late application because she is the victim of domestic abuse. She should get help to make this application: organisations like the Aire Centre <https://www.airecentre.org/euss-support-extended> have government funding to offer this help.

Teresa

Teresa works as an administrator in a local commercial office has been there since she arrived in the UK in 2017. Her ex-boyfriend arrived at her workplace and threatened her and colleagues two days ago. He then broke into her flat and smashed it up. She has stayed with a colleague since then, frightened to go home. Teresa applied for and got EU pre settled status in early 2019.

Teresa has pre-settled status and a right to reside as a worker so she can get help from the council. She may want to ask for rehousing since she is clearly homeless now (because she is at risk of abuse if she continues to live in her flat), and the council should regard her as having a priority need (due to domestic abuse) and help her. She may want to get an injunction using a solicitor to go to court or a Domestic Violence Protection Notice from the police if she thinks her ex-boyfriend will obey it and then she can go home to her flat. She will be able to convert her Pre-Settled Status into Settled Status when she can show that she has lived in the UK for five years.

Ewelina

Ewelina arrived in the UK with her parents in 2009, when she was 10. She went to school, her parents both worked, but her mother died two years ago and her father returned to Poland. She started living with her British partner two years ago in his flat and he claimed benefits for both of them but he has become violent since she became pregnant: the baby is due in three months. She has never applied for any status in the UK.

Ewelina had the permanent right to reside because she was her father's family member when he got it. So, she was eligible for benefits before. However, she should have applied for settled status before 1st July 2021. She may have good reasons for a late application as a result of the domestic abuse and the fact that she had permanent residence and did not know she needed to apply to the scheme. She needs to apply to the scheme as soon as possible and should get help to do it from an organisation like the Aire Centre <https://www.airecentre.org/euss-support-extended> which has government funding to offer this help. She can apply for benefits and housing once her application has been accepted by the Home Office. She can ask the council for help from social services before then, or get help from a refuge to support her while she waits. Once she has settled status and is eligible, she is in priority need because she is pregnant (or the mother of a dependent child after the baby is born) and because she is a victim of domestic abuse and so should get housing help from the council. She can also apply for benefits.

Ilona

Ilona arrived in the UK in 2014, to live with her daughter, who was working in the UK. She helped look after her two grandchildren and then took on some cleaning work, self-employed, once the children were older. She now has 15 hours cleaning a week. However, her son in law has developed mental health problems and the marriage is in trouble. Yesterday while her daughter was at work, he started accusing her of breaking up his marriage and threatened her with a knife. Ilona and her daughter have applied for EU settled status before the end of 2020. Her daughter has got it but Ilona is still waiting.

Ilona has not yet got settled status but because she applied before the deadline (and should have a letter or email confirming she did) she has the rights she had before, as a self-employed person, a family member of a worker and someone with the permanent right to reside. She can apply for benefits and housing, and as a victim of domestic abuse is in priority need. She may find the DWP and council question her rights to help, and may want to get help with those applications from a local women's aid organisation. She should check on the progress of her application with the EU Settlement Scheme Resolution Centre, and maybe get help from the Aire Centre if there is a problem.

Natalia

Natalia came to the UK with her boyfriend and has now been in the country for 3 weeks. She believed she could find work, although she speaks little English and has few qualifications, but her boyfriend has just stolen all her money, and punched her so hard he broke her jaw.

Natalia is in the UK as a visitor and has no right to work. She can find out about the very limited options for working in the UK at the London Europeans Hub <https://www.london.gov.uk/what-we-do/communities/european-londoners-hub>. She can get emergency health care. She may be able to get emergency housing and other help from the council social services department if they think she has care needs but this is unlikely. She may have options via services for the street homeless or a refuge who may cater for people with no access to benefits and housing, or from a local project that helps destitute migrants (most are in the NACCOM network: <https://naccomm.org.uk>).

Basia

Basia arrived with her daughter aged 2 in the UK in January 2021. She came to join her husband who has lived and worked in the UK for "at least 7 years" before she came, although he often returned to Poland for a month or two each year. She has run away after he threatened her and the girl with violence.

Basia is covered by the rules that allow family members to join EU citizens resident in the UK before 31st December. She needs to make an application to the settlement scheme, and has good reason to make a late application because of the abuse. Social services of the local council should support her while she makes the application because she has a child, but she may want to get support and help with applying to social services. Once her application to the settlement scheme is accepted, she will be able to apply for housing and benefits because even if she is only given pre-settled status, she has a right to reside based on her husband's rights as a worker.





GETTING HELP

There are places to get advice and help for those fleeing domestic violence including Women's Aid who run the **National Domestic Violence Helpline**.

- The website www.housing-rights.info provides information about housing options for migrants and those who advise them. There is a specific section for those fleeing domestic violence.
- The **AIRE centre** “promotes awareness of European law rights and assists marginalised individuals and those in vulnerable circumstances to assert those rights” and has some specific projects and services for those fleeing domestic violence. They also publish some useful factsheets on EU citizens' rights.
- **Project 17** works to end destitution among migrant children and offers information advice and advocacy about getting accommodation and support from social services from their London office.
- The Project for the Registration of Children as British Citizens advises on the rights of children to have or apply for citizenship and produces some useful **information leaflets**.
- **The European Londoners Hub** run by the Mayor of London <https://www.london.gov.uk/what-we-do/communities/european-londoners-hub> has lots of useful information, much of it in community languages, of relevance to Polish people anywhere in England, and a comprehensive directory of resources.
- The Government run the EU Settlement Resolution Centre open Monday to Friday 8 a.m. – 8 p.m., Saturday and Sunday 9.30 – 4.30 phone number 0300 123 7379. There is also web based service which guarantees to answer questions within 5 working days <https://eu-settled-status-enquiries.service.gov.uk/start>

ABOUT THE AUTHORS:

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