

Paul Givan MLA
Chairman
Justice Committee
Northern Ireland Assembly
Room 242, Parliament Buildings
Ballymiscaw
Stormont
Belfast
BT4 3XX

12th May 2020

Dear Mr Givan

DOMESTIC ABUSE AND FAMILY PROCEEDINGS BILL

On behalf of the President and members of the Northern Ireland Local Government Association (NILGA), I would like to thank you and your colleagues on the Justice Committee for the invitation to comment on what is a vitally important piece of legislation for the community in Northern Ireland, and in particular those who are presently at even higher risk of domestic abuse, due to the restrictions associated with COVID 19 response, than they were already. We are keenly aware of the high priority the PSNI are now giving to domestic abuse cases, and we believe that well developed legislative provision will assist them in dealing more effectively with the perpetrators of such abuse.

As the Bill makes no requirements of and has no direct impact on councils, we have no detailed comments on the clauses of the Bill, aside from Clause 10. The Northern Ireland Strategic Migration Partnership (NISMP) is provided with management support by and co-locates with NILGA. The NISMP works with local government and other stakeholders to support the retention and integration of migrants in a way that promotes social cohesion and future economic growth. They have commented as follows:

In **Clause 10** there is reference to 'habitual residence' but this is not defined. Although there are two main requirements that must be proved:

1. that the residence must be for an 'appreciable period of time';
2. there must be an intention to settle in the UK;

there will be some categories of migrant who fall outside of this definition e.g. people on time limited visas, undocumented migrants, diplomatic staff and possibly asylum seekers (though refugees are considered to be habitually resident). The Committee may wish to consider how this legislative gap might be closed, during your examination of the Bill.

NILGA wishes the Committee well in bringing this long awaited piece of legislation to fruition, and we look forward to this heralding a more effective approach to what is a most

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insidious issue. Should the Committee have any further queries on this or other issues related to local government, please do not hesitate to contact me.

Yours sincerely,

Karen Smyth
Head of Policy and Governance
NILGA