



## The Domestic Abuse Bill – migrant children and their families Joint Briefing: Report Stage (Lords)

8<sup>th</sup> March 2021

**Please add your voice to the Bill's Report Stage to highlight the legislative changes that are needed to address the needs and experiences of migrant children and families affected by domestic abuse.**

The Domestic Abuse Bill is a once in a generation opportunity to deliver a step change in our response to domestic abuse. The COVID-19 crisis has underlined the gaps in protection, with levels of domestic abuse rising during lockdown and vital support services, which were struggling with demand even before this pandemic, coming under further pressure.

We welcome this Bill and warmly welcome the government's change to the proposed statutory definition of domestic abuse which means that children will now be recognised as victims of domestic abuse in their own right. Our organisations had been making the case for this change since the government first consulted on plans to transform society's response to domestic abuse in 2018. We are however clear that it must address the needs of all children affected by domestic abuse, in particular the needs of migrant children and their families.

### **Migrant children and families**

Despite government acknowledgment of the multiple disadvantages faced by those survivors with insecure immigration status, they are still unable to access most statutory forms of support – including specialist domestic abuse services and refuges. The Istanbul Convention makes clear that victims should be protected regardless of immigration status<sup>1</sup> but the Bill contains no provisions to tackle the multiple forms of discrimination and often insurmountable barriers to support facing migrant children, women and families. There is clear evidence about the scale of the problem and the urgency of improving protection and support in accordance with the Istanbul Convention.

**Our organisations from across the domestic abuse, violence against women and girls and children's sectors have come together to support the recommendations of the Latin American Women's Rights Service, Southall Black Sisters and the End of Violence Against Women coalition to ensure migrant children, women and families have full and equal protection and support.<sup>2</sup>**

### ***Families with No Recourse to Public Funds***

The government has suggested there is a need for more evidence before changing policy in this area, but existing research clearly demonstrates that migrant women experiencing domestic abuse currently find it virtually impossible to access life-saving services, such as

<sup>1</sup> Council of Europe Convention on preventing and combating violence against women and domestic violence, Article 59.

<sup>2</sup> [Joint briefing on migrant women and the Domestic Abuse Bill.](#)

refuges, because they typically have No Recourse to Public Funds (NRPF), meaning they can't access housing or welfare benefits. This has repercussions for their children too.

Women with NRPF who are caring for children are theoretically entitled to continued support for their children under Section 17 of the Children Act. Of the 20 women with NRPF who were fleeing with children in 2017-18, supported by Women's Aid Federation of England's No Woman Turned Away project, social services either refused outright to fund a refuge space or provide emergency accommodation (14), or offered to accommodate the children in emergency accommodation but not the mother (6). The findings suggest that women with children who have NRPF are being refused help despite Section 17 duties, and that, in some cases, social services fail to recognise the welfare and safety of the mother as part of the duty of care to children.

Language barriers are also a key difficulty for women reporting abuse. As a result of lack of interpreter provision, children sometimes have to act as translators to describe abuse to police and other authorities. This situation exposes children to further victimisation and trauma.

### ***Destitution and Domestic Abuse***

The Domestic Violence Rule only allows women on spousal visas to apply for settled status independent of their perpetrator and to access public funds through the Destitution Domestic Violence Concession (DDVC) for three months. The current system creates an arbitrary distinction between women on spousal visas and others, and so has serious impacts on children in the care of women not eligible for the DDVC. The assertion in the government's review that individuals on a partner visa would have a reasonable expectation of remaining in the UK long-term, unlike those on student and work visas, does not take the coercive and controlling dynamics of domestic abuse into account. Furthermore, it does not take into consideration that many women and children's status is made irregular as part of the abuse by denying or lying about immigration applications.

Research from Women for Refugee Women on asylum seeking women and destitution found a third of women interviewed had stayed in unwanted relationships and 60% of these women were raped or subject to sexual violence. 15% of these women were caring for children while they were destitute; 56% said they went hungry and without warm clothing. There is consensus that the proposed pilot scheme is not an adequate response to the urgent need for legislative protection for these women and children.

### ***No Safe Reporting***

Research has shown that women with insecure immigration status are deterred from reporting abuse to the police as they fear detention, deportation and separation from their

children.<sup>3</sup> The Step Up Migrant Women Campaign<sup>4</sup> has found some police officers have prioritised immigration control over safety due to a lack of clear guidance. This prevents police from acting to protect and investigate crimes reported by women with immigration issues. Rights of Women report that victims often refer to advice given to them by the police such as being told they need to “sort their immigration issues first” before they can report domestic abuse issues. This places both migrant women and children at further risk of abuse by perpetrators.

These barriers to reporting for migrant victims of domestic abuse are made clear in the recently published [HMICFRS report](#) into the super-complaint submitted by Southall Black Sisters and Liberty.<sup>5</sup> This report found no evidence that the police sharing information with the Home Office supports the safeguarding of domestic abuse victims. Furthermore, it makes clear recommendations that police officers with concerns about a victim’s immigration status should immediately stop sharing information on them with Immigration Enforcement and that a firewall between the police and Home Office should be considered.

The Government should ensure this bill removes the systematic barriers to migrant survivors and their children seeking safety and accessing specialist support. At a minimum the government need to expand current routes to securing permanent residency for all migrant victims of domestic abuse so they can access welfare support, refuge accommodation and regularise their immigration status independent of their perpetrator if they wish to do so.

**Recommendation: The Bill must ensure that all survivors of domestic abuse, regardless of age or immigration status, are entitled to support, equal access to welfare systems and legal tools that can provide protection from abuse, in accordance with the requirements of the Istanbul Convention which the Bill seeks to ratify.**

**Recommendation: The government should abolish the no recourse to public funds (NRPF) policy which prevents many migrant children and their families with insecure immigration status from accessing vital, often life-saving support and routes to safety.**

**Recommendation: The government must extend eligibility for the existing Domestic Violence (DV) Rule and the Destitution Domestic Violence Concession (DDVC), to ensure all women with insecure immigration status, not only those on spousal visas, can access a life-saving refuge space, financial support and housing.**

**Recommendation: The government must extend the time period for which the DDVC is provided to at least six months.**

<sup>3</sup> [“The Right to be Believed”](#)

<sup>4</sup> [Step Up Migrant Women](#) (SUMW) is a campaign ‘by and for’ migrant Black and minoritised survivors. The SUMW coalition is formed by more than 50 organisations that work and advocate to support migrant women to access protection from abuse.

<sup>5</sup> [LAWRS briefing on the super complaint](#)

**Recommendation: The government should deliver safe reporting mechanisms which ensure immigration enforcement is kept completely separate from the domestic abuse response and the safety of the victim is paramount.**

**For further information, please contact:**

Elizabeth Jiménez-Yáñez, Policy and Communications Coordinator on VAWG, Latin American Women's Rights Service, [elizabeth@lawrs.org.uk](mailto:elizabeth@lawrs.org.uk) / 07542030000

Janaya Walker, Legal, Policy and Campaign Officer, Southall Black Sisters, [janaya@southall.co.uk](mailto:janaya@southall.co.uk)

Rani Selvarajah, Public Affairs Officer, End of Violence Against Women coalition, [rani.selvarajah@evaw.org.uk](mailto:rani.selvarajah@evaw.org.uk)