

WOMEN LIVING IN A HOSTILE ENVIRONMENT

Increasing justice and protection for migrant women in the Domestic Violence and Abuse Bill

There are women living in the UK whose immigration status means they are more vulnerable to abuse and less likely to access support, advocacy, and criminal justice measures.

Migrant women are disproportionately at risk from gendered violence including domestic violence, sexual violence, 'honour-based' violence, forced marriage, FGM and trafficking¹. Ethnic minority and migrant women in England experience higher rates of domestic homicide and need specialist support². But, services for these women are being cut³. Successive immigration policies and the 'hostile environment' exacerbate this risk, creating a context in which women are more vulnerable to violence, while at the same time making them less able to access specialist support, public services or justice.

The Istanbul Convention requires that victims of violence against women and girls (VAWG) are protected regardless of their immigration status. For this to happen it is essential immigration policies are designed so they can't be used as a weapon by abusers or as an excuse by authorities not to help women or take action.

There is an urgent need to consider how to increase support and protection for migrant women and the measures which should be included in the Domestic Violence & Abuse Bill.



Immigration policy and the Hostile Environment

Women with an insecure immigration status, or whose migration status is dependent on a spouse or employer, are often at a heightened risk of violence and exploitation.

These women have come to the UK in different ways, including:

- on a visa which gives them leave to remain without recourse to public funds.
- as a refugee seeking asylum.
- on a visa connected to their spouse.
- as a victim of trafficking.
- on a time-limited visa (student or work visa) which has expired.

They face a perceived and real risk of being detained and deported rather than assisted if they report abuse, coupled with considerable barriers in accessing protection, support and specialist services. The hostile environment is created with internal border controls such as immigration checks in healthcare and maternity, housing and education settings, and indefinite immigration detention.

The impact of No Recourse to Public Funds (NRPF) conditions on migrant women who have suffered domestic abuse and are financially or otherwise dependent on their spouse or partner has been devastating.

The hostile climate exacerbates the fear and unwillingness of women subject to immigration control to disclose abuse, as women are forced to balance their need to access services such as a refuge or homeless shelter, the police, or a doctor against well-founded fear that their own or their family's residency status could be impacted or questioned as information provided to one of these institutions can be shared with the Home Office.

END VIOLENCE AGAINST WOMEN



The hostile environment means the erosion of:

- Safe spaces where women at risk are entitled to funding for a refuge space and advocacy when they need it.
- Safe reporting in healthcare and other public services settings, such that women can be protected without fear of arrest.
- Safe reporting where crimes can be reported to police and be pursued through the justice system in confidence that the woman reporting will not be treated first as a potential immigration offender.

S's husband threatened to kill and attempted to strangle her. He then left her stranded. She was supported by a specialist women's service to report her experience to the police, but instead of investigating her report they appeared to be more interested in her immigration status. They asked her questions about her immigration status causing her to panic and become distressed. Officers had to be reminded that their priority was to assist her as domestic violence victim and not to police her immigration status. They have taken no further action against the perpetrator.

(Southall Black Sisters)

Immigration policy making women less safe

The hostile environment policy, which has extended immigration control into many more areas of public and private life, is being used by abusers against women – to scare them into not seeking help, to control their finances and to make it harder for them to access services.

Migrant women with No Recourse to Public Funds (NRPF) face significant barriers to accessing potentially life-saving refuge space. The Women's Aid Nowhere to Turn Project (2017) identified an average of only one refuge space per region in England available for a woman with NRPF.

Migrant women have specific needs, which are often best served by specialist services. BME services which have the expertise to support women with the individual, family and community contexts of domestic abuse and other forms of VAWG, as well as other factors such as immigration and asylum restrictions and access to language support are vital. But the network of BME specialist refuges is limited, with some regions in England with little or no coverage⁴. There is also limited funding and resource for a strained BME women's sector largely left to deal with these women with diverse and complex needs.

“More BME refuges need to be available for women; some women will stay in violent situations rather than go to a generic service. BME women's services are really important; you need someone who understands your culture.”

*(Survivors' Rights,
EVAW Coalition Briefing Paper September 2015)*

**END
VIOLENCE
AGAINST
WOMEN**



The hostile environment means that:

- Fear of immigration enforcement is being ‘weaponised’ by perpetrators of abuse.
- Women are more likely to be subject to economic abuse.
- Women are less able to access specialist services.

AE came to the UK with her husband and their children. She left her husband when he became abusive. She was a victim of Female Genital Mutilation (FGM) and was scared to go back to Nigeria because her two daughters were at risk of being cut. The perpetrator told her that he had been managing the paperwork regarding their immigration status but she found out this was a lie, and in fact she was a visa ‘overstayer’. She sought immigration advice but was wrongly advised and had a real fear of detention and deportation. She is left in a state of limbo, uncertainty and at very high risk of abuse.

(London Black Women’s Project)

KB came to the UK from Bolivia on a 6-months student visa. She met her partner and lived with him and their daughters for 2 years, during which time he subjected her to emotional and psychological abuse. KB didn’t report to social services and the police because her ex-partner threatened that her daughters would be taken away and she would be deported. She was denied space in a refuge because of her immigration status and, because she has no other option, has continued to live with the perpetrator in the same house.

(Latin American Women’s Rights Service LAWRS)

Measures introduced by the Government to assist abused women including the Destitute Domestic Violence Concession (DDVC) are too restrictive as they only apply to women who have entered the UK with spousal visas. This has created a ‘two-tier’ system or hierarchy of support for women escaping violence. Accessing the DDVC is difficult even for those women who are eligible given the cuts to legal aid and the lack of specialist advocacy available to support women through the process.



C was forced to marry a British national in Somalia when she was 16. She was unable to get a spouse visa because her husband didn’t earn enough to support her, but she was granted leave to enter the UK ‘outside the immigration rules’ under Article 8 of the ECHR. In the UK, C’s husband was extremely abusive and eventually she contacted the police, who failed to help her.

C had no means of financially supporting herself and her children and was refused the DDV concession on the basis that she had not entered the UK on a spousal visa. It took a legal challenge for the High Court to rule that C should get financial support.

(Southall Black Sisters)

RECOMMENDATIONS

The Domestic Violence and Abuse Bill must bring in measures to address the violence and injustice experienced by migrant women in the UK. Protection and support for victims must be prioritised over immigration enforcement and control.

1. Definition of Domestic Violence

The proposed DVA Bill will create a new statutory definition of domestic violence. This statutory definition must recognise that threats concerning women's immigration status, and control of documents and application processes, can be part of domestic violence and abuse; and fear of their and their children's deportation is a key barrier which stops migrant women being able to report and seek protection and justice.

2. Protection before enforcement

Public authorities, including Police, Crown Prosecution Service and Courts service should receive new specific instruction that they are required to always put protection of victims and pursuit of justice when a victim seeks it ahead of immigration enforcement. This is essential to fulfil Article 59 of the Istanbul Convention which this Bill seeks to ratify. New guidelines and training to be delivered across the public sector to ensure this; and steps should be taken to reassure the public that this is the priority.

3. Firewall to protect access to services

A 'firewall' must be created between critical public services and immigration control policies. All agencies, service providers and practitioners who come into contact with migrant women should put the safety and rights of women ahead of immigration enforcement

and ensure that insecure immigration status does not bar women from protection and justice. Women should have access to secure and safe reporting mechanisms.

4. Extend the Destitute Domestic Violence Concession

Extend the Destitute Domestic Violence Concession (DDVC) to at least six months. Extend the DDVC to ALL survivors of gender-based violence, so that it is not limited to spouses and is not limited to narrowly defined domestic violence in a marital context. Make timely decisions on leave to remain cases where domestic violence or other forms of VAWG are a factor.

5. Protect and extend specialist services

Government to recognise urgent and already unlawful response to migrant women facing abuse and ensure sustainable funding for specialist BME by and for women's support and advocacy services in every region, recognising they have highest levels of self-referrals and established expertise in supporting and providing advocacy to migrant women.

6. Review future legislation

All new immigration law AND procedures, including the upcoming Brexit Immigration Bill, to be reviewed before implementation for possible impacts on women experiencing VAWG.

This briefing has been compiled using the published work and through interviews with our expert member organisation including IKWRO, Imkaan, London Black Women's Project, Rights of Women, Southall Black Sisters, LAWRS and Women for Refugee Women who for many years have supported women left in destitution and campaigned to end this injustice.

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EVAW is a leading coalition of specialist women's support services, researchers, activists, survivors and NGOs working to end violence against women and girls in all its forms. Established in 2005, we campaign with our members for every level of government to adopt better, more joined up approaches to ending and preventing violence against women and girls, and we challenge the wider cultural attitudes that tolerate and condone this abuse. The EVAW Coalition is a company limited by guarantee (no. 7317881) and a registered charity (no. 1161132).

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