



## THE DOMESTIC ABUSE BILL: MIGRANT WOMEN LEFT BEHIND

Domestic abuse is a devastating and widespread problem that impacts roughly two million people a year in the UK, the majority of whom are women. We welcome the commitment of this Government to tackling the issue through legislation. However, we are alarmed that the Domestic Abuse Bill continues to leave behind society's most marginalised and isolated survivors of domestic abuse, particularly migrant women. As a result, it fails to fully meet the requirements of the Istanbul Convention (IC) despite the Government's stated intention to ratify the IC through the introduction of this Bill.

The Parliamentary Joint Committee on the draft Domestic Abuse Bill, in its report of 14 June 2019, made clear and robust recommendations to the Government to extend protection to migrant survivors and ensure their ability to report safely. Very regrettably, the Government has not incorporated any of these recommendations into the Bill. Given the wealth of evidence submitted to the Government consultation on the Domestic Abuse Bill, demonstrating that women who have insecure immigration status find it virtually impossible to seek protection when experiencing domestic abuse, and the crystal clear language of the IC that protection must be afforded to survivors regardless of immigration status – it is extremely disappointing that migrant women are not mentioned anywhere on the face of this legislation. Instead, at the Second Reading of the Domestic Abuse Bill, the Parliamentary Under Secretary of State for the Home Office, Victoria Atkins MP, announced £1.5million for a pilot fund to cover the cost of support for migrant women with No Recourse to Public Funds (NRPF) in refuge accommodation. This pilot fund is a [wholly inadequate solution](#). This Bill cannot be regarded a success if it does not promote equality and ensure protection for all survivors of abuse.

### **Key Recommendations:**

The Government has an opportunity to make this Bill truly transformational. In order to do so, it must enable anyone experiencing abuse to escape and find safety, no matter their age or where they are from. We believe the Bill in its current form fails to meet the Government's international and domestic human rights obligations, including the requirements of the IC. Below are our key recommendations to remedy the Bill, all of which are supported by the Joint Committee on the draft Domestic Abuse Bill:

1. **Ensure all survivors of domestic abuse can equally access support, welfare systems and legal tools that provide protection from abuse, without discrimination on any grounds**, in accordance with the language in Article 4(3) and fundamental principle of the Istanbul Convention. This would confront the existing two-tier system of safety that exists for migrant and BME women, and strengthen the legislative framework that requires public authorities to effectively respond to all victims of domestic abuse.
2. Amend the Bill to include a provision establishing **safe reporting mechanisms for survivors accessing vital public services**, so they can safely report abuse to the police, social services, health professionals and others, with confidence that they will be treated first and foremost as victims and without fear of immigration enforcement.

- 3. Extend eligibility for the existing Domestic Violence (DV) Rule and Destitution Domestic Violence Concession (DDVC) to all migrant women experiencing or at risk of abuse.** The DV Rule and DDVC combined are an effective model of protection; a life-saving mechanism that removes survivors' dependency on their perpetrator(s) for their stay and their survival. However, it is only available to those on spousal visas. We believe that all survivors – whether on student visas, domestic workers or others - should also be able to access routes to regularise their immigration status, independent of their perpetrator, and to access public funds at the point of need in order to escape abuse. For more information, see Briefing Papers [1](#) and [2](#) by Southall Black Sisters.

### **Why must the Bill be improved?**

#### **Case study: Ana**

Ana came to the UK in 2016 fleeing extreme violence from Latin America. In 2017 she met her perpetrator. He soon convinced her to move with him. In 2018, when Ana got pregnant, violence escalated. Her perpetrator demanded her to have an abortion. He threatened to report her to immigration enforcement in case she would not do it. Ana's perpetrator is aware that her life is at risk if she goes back to her home country. He then used her insecure immigration status to coerce and control her. Ana's pregnancy was a very stressful time, during which he exerted multiple forms of abuse persistently. Ana was terrified, however, due to the fear of deportation and the lack of access to public funds, she did not have any other option but to stay in this abusive relationship. When the COVID-19 pandemic started, and the lockdown was imposed, the abuse grew worse. As Ana feared for her and her child's safety, she left him. Since she left, Ana has faced many challenges because of her immigration status. As a woman with insecure immigration status Ana does not have access to public funds. Despite currently being placed in temporary emergency accommodation, Ana lives with the constant fear of becoming destitute and homeless as she is living with the bare minimum. Besides, her perpetrator continues threatening to report her with immigration officers and to take her child away from her.

*CASE STUDY PROVIDED BY LATIN AMERICAN WOMEN'S SERVICE*

#### **Case study: Sochi**

Sochi came to the UK from Nigeria in 2003, as the dependent of her husband who was studying in the UK. On arrival she was subject to the No Recourse to Public Funds (NRPF) condition in immigration law which means that she has no recourse to state welfare support.

The couple spent a happy few years together, and Sochi was relieved to have escaped Nigeria, and a history of abuse from her mother-in-law and gender-based violence, to start a new life in the UK. However, following her arrival, her husband's behaviour changed. Whilst he already knew that Sochi could not have children, he blamed and humiliated her for it. He would constantly bring the matter up and used it to insult her and to justify his neglectful and controlling behaviour. He would take her money to feed his gambling habit, and kept possession of Sochi's passport and documents. Sochi could not see any way out of the abuse because she was financially dependent on him and had nowhere to go and no one to turn to. Throughout her marriage, her husband pretended that he had taken steps to regularise her status but he never

did.

In 2012, Sochi was abandoned by her husband. She was left devastated and destitute. It was also unsafe for her to return to Nigeria as a single woman due to her earlier experiences of violence and fears for her safety. It was not until immigration officers turned up at her accommodation and questioned her that she realised that her ex-husband had not regularised her status in the UK. Sochi was informed that she would no longer be able to work and could not access welfare benefits or housing due to the NRPF condition. This was a deeply humiliating and traumatising experience, and she found herself homeless and penniless.

Sochi was forced to depend on others for her shelter and survival. She was unable to keep up with the rent for the property in which she was staying. The landlord took advantage of her desperation and demanded sex in return for staying at the property. Sochi escaped and stayed with a male friend she had met at work who offered her shelter. However, after a period of six months, her 'friend' demanded that she marry a member of his family as a route to regularising her status in the UK. Sochi refused and in retaliation her so-called friend turned violent. He insulted and beat her for refusing his request.

Eventually, Sochi found her way to SBS and has been assisted and supported in relation to her housing, immigration and other matters. Sochi has made an application for asylum, but this has not yet been determined. Sochi has been diagnosed with cancer and has felt suicidal at times. She hasn't applied for National Asylum Support Service (NASS) accommodation because she is in a state of deep depression and is distressed about the possibility of being dispersed to another part of the UK, where she will be isolated and left without any of the support networks that she has built up through SBS. SBS is concerned that dispersal will have severe consequences for her mental and physical health. She has been told that her health problems are likely to be related to the abuse, trauma and stress that she has experienced over the years and continues to experience due to her unsettled status.

Sochi is currently staying with a friend. She has been left in this state of limbo for almost a decade in respect of her immigration status. She remains in constant fear of becoming homeless and is in a high state of anxiety about her future.

*CASE STUDY PROVIDED BY SOUTHALL BLACK SISTERS*

- **Women with insecure immigration status find it virtually impossible to access refuge and other welfare support in order to escape violence and abuse.** Without access to public funds and housing support, they are routinely denied access to refuge spaces, safe accommodation and welfare and are therefore faced with the impossible decision of becoming destitute/homeless or returning to the perpetrator(s). In England in 2019/20, almost [4 in 5 migrant women were turned away](#) from refuges due to the NRPF condition. Many women often find they are unable to regularise or confirm their immigration status for a host of complex reasons, including because they are dependent on their perpetrator for their stay, or because the perpetrator has control of necessary documents and evidence. For more information see **Southall Black Sisters** [House of Lords briefing paper](#).
- [Immigration enforcement has been prioritised over treating victims as victims and providing safety and security to survivors of domestic abuse.](#) Invasive data-sharing

agreements between public services and Immigration Enforcement mean migrant women are often too scared to report abuse and are prevented from accessing the services they need to escape, as they fear and face the real risk of detention or deportation. This practice undermines trust in the police, increases victims' risk of enduring or suffering further abuse and prevents perpetrators -who often weaponise women's insecure immigration status as a tool of [coercive control](#)- from being held into account. For more information see **Latin American Women's Rights Service** [House of Lords briefing paper](#).

- **The Bill would currently fail to meet the Government's international and domestic human rights obligations**, including the requirements of the Istanbul Convention, that State measures to protect the rights of victims shall be secured without discrimination on any grounds. For more information see the **End Violence Against Women Coalition's** [House of Lords briefing paper](#).
- **The Bill does not meaningfully acknowledge or address the significant multiple and overlapping barriers faced by migrant women in accessing protection**, including the fact that abusers commonly use women's fears of immigration enforcement and separation from their children as a form of coercive control, as is recognised in the [Draft Statutory Guidance Framework](#). Research demonstrates the heightened vulnerabilities of migrant women, including:
  - Higher proportion of homelessness
  - Greater financial impact of abuse because of their own inability to work on account of their immigration status
  - More likely to experience domestic abuse from multiple perpetrators
  - Children's social services failing to uphold their duty of care to migrant children and their mothers
  - More likely to face a justice gap, with police not pursuing criminal charges.

See Briefing Papers 1 and 2 by Southall Black Sisters (link above) which calls for the need for a comprehensive strategy on abuse against migrant women and girls to address the multiple barriers that they face.

## **CONTACT**

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