



## **A Briefing Paper on the Government's pilot project to support abused migrant women with No Recourse to Public Funds (NRPF).**

At Second Reading of the Domestic Abuse Bill in the House of Commons, the Parliamentary Under Secretary of State for the Home Office, Victoria Atkins MP, announced a pilot fund to cover the cost of support for migrant women with NRPF in refuge accommodation and to meet their basic needs. Victoria Atkins stated that this pilot will be used *"to assess better the level of need for that group of victims and to inform spending review decisions on longer-term funding."*

In December 2020, the Home Office finally published its revised draft prospectus for the pilot project entitled 'Support for Migrant Victims Scheme'. The revised prospectus followed considerable criticism that was levelled at a previous draft prospectus, which was clearly not fit for purpose.<sup>1</sup>

The revised Scheme will provide £1.4m to a successful bidder to support women with NRPF across the UK, and will be operational for a period of 12 months, starting around March 2021. However, we are of the view that the £1.4m offered to run the pilot project is wholly inadequate to meet the needs of all vulnerable migrant women who need crisis support, which is why we are continuing our call for amendments to the Domestic Abuse Bill, namely:

- **Extension of eligibility under the Domestic Violence Rule (DV Rule) and the Destitution Domestic Violence Concession (DDVC) to all abused migrant women with insecure immigration status.**
- **Extension of the time frame for the DDVC from three months to at least six months.**

Our main reasons for calling for these amendments to the Domestic Abuse Bill are as follows:

### **1. The Pilot Project will not produce evidence that is not already available**

The Government has stated that its aim in introducing the pilot project is to obtain evidence of the needs of migrant women. We say that considerable evidence is already available. For example, for the purposes of the Home office's internal review on the needs of migrant women, SBS' submitted a range of evidence including the evaluation findings from our pilot 'No Recourse Fund' (NRF) project, funded by the Tampon Tax. In the report findings, we set out in detail the barriers faced by migrant women, their support needs and outcomes, following assistance from our NRF over the last three years. Our previous evidence showed that between April 2015 and March 2016, 67% of those who accessed the SBS' Tampon Tax No Recourse Fund were women with non-spousal visas subject to NRPF who could not obtain accommodation from other sources of support, including refuges. We also submitted more recent evidence that shows that between 1 April 2019 and 31 March 2020, 57% of women who approached us were on non-spousal visas and were therefore not eligible to apply for the Destitution

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<sup>1</sup> Further information about the previous draft prospectus can be found here: <https://southallblacksisters.org.uk/news/specialist-bme-organisations-are-alarmed-by-the-home-offices-discriminatory-proposal-for-the-support-for-migrant-victims-pilot/>

and Domestic Violence Concession (DDVC) or for leave to remain under the Domestic Violence (DV) Rule. Similarly, evidence from Women's Aid has shown that in 2016/2017, two thirds of their users with NRPF were not eligible for statutory support. In the light of this, conducting yet more assessments of the level of need completely fails to appreciate the urgency and the seriousness of the risks that abused migrant women on non-spousal visas currently face. These difficulties and challenges faced by women with NRPF are extensively outlined in our Domestic Abuse Briefing Paper (attached).<sup>2</sup>

**2. The amount of £1.4m is nowhere near sufficient to meet the needs of all women who need crisis support.**

Our concern is that the amount of £1.4m that is on offer will be able to support only around 50 women for 3 months each over a one-year period, which means that many women will continue to be excluded from protection and crisis support. In the absence of concrete data, in our Domestic Abuse Bill Briefing Paper 2,<sup>3</sup> we provided an estimate of the numbers of abused migrant women with NRPF that are likely to need support and the overall costs involved. For example, in 2019, SBS was awarded £1.09 million by the Tampon Tax to support women with NRPF across England and Wales over two years (April 2019-March 2021), with both accommodation and holistic, wrap-around support. However, this amount is only able to meet the housing needs of around 130 women over a two-year period. The Tampon Tax funding is due to end in March 2021, which means that for the many women who cannot access the Support for Migrant Victims Scheme due to its limited funding, there will be no access to a safety net. Support offered by organisations like ours will also largely be dependent on public donations and fundraising efforts which is by its very nature precarious. Consequently, we will not be able to provide consistent support to all the women who need to need it. The limited funds available will therefore defeat the stated purpose of the Scheme: *which is "to provide a support net for migrant victims of domestic abuse who do not have access to public funds and, as a result of these restrictions, are unable to access safe accommodation in order to escape abusive relationships."*<sup>4</sup>

**3. There is no guarantee that any lasting change will follow when the Scheme is ended.**

There is no guarantee that Scheme will continue beyond March 2022 or result in lasting change. Our concern here is that pilot projects take a considerable amount of time to complete and evaluate and may well be followed by no further action or yet more pilot projects, which simply delay the introduction of the urgent measures that are needed to protect abused migrant women with NRPF. The Scheme cannot substitute for the urgent need to have long-term solutions enshrined in law so that protection is guaranteed rather than subject to discretion and political whim.

**4. The NRPF rule is causing significant harm to women and children and to the public interest**

The NRPF rule in immigration law is already causing serious harm to women and children which will not be alleviated by the Scheme, since it cannot reach all the women who need support. As it is, the NRPF rule has been held to be unlawful in contexts where a person is at imminent risk of suffering inhuman or degrading treatment (contrary to Article 3 of the European Convention of Human Rights) by being prohibited from accessing public funds. On 21 May 2020, following a legal challenge brought by the Unity Centre on behalf of a destitute child, the High Court that the NRPF policy does not adequately protect a person at immediate risk of harm. See *R (W, a child) v Secretary of State for the*

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<sup>2</sup> <https://southallblacksisters.org.uk/wp-content/uploads/2020/09/SBS-House-of-Lords-briefing-September-2020.pdf>

<sup>3</sup> <https://southallblacksisters.org.uk/news/the-domestic-abuse-bill-migrant-women-briefing-paper-2/>

<sup>4</sup> Support for Migrant Victims (SMV) Pilot Scheme: Support for Migrant Victims of Domestic Abuse with No Recourse to Public Funds, Bid Prospectus (December 2020)

*Home Department*.<sup>5</sup> In light of this evidence, even as an interim measure, the amount of £1.4m allocated to the pilot fund is not acceptable, since it will fail in addressing what is an urgent and mounting crisis.

## **5. The Scheme does not enshrine long-term protection in the law**

The Domestic Abuse Bill has already been years in the making, and has been presented as a “once-in-a-generation opportunity” to support all victims of domestic abuse. If the Government is to meet its equality and human rights obligations (particularly Article 3 of the ECHR concerning the right not to be subjected to inhuman and degrading treatment), it must use the opportunity presented by the Domestic Abuse Bill to put protection for all migrant women on a statutory footing. The protection of migrant women from abuse cannot be delayed any further, nor made conditional upon a pilot project in contexts where the risks to and needs of abused migrant women are widely known across the statutory, voluntary and charity sectors.

This is why we reiterate that meaningful protection for all abused migrant women (through the amendments cited above) must be embedded in the forthcoming Domestic Abuse Bill.

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<sup>5</sup> *R (W, a child) v Secretary of State for the Home Department, Project 17 intervening* [2020] EWHC 1299: <https://www.bailii.org/ew/cases/EWHC/Admin/2020/1299.html>