

Written evidence to the Joint Committee on Human Rights with reference to the Victims and Prisoners Bill: Submission from Southall Black Sisters July 2023

About SBS

Southall Black Sisters (SBS)¹ is a leading ‘by and for’ black and ethnic minority (BEM) women’s organisation addressing violence against women and girls (VAWG) within BEM communities. It was founded in 1979 and its vision is to empower BEM women and girls to assert their human rights to freedom, equality and justice by leading independent, autonomous lives, free from VAWG. SBS operates within a VAWG, secular² human rights and intersectional³ framework, particularly in relation to overlapping inequalities based on race, gender and class/poverty. About 60% of SBS’ services users are migrant women.

Introduction

Although the work of SBS covers a wide area, this submission only focuses on issues affecting migrant victims of domestic abuse with immigration and no recourse to public funds (NRPF). The Victims and Prisoners Bill contains no reference to migrant victims. In doing so, it excludes one of the most vulnerable demographics from the scope of any meaningful protections. This is a missed opportunity. It is essential that migrant victims are explicitly mentioned in the definition of a victim, in the Victim’s Code, in service provision and access to improved legal rights throughout the Bill in order to ensure their needs are not marginalised or ignored. Failure to address migrant victim’s human rights is in contravention of the Human Rights Act, the Istanbul Convention and CEDAW.

This submission should be considered along with oral evidence given by Dr Hannana Siddiqui from SBS to the Public Bill Committee on 20 June 2023 (see: [https://hansard.parliament.uk/commons/2023-06-20/debates/cf5c3cf1-a23d-4a46-bd9d-ff9e93ff372f/VictimsAndPrisonersBill\(FirstSitting\)](https://hansard.parliament.uk/commons/2023-06-20/debates/cf5c3cf1-a23d-4a46-bd9d-ff9e93ff372f/VictimsAndPrisonersBill(FirstSitting))) and to the Justice Committee on their Pre-legislative scrutiny of the draft Victims’ Bill on 21 June 2022 (see <https://committees.parliament.uk/oralevidence/10439/pdf/>). Also see our written evidence to the latter Committee on: <https://committees.parliament.uk/writtenevidence/109374/pdf/>).

¹ <https://southallblacksisters.org.uk/>

² Secularism respects personal religious beliefs and the right to not to believe without privileging one belief system above another by the state or public institutions.

³ Intersectionality refers to overlapping or multiple forms of structural inequalities where discrimination is magnified at the intersection of more than one inequality.

On 11 July 2023, Sarah Champion MP, supported by Jess Phillips MP, introduced an amendment calling for services for victims of domestic abuse with NRPF to the Victims and Prisoners Bill on our behalf. The debate and the Minister's response, which does not state if the Home Office would extend the DVILR and the DDVC model (see below) to all migrant victims of domestic abuse regardless of their immigration status, can be found on [https://hansard.parliament.uk/commons/2023-07-11/debates/9512e4a8-5299-4e94-b2ae-a7dd5e09e33b/VictimsAndPrisonersBill\(FourteenthSitting\)](https://hansard.parliament.uk/commons/2023-07-11/debates/9512e4a8-5299-4e94-b2ae-a7dd5e09e33b/VictimsAndPrisonersBill(FourteenthSitting)).

Also please see written evidence from the Latin American Women's Rights Service (LAWRS) and the Step Up Migrant Women Campaign, of which we are a member, on the need for a firewall to prevent data sharing between statutory services and Immigration Enforcement to encourage migrants to come forward and report abuse as well as access help without the fear of deportation or destitution. See: <https://publications.parliament.uk/pa/cm5803/cmpublic/VictimsPrisoners/memo/VPB26.htm>.

The Home Office is continuing to refuse to establish a firewall despite its recommendation by several bodies such as three independent watch dogs which found in favour of a super complaint against the police made by Liberty and SBS, and the by Justice Committee. The Justice Minister again refused to do so in response to an amendment to the Victims and Prisoners Bill on 11 July 2023. See: [https://hansard.parliament.uk/commons/2023-07-11/debates/9512e4a8-5299-4e94-b2ae-a7dd5e09e33b/VictimsAndPrisonersBill\(FourteenthSitting\)](https://hansard.parliament.uk/commons/2023-07-11/debates/9512e4a8-5299-4e94-b2ae-a7dd5e09e33b/VictimsAndPrisonersBill(FourteenthSitting)).

The DVILR and DDVC Model

SBS have been leading a thirty-year campaign to reform domestic abuse, immigration and NRPF law. SBS were instrumental in introducing the Domestic Violence Indefinite Leave to Remain (DVILR) in 2002 which allows victims on spousal/partner visas the right to remain indefinitely in the UK and the Destitution Domestic Violence Concession (DDVC) in 2012, which gives those with NRPF rights to benefits and housing from the local authority under the Homelessness Act while they apply to regularise their status under the DVILR.

Over the years, these reforms have assisted thousands of victims to escape domestic abuse.⁴ It is widely praised by service providers. International research also suggests that the DVILR and DDVC model is the best in the world.⁵ The model encourages victims to come forward and seek help as it gives both status and support, and there is no evidence of abuse of the immigration system.

⁴ Southall Black Sisters, 2020, Domestic Abuse Bill and Migrant Women, Briefing Paper 2. Accessible at: <https://southallblacksisters.org.uk/app/uploads/2023/05/da-bill-briefing-paper-2.pdf>

⁵ Some of this information has been provided by the SEREDA Project. See: <https://www.birmingham.ac.uk/research/superdiversity-institute/sereda/index.aspx>

However, women on non-spousal/partner visas with NRPF and undocumented women are not eligible for the DVILR and the DDVC. They continue to face a stark choice between domestic abuse or deportation and destitution. Many are unable to even enter a women's refuge as they cannot pay their rent or living costs as they are not eligible for housing or other social security benefits. Women and their children are vulnerable to homelessness and exploitation; and can be locked in new dangerous situations or driven back to abusive relationships.⁶

Although victims with children can apply to social care for support under the Children's Act, the response of social services is often inconsistent or indifferent. In some cases, women are deterred from seeking their help as social services threaten to take children into care or return them to an abusive father or family member. Few single women are entitled to help from adult safeguarding as they may not have diagnosed clinical needs or other vulnerabilities.

The SMV Pilot

In response to SBS' amendments to extend the DVILR and DDVC to all migrant victims introduced to the Domestic Abuse Bill, which had cross-party support and that of the Domestic Abuse Commissioner, the Government instead agreed to introduce the Support for Migrants Victims (SMV) pilot scheme for women with NRPF facing domestic abuse. The Government said that it needed more evidence before it could introduce any policy change. This is despite the fact that they had supported a previous pilot scheme run by SBS and funded by the Tampon Tax Fund (TTF).

SBS is currently leading a UK wide partnership to deliver the SMV Scheme. The pilot pays towards victim's rent and subsistence for a period of up to 12 weeks to enable them to escape abuse; and advocacy to access legal advice to regularise their status and other holistic support (much of which is provided in-kind by the delivery partners). In the first year, the pilot assisted about 400 victims and their children, and in year 2, it assisted 560. The pilot scheme was initially funded for one year, and then extended for another year. It has now been extended for another two years to March 2025, pending a longer-term solution. The extensions to the scheme indicate the Home Office recognises the vital importance of providing financial support to migrant women with NRPF.

The first year of the pilot scheme has been externally evaluated by the Home Office, but the results have not yet been published. SBS, however, commissioned the Child and Woman Abuse Studies Unit at the London Metropolitan University to evaluate the pilot for the same

⁶ Southall Black Sisters, 2020, Domestic Abuse Bill and Migrant Women, Briefing Paper 2. Accessible at: <https://southallblacksisters.org.uk/app/uploads/2023/05/da-bill-briefing-paper-2.pdf>

period. Their report, 'Living at the Edge', (to be published) shows that while providing financial assistance under the scheme is a vital safety net, victims do need more money for longer as the current rates are below those for Universal Credit, despite a recent rise to deal with the cost-of-living crisis. Many are still unable to access a refuge in areas where there are high rents, and instead victims and their children are housed in unsuitable accommodation such as bed and breakfast or hotels. Also, some refuges are reluctant to accept referrals if funding is only available for a short period, particularly in complex spousal/partner, non-spousal/partner visa and undocumented cases which may take some time to resolve.

The evaluation recommends an extension of the DDVC and the DVILR to protect all migrant victims of domestic abuse as well other reforms such as extending the DDVC from three to six months. Furthermore, holistic 'by and for' services should be fully funded as the specialist and wrap around nature of their work was highly effective and valued by survivors in the pilot. This echoes the findings and recommendations of the independent evaluation, 'Safe and Secure', of a similar pilot scheme by the University of Warwick⁷ funded by the Government's TTF in 2017 to 2019. These issues were also raised and the same recommendations made in evidence submitted in 2020 by several agencies to the Migrant Victims Review.

The Domestic Abuse Commissioner's Report

In her report 'Safety Before Status: The Solutions',⁸ published in December 2022, the Domestic Abuse Commissioner also recommends the simple extension of the DVILR and the DDVC, which should be available for six months, to all migrant victims. This report, researched by the London School of Economics with the Oxford Migration Observatory, estimates that the social gains of supporting migrant victims in this way will be over £2 billion over 10 years; and that about 7,700 victims are likely to need refuge or other accommodation- some for only a short period. This small number does not place a significant burden on the public purse, and more importantly, provides crucial safety and support to vulnerable victims and their children. The Commissioner has also called for more funding for specialist 'by and for' services which provide invaluable support to migrant victims. Although the Home Office published their long overdue response to the Commissioner's report on Saturday 8th July this year, it has not yet expressed a view on the Commissioner's recommendation for the longer-term solution.⁹

⁷ <https://southallblacksisters.org.uk/app/uploads/2023/01/safe-secure-report.pdf>

⁸ <https://domesticabusecommissioner.uk/wp-content/uploads/2022/12/Safety-before-status-The-Solutions.pdf>

⁹ <https://www.gov.uk/government/publications/response-to-the-safety-before-status-the-solutions-report/domestic-abuse-commissioners-safety-before-status-the-solutions-report-government-response-accessible>

Conclusion

Based on extensive previous and new evidence from the SMV pilot scheme and the Domestic Abuse Commissioners research report, an extension to the current provision for those on spousal or partner visas, namely the DDVC and the DVILR to all victims irrespective of their immigration status would be the most simple and effective way of improving access to vital life saving services and support for migrant victims. The evidence and the experience of many service providers show that victims of domestic abuse need both the right to settlement and public funds in order to come forward and be safe, and to reduce levels of trauma and anxiety induced by fears of deportation and destitution.

This reform will help end the discrimination and the two-tier system that currently exists between migrant and non-migrant victims. In the light of the evidence, there is also no justification for continuing with the reservation on Article 59 of the Istanbul Convention giving residency to victims experiencing domestic abuse from partners. The reservation should be removed immediately. This will both enable the UK compliance with the Convention, and enhance equality and safety for all victims of domestic abuse.

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