



Migrant Victims of Domestic Abuse Review Findings

A response by Southall Black Sisters and Latin American Women's Rights Service

September 2020

We set out below our joint formal response to the Home Office's Migrant Victims of Domestic Violence Review Findings ('Review'), published on Friday 3 July 2020.¹

1. Southall Black Sisters (SBS) and the Latin American Women's Rights Service (LAWRS) and other BME specialist organisations have for many years drawn attention to the gaps that currently exist in respect of state protection in immigration law and policy for migrant women, including those with insecure immigration status and with No Recourse to Public Funds (NRPF). Following the first consultation on the draft Domestic Abuse Bill in March 2018, we decided to focus on this particular area because the Bill represents a critical opportunity to redress the protection deficit. Our recent work follows decades of submissions and representations made to successive governments on the desperate plight of abused migrant women who continue to have no access to protection.
2. In June 2019, the Joint Committee on the Draft Domestic Abuse Bill published its report based on oral and written evidence received from organisations like ours and from undertaking informal meetings with ourselves and others. The report stated that the Committee "...felt very strongly that it is currently also a missed opportunity to address the needs of migrant women who have no recourse to public funds", and made a series of recommendations to the Government, including: exploring ways to extend the concessions available under the Domestic Violence (DV) Rule and the Destitution Domestic Violence Concession (DDVC) to all migrant survivors of abuse; consulting on the most effective criteria to ensure such a measure reaches the victims it is designed to support; extending the DDVC time limit from three to six months and establishing a firewall separating the reporting of a crime and access to support from immigration control.² We had hoped that these recommendations would be carefully considered by the Government.
3. In July 2019, the Government agreed to conduct a review of its overall response to migrant victims of domestic abuse, "taking careful account of evidence provided by stakeholders on this issue" and to "specifically consider the Committee's recommendation to extend the period of time that support is offered for and how this relates to a victim's ability to access refuge accommodation." The Government went

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/897472/Migrant_Victims_of_Domestic_Abuse_-_Review_Findings_v.3_FINAL.pdf

² <https://publications.parliament.uk/pa/jt201719/jtselect/jtddab/2075/2075.pdf>

on to say: *“In considering our response to those who are eligible for the DDVC, we will take into account any obligations we may have under the Istanbul Convention to ensure we are compliant.”*³

4. In the light of this, we were looking forward to the findings of the Review in the hope that it would make recommendations that enshrine statutory protection for abused migrant women. Instead, we have been greatly disappointed by the failure of the Review to give proper consideration to the needs of migrant women, the evidence presented, and the measures required to ensure compliance with the non-discrimination principle of the Istanbul Convention.
5. The findings of the Review show a lack of meaningful engagement with the evidence that was submitted by key specialist organisations during the process; resulting in inaccurate, poor and misleading analysis and conclusions. Although SBS and LAWRS, along with others, engaged with the Review in good faith, our evidence and submissions have simply not been properly reflected in the findings. Instead, the Government has chosen to use the deeply flawed Review findings to justify its decision not to accept the recommendations of the Joint Committee to introduce meaningful protections in the Domestic Abuse Bill. What is of particular concern is that this rejection has been justified on the basis of a purported lack of evidence about the needs of migrant women. At Report Stage of the Bill in the House of Commons (6 July 2020), Victoria Atkins MP, the Minister of Safeguarding said: *“We must resist the urge to act before we have the evidence on which to base comprehensive proposals, to ensure that measures are appropriate.”*⁴ Instead the Government restated its commitment to run a ‘pilot project’ that is simply inadequate in meeting the needs of desperate migrant women subject to abuse and NRPF.
6. In view of the problematic nature of the Government’s response so far, we highlight below areas of the Review that are of particular concern:
 - The lack of meaningful consultation and flaws in the conduct of the Review;
 - The purported ‘evidence gaps’ concerning the needs of migrant women;
 - Inaccuracies, misrepresentations and a lack of analysis of the evidence submitted;
 - Lack of transparency regarding the decision to allocate £1.5million to a pilot project;
 - The failure to address the serious and discriminatory impact of data-sharing for the purposes of immigration enforcement for victims of domestic abuse.
 - The rejection of our amendments based on evidence

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/817556/CCS0619467038-001_Domestic_Abuse_Bill_Print_WEB_Accessible.pdf

⁴ <https://hansard.parliament.uk/Commons/2020-07-06/debates/CEAE6941-5DC8-4F76-9377-3DE3ED0F3553/DomesticAbuseBill>

The lack of meaningful consultation and flaws in the conduct of the Review

7. In 2018, prior to the commencement of the Review, Home Office officials visited SBS to learn more about our work with migrant women and in particular our 'No Recourse Project', funded by the Tampon Tax. In addition, over the course of the year, we received intermittent requests for information and evidence about the progress of the project, our preliminary findings and the predicted costs for its extension and expanding the time period for supporting women with NRPF. We provided evidence by email and in a conference call (13 June 2018), but did not receive further feedback.
8. On 15 May 2019, a roundtable was hosted by the Minister for Immigration, Caroline Nokes MP, and the Minister for Safeguarding, Victoria Atkins MP. SBS was invited to lead a presentation on the evaluation findings of our 'No Recourse Project'. This was followed by a discussion of the issues, the challenges we faced and the solutions needed to improve support and protection outcomes for migrant victims of abuse. Again, there was no follow up to these meetings.
9. On 27 September 2019, following the announcement of the Review, SBS wrote a letter to the Secretary of State, Priti Patel MP, on behalf of members of the Step Up Migrant Women coalition. In that letter we outlined our concerns about the lack of information received about the Review and transparency about the process. We stated:

"We are open to engaging with the review on the basis that it is truly consultative and transparent and results in recommendations which will be taken forward. Our organisations are concerned that we have not seen any Terms of Reference, timeline, structure or scope for the review... We therefore ask to be consulted in the development of the review's Terms of Reference, structure and scope."
10. We did not receive a response to that letter for five months.
11. In October 2019, the Home Office organised four workshops related to the Review with stakeholders from the Violence Against Women and Girls (VAWG) sector, including BME specialist organisations. According to the Home Office, the objectives of these workshops were to better understand the following issues:
 - Support and accommodation for victims of domestic abuse who are migrants;
 - Support and problems encountered by individuals from EEA and EU countries and their family members who are victims of domestic abuse;
 - To be as informed as possible about the concerns expressed to the Joint Committee about information sharing between the Police and Immigration Enforcement;
 - To better understand the victim's journey through the system.
12. It is relevant to mention that without further explanation, the Home Office team decided to merge the last two workshops into a single session. This decision had a direct impact on limiting the time we had to present evidence and discuss the impact

of information sharing on migrant women with insecure immigration status.

13. During the same period, at the request of Ann Williams and Mike Gallagher from the Home Office, we also shared the evaluation findings of our 'No Recourse Project' funded by the Tampon Tax. We were told that a follow-up meeting to discuss our findings in detail would be arranged with us. However, despite several emails being exchanged between ourselves and the Home Office in November and December 2019, no meetings were arranged.
14. In February 2020, we received a letter from the Home Office requesting a meeting to specifically discuss the evaluation findings from our 'No Recourse Project'. This meeting was not scheduled until March 2020 just before the lockdown was announced.
15. On 17 February 2020, we received a reply to our letter dated 27 September, not from the Home Secretary but from a member of the 'Domestic Violence Immigration Policy Team'. This did not acknowledge our request to be consulted on the terms of reference or the scope of the Review, instead, it stated:

"I hope [the focus groups with stakeholders] ... provided assurance on the aims of the review and the collaborative way in which it was carried out. Have no doubt that we have carefully considered the views of all stakeholders. With the evidence gathering stage of the review having concluded, the Government is now considering the findings."
16. In the meantime, throughout February and March 2020, SBS received further emails from the Domestic Abuse Policy Team at the Home Office seeking further information regarding the evaluation findings of our 'No Recourse Project'. On 11 March 2020, we had a final meeting with the Home Office regarding our evaluation findings.
17. Despite these engagements, we remained confused because we were approached by different officials and teams within the Home Office at different times with requests for the same information. We conveyed our confusion and concern about the lack of coordination and clarity in respect of the Review in an email to the Home Office, in which we stated that despite complying with all requests for information and meetings, there was no follow up discussion or information as to the outcomes of such engagement.
18. On 18 March 2020, SBS, LAWRS and other members of the Step Up Migrant Women campaign received a final call for evidence in the form of an email and attachment from the Home Office's Domestic Violence Immigration Policy team, with a deadline to respond by 8 April. We are not aware of how widely this request for further evidence was circulated. As we understand it, it was not made available on the Government's website and we remain unclear as to how many organisations were able to make submissions within the stipulated period. The final report simply lists 24 organisations that participated in the overall Review. We are also concerned that less

than a week later, the UK went into 'lockdown' due to the COVID-19 pandemic, which may have impacted on the ability of organisations to collate and submit evidence.

19. The call for evidence was a one-page document which stated that the main areas of interest were:

- the length of time between accessing the Destitute Domestic Violence Concession (DDVC) and submitting an application for indefinite leave to remain under the domestic abuse provisions
- the number of migrants seeking access to safe accommodation; and
- their status on arrival to the UK and/or upon contact.

20. It is also notable that the final call for evidence did not include data collection on information sharing and its effects on migrant women with insecure immigration status.

21. In April 2020, despite the short time period within which to provide evidence, SBS, LAWRS and the Step Up Migrant Women coalition submitted evidence. SBS made two submissions to the Review following an agreed short extension. The first submission (23 April) was based on the experience of SBS' front line work and the evaluation findings of our No Recourse Project. The second (27 April) was a joint submission made with our partners for the Tampon Tax No Recourse Project - the Angelou Centre (based in Newcastle) and Safety4Sisters North West (based in Manchester). The joint submission therefore conveyed a wider national experience of women with NRPF.

22. The final report of the Review was eventually published by the Home Office on Friday 3 July 2020, the weekend before the Report Stage of the Domestic Abuse Bill scheduled for Monday 6 July. We were not directly informed about its publication by the Home Office. At the Report stage, without any detailed explanation of the Review and its findings, the Government simply re-stated its decision to commission a pilot project to be launched in Autumn 2020. The stated reason was the purported lack of evidence to support any of the legislative changes suggested by SBS, LAWRS, the Step Up Migrant coalition, the Joint Committee and other MPs.

23. The timing of the publication of the Review on a Friday afternoon meant that we were not provided with the opportunity to assess its findings and conclusions or to brief MPs before the vote on amendments to the Domestic Abuse Bill on Monday 6 July 2020. Ultimately the House of Commons voted against any legislative amendments to the Bill for migrant women, mainly because the Government gave a commitment to undertake a pilot project to gather the evidence that it said was lacking.

Conduct of the review

24. The final report outlined two stages of the Review:

- Stage one involved a review of a sample number of cases where an application for DVILR had been made to see what could be learned about the characteristics of those

applicants and their applications.

- Stage two involved gathering evidence from voluntary sector organisations representing or specialising in the complex and interrelated issues that affect migrant victims of domestic abuse, in order to obtain more detailed information and views on the difficulties faced by migrant victims.

Problems with Stage Two

25. The report stated that the Review consisted of three workshops and one call for evidence. In addition, the Review stated that it held a meeting with refuge managers at the charity Refuge, to obtain their perspective on the challenges that migrant victims face in obtaining support and accommodation. Whilst we appreciate the value of understanding the experiences of refuge providers, we are unclear as to the basis for approaching the charity Refuge only, since it is not a specialist provider and does not typically provide accommodation for women with immigration difficulties and NRPF. It is even more surprising that this same opportunity was not afforded to key front line staff working in specialist 'by and for' BME refuges and outreach services that regularly work with migrant women and have the experience and expertise that is necessary to assist women with complex immigration matters. This is particularly worrying in the light of recent reports that show that women are turned away from refuges due to language barriers⁵ and a recent Women's Aid report that shows that 4 in 5 women with NRPF are turned away from refuges (See paragraph 47 below). Approaching a generic service provider only would appear to defeat the purpose of the evidence-gathering exercise, since they would not have the necessary experience to assess migrant women's needs given that these women are typically excluded from such services in the first place.

The purported 'evidence gaps' concerning the needs of migrant women

26. During the passage of the Domestic Abuse Bill in the House of Commons, including at the Committee and Report stages, the Government consistently referred to a lack of robust evidence to justify its decision not to introduce legislative changes to the Bill to protect migrant women. The reality however, is that considerable evidence by a number of groups including SBS, LAWRS and others was submitted, both informally, through emails and several rounds of meetings, as well as more formally through written submissions - notwithstanding the lack of time given to make these submissions. Some of the evidence that SBS presented to the Review is set out below and yet in spite of this, the Government has maintained that there are evidence gaps in understanding the needs of migrant women:

27. **Paragraph 23** of the report states: "*What was unclear from the evidence we received was the immigration status of those who needed support...*" This is plainly untrue since the submissions made by SBS and our partner organisations provided considerable evidence of the immigration status of the women who sought help. We reproduce

⁵ https://www.theguardian.com/society/2020/aug/09/uks-womens-refuges-turn-away-victims-who-speak-no-english?fbclid=IwAR16DGnL_F_T3Fs_hrxZ3oF3mJS_tWcQ1MhWxT6H9y2IXacvumVJgtA4MGO

below excerpts from three separate sources of evidence provided, which detail the immigration status of those who had NRPF and who required support.

28. In SBS' individual submission to the Review based on our casework involving women with NRPF, we stated:

"In relation to the 196 women that we supported directly with accommodation, subsistence and advocacy between 1 April 2019 and 31 March 2020, the data shows that there were 46 different categories of immigration status listed in total. These include those on student visas, trafficked women, work permit holders and undocumented women. The five most common visa categories that women had upon arrival and/or upon contact with an organisation were as follows:

- *Spousal visa: 43%*
- *Asylum-seeker: 8%*
- *EU dependent visa: 5%*
- *Visitor visa overstayer: 5%*
- *Unspecified visa overstayer: 5%*

29. The above data shows that 57% of women were on non-spousal visas with NRPF and were not eligible to apply for the DDVC or for leave to remain under the DV Rule."⁶ This clearly demonstrates that there remains a significant gap in protection for migrant women not on spousal visas. The data also shows that even those on spousal visas who were eligible for the DDVC needed temporary support because they experienced delays in their applications for welfare benefits and access to alternative safe housing.

30. In that same submission, we also included the evaluation findings of our 'No Recourse Project' funded by the Tampon Tax entitled 'Safe and Secure'. This provided further evidence of the background of the women who sought our help. It set out the visa status of the women who had been supported by the 'No Recourse Project':

"Women's immigration status at the time of accessing the NRF varied and was complex. Twenty-nine women had entered the UK on a spousal visa, though five had subsequently been abandoned and in one case the visa had been revoked, underlining the importance of considering the complexity when considering the needs of those on spousal visas. Twenty-eight women were on non-spousal visas and 13 were EEA/EU nationals."

⁶ Data from previous years show that between April 2015 and March 2016, 67% of our users who accessed SBS' NRF (supported by the Tampon Tax) were on non-spousal visas. A snapshot survey conducted by SBS between November 2012 and January 2013, found that 64% (n=154) of 242 women did not qualify for the DDVC and were without a safety net. Similarly, over a one year period, Women's Aid reported that two thirds of their users (n=101) with NRPF were not eligible for statutory support because they were on non-spousal visas and had NRPF.

Table 3: Immigration status

Immigration status	No. of Women
Spousal visa	24
Spousal visa abandonment	4
Spousal visa revoked	1
EEA/EU national with NRPF	13
Visitor visa overstayer	6
Visitor visa	1
student visa	3
student visa overstayer	3
10 year route	4
Asylum – No NASS	3
Trafficked	2
Discretionary leave to remain	1
Leave to remain NRPF	1
Human Rights application	1
Leave to enter outside of the Rules	1
Dependent visa	1
Other	1

31. Our second submission, a joint submission made in partnership with The Angelou Centre and Safety4Sisters North West, also set out the visa background of the total number of women who sought help and assistance from our respective organisations. In that submission we stated:

“Out of 160 women with NRPF supported directly with accommodation, subsistence and/or advocacy support between 1 April 2019 and 31 March 2020, there were 36 different categories of immigration status listed in total...The project funds women for direct costs for accommodation and subsistence from the first point of contact when their status may be unclear and until they have obtained support from social services or made an application to remain in the UK and accessed funds under the DDVC or Asylum Support (NASS).

The general visa categories upon arrival and/or upon contact with the three partner organisations were as follows:

Immigration Status	Percentage
<i>Spousal or fiancé visa</i>	<i>24%</i>
<i>Asylum seeker, dependent of asylum seeker or failed asylum seeker</i>	<i>17.5%</i>
<i>EEA/EU nationals or dependants</i>	<i>14%</i>
<i>Other dependent visas</i>	<i>9%</i>
<i>Limited to Remain with NRPF</i>	<i>7%</i>
<i>Visitor visa overstayer</i>	<i>7%</i>
<i>Other overstayers/undocumented</i>	<i>9%</i>
<i>Other visas e.g. family, visitor, student, work</i>	<i>12.5%</i>

32. **Paragraph 23** of the Review goes on to state that there is uncertainty as to “*whether any other support was available to [the women with varying immigration statuses].*” This, combined with comments made by the Minister for Safeguarding during the Committee stage of the Bill, seems to reflect a systemic failure to acknowledge, let alone comprehend the evidence presented in our submissions which set out in detail why particular cohorts of women with insecure immigration status would require access to our ‘No Recourse Fund’ for accommodation and subsistence. The failure to take account of what is actually presented in our submissions has formed the basis of the Government’s response and justification for a pilot project. On 17 June during the Committee Stage of the Bill the Minister for Safeguarding stated:

“The next most common category of women that [Southall Black Sisters] helped [8%], after those on spousal visas, was those who were seeking asylum. Happily for people who are seeking asylum, there is a whole network of support for them.”

33. At Report Stage, she went on to say:

“There is currently a lack of evidence to demonstrate which cohorts of migrants are likely to be most in need of support, the numbers involved and how well existing arrangements may address their needs.”⁷

34. As we reiterated in our submissions, in the Review meetings and in our Domestic Abuse Bill [briefing paper 2](#) (made available to Home Office officials), the absence of an effective model of protection for survivors of domestic abuse without spousal visas means that migrant women’s route to safety is complex and protracted:

“...in both spousal and non-spousal categories, factors such as the complexity of immigration matters, access to legally aided lawyers, to timely crisis support etc. impacted on the length of period for which women needed support via our NRF...many migrant women with insecure status have little or no knowledge of their legal status, no access to their documentation and are often uncertain as to their immigration history. Many are also badly served by unscrupulous immigration lawyers who can take advantage of their vulnerable position... In addition, lack of documentation, finances and inability to gather the evidence needed can also lead to delays in progressing immigration matters...Throughout this period, women escaping abuse will require assistance with shelter and subsistence, and some are supported by our No Recourse Fund, as shown by the evidence submitted...”

35. We also drew the Home Office’s attention to the fact that existing social services arrangements were also problematic. In our written submission to the Home Office, we stated:

⁷ <https://hansard.parliament.uk/Commons/2020-07-06/debates/CEAE6941-5DC8-4F76-9377-3DE3ED0F3553/DomesticAbuseBill>

“Local authorities regularly fail to meet their responsibilities to vulnerable families, explained in part by a lack of resources in the context of austerity, and the absence of statutory guidance as to how to support those with NRPF. There is considerable inconsistency of practice across the UK in the local authority support that is given to migrant women and children. Many are refused or face considerable delays in obtaining local authority support”

36. Despite the submission of considerable evidence on the needs of migrant women and their status at the point of contact, **paragraph 32** of the Review misleadingly concludes:

“It is...unclear which cohorts of migrants are likely to be most in need of support and how well existing arrangements may address their needs. Without clear information that identifies which groups of migrants may be most in need of support, it is difficult to ensure that any additional funding is targeted correctly. It is therefore reasonable to defer a decision until these evidence gaps have been addressed.” Based on our evidence submitted we refute this claim.

37. **Paragraph 32** of the report also states: *“...there is currently a lack of evidence to demonstrate how long individuals who are not currently eligible for the DDVC might need support for and how they could be supported to move on from safe accommodation.”*

38. This is plainly untrue. Our report on the evaluation findings of our ‘No Recourse Fund’ funded by the Tampon Tax, submitted to the Review, clearly stated:

*“Women on non-spousal visas required support for longer and those supported for three months or over were mostly non-spousal women and were variously assisted for between three to eight months (three were complex spousal visa cases due to various reasons including difficulty gathering evidence, abandonment, and revocation of spouse visa and hence required longer support). Follow up with women indicates that some women on non-spousal visas had still to obtain any security in immigration status after almost two years since they had been in contact with the NRF. Thus both non-spousal visa cases and complex spousal visa cases **typically required up to six to eight months of support.”***

39. It is unclear why this and other similar evidence was disregarded and omitted from the Review without explanation.

Inaccuracies, misrepresentations and the lack of analysis of the evidence submitted

40. **Paragraph 23** of the Review claims that there was a lack of clarity in the evidence received, especially with reference to *‘the immigration status of those who needed support’*. It then states:

“For example, we were provided with evidence that suggested that some individuals on visitor and student visas had come forward for support. However, individuals on these visas must prove that they are able to support themselves financially in order to

be granted leave to enter the UK so it was not clear why they might have been in need.”

41. We are confused and unclear as to why a Review grappling with the needs of migrant women subject to domestic abuse failed to comprehend our submissions or indeed the Government’s own guidance as to how migrant women are trapped in abuse, which includes economic abuse; creating conditions of economic dependency that is then used to exert coercion and control. This includes women who may have previously been financially independent prior to coming to the UK but who become destitute in the course of an abusive relationship. The Government’s own domestic abuse [draft statutory guidance](#) framework (July 2020) clearly states that economic abuse:

“...can also constitute controlling or coercive behaviour. It can make the individual economically dependent on the abuser, and/or create economic instability, thereby limiting their ability to escape and access safety.”

42. The guidance goes on to give examples of such economic abuse including for example: *“running up bills and debts such as credit/store cards in a victim’s name, including without them knowing; refusing to contribute to household income; interfering with a victim’s education, training, or employment.”*⁸

43. The contents of the guidance are clearly at odds with the lack of understanding of economic abuse faced by migrant women, including those on student or visitor’s visas. Despite this, on Monday 6 July during the Report Stage of the Domestic Abuse Bill in the House of Commons, in response to a question by Yvette Cooper MP, the Minister for safeguarding reiterated the need for more evidence and effectively cautioned against women playing the immigration system. She gave the example of a woman who has entered the UK on a visitor’s visa, seeking welfare support despite the fact that she would have complied with immigration rules that requires evidence of her finances and her ability to support herself whilst in the UK without recourse to public funds. What the Minister failed to comprehend is the circumstances of abuse in which such a woman may find herself, and she did not question why such a woman would wish to access to the welfare safety net in the first place. This point was succinctly countered by the Rt Hon Theresa May MP who stated:

*“I take the Minister’s point that those who have come on other visas have generally, if not in all cases, had to show that they have independent financial support, but it is perfectly possible that they might find themselves in a relationship where the removal of that financial support is part of the abuse they are suffering we have to take account of that as we look at this issue.”*⁹

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/896640/Draft_statutory_guidance_July_2020.pdf

⁹ <https://hansard.parliament.uk/Commons/2020-07-06/debates/CEAE6941-5DC8-4F76-9377-3DE3ED0F3553/DomesticAbuseBill>

44. The display of such ignorance about the reality of economic abuse, which forms a key aspect of the context and dynamics of domestic abuse faced by migrant women, and is highlighted in the Government's own guidance, raises serious concerns about the quality of the Review and its analysis of migrant women's needs.
45. **Paragraph 24** states: *"Additionally, we saw evidence that victims of trafficking, asylum seekers, and those granted discretionary leave had also been provided with support. There is, however, existing support available for victims of trafficking through the National Referral Mechanism (NRM), asylum seekers who would otherwise be destitute are supported by the Home Office, and those with Discretionary Leave are granted recourse to public funds."*
46. Such assertions again reflect a failure to properly read or understand the submissions that we made as to why some migrant women who at first glance appeared to have other routes to safety, sought support from our No Recourse Fund. Nor was there any attempt to seek clarification from organisations such as ours. As we have shown in the excerpts from our submissions cited above, those in receipt of support from the No Recourse Fund included a few women seeking asylum or victims of trafficking. However, as our submissions have explained, once women flee abuse, regardless of their status, they require immediate emergency support precisely because they have complex immigration histories and their immigration status is not always obvious or clear at the outset. Our first priority is always to protect women from imminent harm in contexts where they are destitute and in a state of trauma and to reassure them that they will be supported. Our first task is to ensure that women have immediate access to safe accommodation and support pending decisions about the most appropriate long-term route to safety and support. Establishing a person's immigration status helps to determine what route to safety is available, but this can be a slow process as it is dependent on obtaining sound legal advice, which can take a considerable amount of time to arrange. Even if women can theoretically avail themselves of available support systems such as asylum support, the process of obtaining that support can take weeks and sometimes months due to administrative delays on the part of the relevant decision-making bodies. Other women are hindered from accessing the available routes to safety by the severe lack of BME specialist services that are best placed to provide information, understand their backgrounds and needs, help them to gather evidence and facilitate their access to key services including high-quality legal representation and advice. For all these reasons, identifying and accessing available routes to safety for some women takes time which means that destitute women and children still need support in the interim. However, for many migrant women on non-spousal visas, there is no alternative route to safety available. This is precisely why we propose an amendment to the Bill calling for the extension of eligibility for the DV Rule and the DDVC to all migrant survivors, so that there is an efficient and effective route to safety and protection for all women. In the alternative, we have [also called for the lifting of the NRPF rule](#) for all migrant victims of domestic abuse, so that they can obtain immediate emergency housing and subsistence support whilst they navigate a complex legal and welfare system that enables them to access the most appropriate long-term route to safety and support.

47. In a related point, **paragraph 26** of the Review states that *‘the refuge managers we spoke to said that they accept migrant victims based solely on the Home Office letter confirming that the DDVC has been granted.’* This misses the point entirely and again points to the fallacy of engaging with generic refuge providers that do not typically work with migrant women. The first problem is that only those women who are eligible for the DDVC can access a refuge, but even then they face difficulties and delays in obtaining a space. Our experience shows that in reality women are only accepted if they can show that not only are they eligible for the DDVC **and** have also made successful applications for welfare benefits. This means that there is a considerable delay between someone obtaining confirmation of eligibility for the DDVC and welfare benefits and actually moving into a refuge. Secondly, the overwhelming majority of refuges do not accept women who are ineligible for the DDVC. Women’s Aid as noted above, have evidence to show that in 2019/20, almost 4 out of 5 women with NRPF were not accommodated in a refuge.¹⁰ Our submissions showed that even women on spousal visas who are potentially eligible for the DDVC still require assistance with shelter and subsistence whilst their applications for DDVC and benefits were being processed.

48. The Review reflects a selective use of evidence and wholly or partially misrepresents the situation and reality of the plight of migrant women. As a consequence, it does not adequately address the gap in protection that exists for all migrant women, including those women who need support prior to and even after the granting of the DDVC if they are eligible.

49. **Paragraph 29** of the Review refers to SBS’ data on the period of support that was provided to migrant women from our ‘No Recourse Fund’. It states *“...However, data from the 2019 Southall Black Sisters’ report ‘Safe and Secure’ shows that of the 55 women they supported for which they had data, only seven were supported for longer than three months.”* The statistics appear to be taken from the table in our report reproduced below:

Support provided – length and type

Table 4: Housing and Subsistence Support

Length of Support	No. of Women
Over 3 months	7
1-3 months	21
Under a month	27

50. The assertion that most women did not need more than three months of support appears to be a misunderstanding or a misrepresentation of the evidence that we submitted. What the Review fails to consider is that our ‘No Recourse Fund’ is limited and can only provide women with financial support for a limited period of time – typically three months maximum. This is deliberate on our part to enable us to assist as many women as possible even if for a limited period. Following the three-month

¹⁰ <https://1q7dqy2unor827bjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2020/06/Nowhere-to-Turn-2020.pdf>

period, many women are often still in a position of need but have to seek other means of support as our financial support ceases. Many can and do become destitute once again or are forced to rely on friends, charities and even strangers for accommodation and food. Supporting women for a maximum period of three months does not mean that they only need support for this period of time. It takes much more than three months to resolve their immigration matters which then unlocks their access to other systems of state support. The very next page of the evaluation report, following the above table, sets out the views of the recipients of our fund in detail, which includes their need for support for longer periods. Yet this evidence was ignored by the Review for reasons unknown:

“In total, 33 of the 55 women supported for between under a month to over 3 months said that a greater period of support was required to enable them to recover and resettle in their lives more fully, including resolving their very complex immigration status. Twenty-seven (82%) of these 33 women who said a longer period of support was needed were on a non-spousal visa. A follow-up with 22 of the 27 non-spousal visa women over 12 months after being supported by the NRF further reinforced this finding. Moreover, a majority of women followed up for interview also indicated that they needed support for longer than three months before a positive outcome could be secured.”

51. **The Review** concludes: *“The DDVC and the DVILR are intended to provide support and a route to settlement for those on a spousal visa independent of their sponsor because, the domestic abuse notwithstanding, these individuals would otherwise have a reasonable expectation of remaining in the UK on a long-term basis. This is not the case for migrants on non-spousal visas, and the Government has concerns that opening this route up to those on other visas would detract from its intention.”*
52. We question whether this inaccurate assertion was ever tested in the course of the Review. Even if we accept the ‘reasonable expectation of remaining in the UK’ criteria, it is inaccurate. The DV Rule and DDVC do not extend to all women who also have a legitimate expectation of settlement in the UK. It excludes many survivors who *are* here under the immigration rules as partners **and** with the same ‘expectation’ that they will become settled as the survivors who currently come within the scope of the DV Rule and the DDVC. These include: *“the partners of people the rules refer to as ‘relevant points-based system migrants’, survivors on a route to settlement with a partner who has limited leave with the expectation of settlement (a situation under the rules that is similar to the situation of the partner of a refugee or member of the Armed Forces who has leave on a route to settlement); and survivors on a route to settlement with a partner who already has indefinite leave to remain (a situation akin to that of partners of people who are settled for the purposes of the rules but arbitrarily distinct by reason only of being categorised in a separate part of the rules).”*¹¹

¹¹ Step Up Migrant Women’s joint response to the Domestic Abuse Bill Committee Stage debate

53. Further, it is not only survivors with spousal visas who have expectations of settlement. There are many women on other types of visas who for various reasons also have expectations of settlement but are deprived of routes to settlement by their abusers. Some have children who are settled or are British citizens, (the children of survivors who are not eligible under the DV Rule risk being separated from their mothers who report and/or escape abuse). Others have real and justified fears of returning to their country of origin where they may be at greater risk from their abuser and/or wider family in the form of reprisals, as we have [outlined previously](#). Yet others include survivors who have deliberately had documents withheld and applications tarnished by abusers' so that they become 'undocumented' or 'overstayers'¹². A key part of the abuse they face involves being misled by their abusers as to their actual immigration status. Often women are on route to settlement but find themselves at the mercy of their abusers who through abuse and deception force them into positions of irregularity.
54. We are greatly disappointed by the refusal of the Review to engage with such considerations or to take account of the very compelling reasons why many migrant women who have legitimate expectations of settlement are derailed by their experiences of abuse. The Review arrives at conclusions that have ignored such considerations, rendering it inadequate and unacceptable as a competent exercise in evidence-based policy work.
55. In any event, we are very alarmed by the view that only women with a legitimate expectation of settlement deserve protection since the message this sends is that immigration enforcement will continue to take priority over the need to protect women from abuse and violence. Our view is that all women subject to abuse have a legitimate expectation of being protected from harm. The Government has a legal duty under domestic and international human rights law, such as the ECHR Article 2 (right to life), Article 3 (right to be free from inhuman/degrading treatment), and Article 8 (right to private and family life), especially when taken together with Article 14 (non-discrimination in the enjoyment of Convention rights). The Bill is also potentially in contravention of the [Istanbul Convention](#) which also contains key state obligations (Articles, 4, 5, 7 and 59) to ensure there is effective protection from and prevention of abuse, irrespective of immigration status.

Lack of transparency regarding the decision to allocate £1.5million to a pilot project

56. **Paragraph 32** of the Review states: "*A decision to expand the DDVC will have a significant financial cost*". However, the report does not provide any analysis of the estimated cost and how this compares to the long-term costs currently associated with supporting abused non-spousal migrant women without recourse to safety, borne for example by statutory services if there are children involved or by charities. Some of these potential costs are outlined in [SBS' briefing paper 2](#), which was

¹² <https://stepupmigrantwomenuk.files.wordpress.com/2019/05/the-right-to-be-believed-full-version-updated.pdf>

referenced in our individual submission to the Review and provided to Home Office officials at our meeting in March 2020, but was clearly not addressed. We suggested that support on the basis of an estimated 3630 women for six months would cost a total of £18.6 million, which would be offset by millions of pounds in savings to social, children's, schools, mental health and other statutory services and charities that are currently left to shoulder the responsibility of protecting migrant women and children.

57. Nor does the Review provide any transparency as to how the Home Office came to allocate the amount of £1.5million to fund the proposed 'Support for Migrant Victims (SMV)' pilot scheme (pilot project). By our own calculations set out in our submissions, this would only support around 145 women for a year¹³. The Minister for Safeguarding has said that the pilot project will run parallel to projects like the SBS' 'No Recourse Fund project' but this is not the case since Tampon Tax funding for our project is only secured until March 2021. In any event, the pilot project will still exclude many migrant women on spousal and non-spousal visas who need immediate support, which we estimate to be around 3 - 4000 a year.

The failure to address the serious and discriminatory impact of data-sharing for the purposes of immigration enforcement for victims of domestic abuse.

58. We are concerned that the Review has completely failed to confront the serious problem of data sharing between the police and other statutory services and the Home Office's immigration enforcement teams. This, despite oral evidence from LAWRS, SBS and other members of the Step Up Migrant Women campaign provided at formal meetings and workshops, as well as in written submissions including reference to a [research report](#), and a [roundtable report outlining the risks](#). This evidence showed that migrant women are deterred from seeking help on the basis of fears concerning their insecure immigration status and immigration enforcement from statutory authorities.¹⁴

59. In May 2019, LAWRS published the report '[The Right to be Believed](#): Migrant Women facing Violence Against Women and Girls (VAWG) in the hostile environment in London'. This report details the experiences of 50 migrant women with insecure immigration status and the damaging effects of information sharing for the purposes of immigration control. Amongst the women interviewed, the most commonly cited factor preventing them from reporting the abuse to the police was fear of deportation. This fear was exacerbated by perpetrators threatening them with removal if they reported the domestic abuse. According to the research findings, almost two-thirds of the women experienced threats of deportation as a form of coercive control; threats that are recognised by the Government as a form of coercive behaviour.¹⁵ Further, the findings also highlighted four case studies of abused women who were in fact arrested

¹³ In our Briefing Paper 2, we state that six months access to the DDVC is £5146. One year's access is £10,292. £1.5m pilot project divided by £10,292 (1 year's access to DDVC) = approx. 145.7 women supported

¹⁴ <https://stepupmigrantwomenuk.files.wordpress.com/2019/05/the-right-to-be-believed-full-version-updated.pdf>

¹⁵

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/482528/Controlling_or_coercive_behaviour_-_statutory_guidance.pdf

following their reports of abuse to the police on the basis of their insecure immigration status.

60. Following oral and written evidence presented at the Joint Committee for the Draft Domestic Abuse Bill¹⁶, in June 2019, the Committee strongly recommended that the Government *“establish a ‘firewall’ at policy and practices levels to separate the reporting of crime and access to support services from immigration control”*. In response, the Government stated that it would consider *“what more the Government can do to support positive change in this area as part of the review.”*¹⁷ Despite this commitment, it appears that little to no attention was given to this practice or the findings of the report in the Review.
61. In the course of the roundtable discussion that formed part of the Review process, there was some discussion on information sharing between the police and immigration enforcement. The minutes of that session state that the general consensus of ‘the sector’ was that a firewall is the only way forward to ensure that migrant women are able to report safely with fear of being removed. This roundtable discussion and the consensus reached however, is not adequately reflected in the Review. Instead the Review only refers to a workshop on information sharing which in reality formed a small part of a wider discussion. We are therefore perplexed as to why there has been no attempt to examine the issue of information sharing in the final Review report. On the contrary, the discussions that took place is summarised in **paragraphs 50-54** of the Review in a highly unsatisfactory way.
62. The Review effectively states in one paragraph that stakeholders (presumably the VAWG sector) raised concerns and support a firewall. Nevertheless, it does not include any of the evidence presented to show how women are deterred from reporting. The Review then devotes a further three paragraphs to outlining the perspective of the police and immigration enforcement representatives in order to justify their role in ‘safeguarding’ victims of abuse. However, no evidence in the form of policies or good practice guidance has been provided to demonstrate the Home Office’s so-called ‘safeguarding’ function in cases of domestic abuse or that it is effective. In contrast, what it is known is that immigration enforcement is, at least currently, tasked to enforce current immigration policy and rules (which for many survivors represents a threat of detention, expulsion and separation from children). Moreover, none of our services or indeed the frontline organisations present at the roundtable discussion has ever had a referral from immigration enforcement for the purpose of ‘safeguarding’ vulnerable migrant women and children.
63. Nor is there any sign of any attempt to balance the so-called safeguarding function of the immigration enforcement against the widely evidenced detrimental impact that

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<http://data.parliament.uk/WrittenEvidence/CommitteeEvidence.svc/EvidenceDocument/Draft%20Domestic%20Abuse%20Bill/Draft%20Domestic%20Abuse%20Bill/Written/100864.html>

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/817556/CCS0619467038-001_Domestic_Abuse_Bill_Print_WEB_Accessible.pdf

data sharing has on migrant victims.

64. **Paragraph 56** states that *“The Government will return to this issue once the outcome of these two challenges [the Judicial Review and police super-complaint are] known.”* Rather than grapple with the impact of the practice of data sharing and assessing the viability of a firewall or alternative safe reporting mechanisms, as recommended by the Joint Committee, the Government has effectively passed the responsibility of creating safe reporting mechanisms as a prerequisite for protection to the courts and other bodies such as HMICFRS. At the Report Stage of the Bill, which provided a further opportunity for debate, when asked a question about data sharing, the Minister of Safeguarding avoided giving a response by stating that the matter was the subject of legal proceedings and a police super-complaint. This means that the Home Office did not comprehensively examine the matter within the Review, although this matter constituted a significant element of its remit.

The rejection of our amendments on the basis of evidence

65. There is a cruel irony in the Government’s rejection of our proposals for the protection of abused migrant women on the basis of ‘insufficient evidence’ when the very Government policies that create the conditions of entrapment for such women; such as the NRPF condition and data-sharing between the police and the Home Office, were themselves introduced without any *“specific evidence base to support the effectiveness of these measures”*. This disturbing conclusion comes from the National Audit Office (NAO), the UK’s independent public spending watchdog. In its recent report on the effectiveness of immigration measures for the prevention of ‘abuse of the system’ and enforcement leading to removals, it states:

“The Department [The Home Office] uses its Compliant Environment approach to limit unlawful access to government funded services”.

66. However, the NAO concludes that there is simply no evidence to as to their effectiveness:

“[The Home Office] is currently unable to assess whether these measures have any meaningful impact on the likelihood that an individual will leave the UK voluntarily.”
(June 2020)

67. Effectively, we are tangled in an insidious web whereby the Government itself now acknowledges that the NRPF condition is a tangible barrier to migrant women escaping abuse, and yet persists in retaining the condition because it needs ‘more evidence’ of its impact on migrant victims of domestic abuse. Yet, as the NAO has concluded, measures such as NRPF were introduced without any specific evidence base as to their effectiveness and without any assessment as to whether they fulfil the stated Government objective of: *“...removing the incentives which it believes draws*

people to the UK ‘illegally’, encouraging voluntary departures and people to leave before their right to remain in the UK has expired.”¹⁸

Conclusion

68. On the basis of the substantial concerns outlined above, we reject the Government’s position. In our view, it is based on a Review that has lacked meaningful engagement with the considerable evidence submitted by key specialist organisations during the process; resulting in inaccuracies, as well as poor and misleading analysis and conclusions. We reassert our position that the Domestic Abuse Bill provides the Government with a significant opportunity to address the widening gaps in protection for migrant women with insecure immigration status and NRPf through legislative amendments that can enshrine their right to long-term safety and security. Upholding the principles of equality of access to protection irrespective of background is vital if we are to avoid a discriminatory two-tier system of support that leaves significant numbers of women behind.

Southall Black Sisters

Latin American Women’s Rights Service

2 September 2020

¹⁸ <https://www.nao.org.uk/wp-content/uploads/2020/06/Immigration-enforcement.pdf>