



By email: SMVScheme@homeoffice.gov.uk

2 November 2020

Dear Dr. Miv Elimelech,

Support for Migrant Victims Scheme – Pilot Project

Following our meeting on 22 October 2020, we write to reiterate the concerns that we outlined to you regarding the above pilot project. We would also draw your attention to the fact that neither the consensus of view on the inadequacy of the project, nor the strength of feeling conveyed at the meeting by many of us has been properly captured in the minutes that followed.

We are deeply disappointed by the draft bid prospectus for the Support for Migrant Victims Scheme (SMVS) pilot. In our view, the project is seriously flawed in both design and content. Overall, the primary purpose of the scheme - to support abused migrant women with insecure immigration status and No Recourse to Public Funds (NRPF) - will be defeated mainly because the framework of the project in its current form treats women as potential immigration offenders first, and as victims of gender-related abuse second. On 20 October, the Home Office released its 'progress' report regarding the ratification of the Istanbul Convention, in which the pilot scheme is referenced as a matter 'under review' regarding compliance with Article 4 (3) of the Convention.¹ We submit that the scheme fails in its entirety to guarantee that provisions of support in the face of gender-based violence can be accessed without discrimination on the grounds of migrant or refugee status.

The scheme as a whole is discriminatory and completely untenable because it compels organisations like ours to share data pertaining to women who seek our assistance with UK

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/928764/CCS001_CCS1020331858-003_Istanbul_Convention_Progress_Report_E-Laying.pdf

Visas and Immigration (UKVI), even before they have had an opportunity to obtain protection and independent legal advice in relation to their immigration matters. Rather than establishing a credible and holistic framework of support and protection for migrant victims of domestic abuse, this proposal insists on the identification of undocumented women for the purposes of immigration control. It stipulates that the project provider cannot guarantee to women who seek assistance that sharing their information with UKVI will not trigger immigration enforcement action being taken against them. This requirement effectively means that a project provider cannot provide a safe and confidential space for women to enable them to make disclosures or to begin the task of recovery from abuse, without adding to their considerable trauma and anxiety about being subject to deportation or removal. The fear of being reported to UKVI will result in many women remaining trapped in abuse and will enable perpetrators to weaponise their insecure immigration status as a tool of coercive control.

We wish to remind you that for the last two years, the Government has refused to enshrine protection for migrant women in the Domestic Abuse Bill, despite recognising the very real difficulties faced by abused migrant women with insecure immigration status and NRPF. Following the outcome of the Migrant Victims of Domestic Abuse Review, the Government decided that a pilot project was necessary to further assess the needs of migrant women and to gather ‘robust’ evidence so that a viable, ‘careful’ long-term policy can be created. The following are extracts of what was said by the Minister for Safeguarding, Victoria Atkins MP, during the passage of the Domestic Abuse Bill in parliament.

“Let us focus first on that about which we all agree: that victims of abuse should first and foremost be treated as victims.... It is very important to bear in mind that, even though the new clauses are being debated, the Government have committed to the pilot project to get some data and evidence on which we can create specific and careful policy.”²

“I will return to the fundamental principle of providing support, on which we all agree. It is why, as part of our journey to discovering the scale and extent of the problem but also the most effective ways of helping migrant women or people with no recourse to public funds, we have allocated £1.5 million to a pilot project to support migrant victims to find safe accommodation and services. In addition to offering emergency support, the pilot will be designed to assess the gaps in existing provision and gather robust data that will help to inform future funding decisions.”³

“We need to address those evidence gaps before we are in a position to take well-grounded decisions on how best to protect these victims in the long term. That is why the Government are launching a £1.5 million pilot: the support for migrant victims’ scheme. As I announced on Second Reading, the purpose of the pilot is to determine how we can ensure that victims can

² [https://hansard.parliament.uk/commons/2020-06-17/debates/56d8cf25-5197-4301-b4f3-e872ae712acb/DomesticAbuseBill\(EleventhSitting\)](https://hansard.parliament.uk/commons/2020-06-17/debates/56d8cf25-5197-4301-b4f3-e872ae712acb/DomesticAbuseBill(EleventhSitting))

³ [https://hansard.parliament.uk/commons/2020-06-17/debates/56d8cf25-5197-4301-b4f3-e872ae712acb/DomesticAbuseBill\(EleventhSitting\)](https://hansard.parliament.uk/commons/2020-06-17/debates/56d8cf25-5197-4301-b4f3-e872ae712acb/DomesticAbuseBill(EleventhSitting))

obtain immediate access to support, and that any future strategy meets the immediate needs of victims and is fit for purpose.”

Although we remain unconvinced about the need for a pilot project given the copious evidence that we and other organisations have already submitted (which has largely been ignored or misrepresented – see the joint response to the Migrant Victims of Domestic Abuse Review⁴), we agreed to engage with the proposal for a pilot project in good faith. We were led to expect a project that would provide access to accommodation and the services necessary to keep migrant women (and in some cases their children) safe and secure, as well playing a dual role in gathering the evidence sought. We therefore expected to be consulted on the development of a pilot project so that these aims could be achieved, given our vast experience in delivering support to migrant women with NRPF. It has been a source of great disappointment that not only were we not consulted, but we have instead been presented with a scheme that is ill-thought through and self-defeating. The pilot project has been touted by the Government as an alternative to our calls to enshrine protection for migrant women in the Domestic Abuse Bill. We were told that it was a necessary process in the search for long-term solutions for abused migrant women. Yet the very terms and conditions of the pilot project do the exact opposite. They will neither provide support, nor the evidence purportedly needed to bring about lasting protection for migrant women.

As you will no doubt be aware from our numerous oral and written submissions in relation to the needs of migrant women, the provision of a safe and confidential service is vital if women are to come forward and seek help both in relation to their abuse and their often-precarious immigration positions. However, this scheme will not allow organisations like ours to treat women as victims of abuse first and foremost. Instead, we will be compelled to provide services that have a large immigration enforcement function attached, thus subverting the very principles that underlie our services - independence, inclusivity, equality and non-discrimination. We are extremely concerned that the scheme as currently proposed will have a major deterrent effect on migrant women seeking help, forcing them to remain trapped in abuse. In a context where the Windrush scandal, the Black Lives Matter movement and the Covid-19 pandemic⁵ have drawn much needed attention to the widening structural inequalities in our society, we are disturbed by what we consider to be an inadequate and discriminatory proposal that will further institutionalise the abuse and destitution faced by migrant women, while allowing perpetrators to continue exerting abuse with impunity.

We set out our concerns about the bidding process and the content of the pilot project in detail below.

Misrepresentation of evidence

⁴⁴ <https://southallblacksisters.org.uk/wp-content/uploads/2020/09/SBS-and-LAWRS-joint-response-to-the-Migrant-Victims-of-Domestic-Violence-Review.pdf>

⁵ Statistics across four of our services show at least a 40% increase in NRPF referrals.

In the introduction to the prospectus, the summary setting out the basis for this scheme amounts to a misrepresentation of events leading up to it, and of the Home Office's engagement with stakeholders. It states that the Review Findings were published following contribution from twenty-four expert organisations and groups. It also states:

"From the evidence provided, it was unclear which groups of migrants are likely to be most in need of support and how well existing arrangements may address their needs, as well as how long they might need support for and how they could be supported to move on from safe accommodation. It was clear that a better evidence base is needed to ensure that funding is appropriately targeted to meet the needs of migrant victims."

The summary above does not reflect the fact that Southall Black Sisters (SBS) and the Latin American Women's Rights Service (LAWRS) submitted a formal and detailed joint response to the Review,⁶ which contested the lack of evidence and questioned the flawed analysis. The joint response concluded that the Review findings:

"...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".

SBS and LAWRS did not receive an acknowledgement to the joint response to the Review, let alone a detailed engagement with it. Ironically, SBS and LAWRS are listed as 'contributors' to the Review, although in the prospectus summary there is no reference to this joint response.

More broadly speaking, the summary reflects yet another instance of how the wealth of evidence that has already been provided to the Home Office is once again disregarded, amounting to what is essentially a revision of facts. The prospectus makes no reference to the existence of the evidence that includes independent evaluation findings from the operation of a two year No Recourse Fund project delivered by SBS and funded by the Government through the Tampon Tax which sets out in detail: the categories of migrant women seeking support, the timelines involved, their need for holistic support services and the outcomes achieved.

The process of making bids

In our view, the date by which bids are to be submitted is completely unrealistic. The proposal for a pilot project was first announced at a Second Reading of the Domestic Abuse Bill on 28 April 2020 and yet the prospectus was published on 19 October 2020, giving organisations only a three-week period by which to submit bids to the scheme. We understand that the tender was scheduled to open on 28 October 2020 and close for submissions on 18 November 2020. This allows very little time for organisations to identify suitable pan-UK partners, to secure their agreement, to agree budgets, outputs and outcomes; and finalise other matters and complete the bid. Such preparatory work in the submission of bids also involves

⁶ <https://southallblacksisters.org.uk/news/sbs-and-lawrs-reject-the-home-offices-migrant-victims-of-domestic-abuse-review/>

identifying and securing accommodation providers across the UK and drafting agreements and protocols for referrals, given that refuge accommodation will not be available or viable in many instances. Thus, the extremely short timeframe by which to make bids is unrealistic. Also, as we stated at our meeting, the three-week period for submitting bids works against smaller BME specialist organisations that have the long-standing experience and enjoy the trust of the very women that this project is supposed to serve. Smaller specialist organisations cannot work to such tight deadlines due to a relative lack of capacity and resources. Unlike the generic providers of services, we do not have dedicated fundraising and financial teams that can work on a full-time basis and undertake the necessary preliminary work that is required with potential partners to complete the bid within the stipulated time frame. The bidding process provides a significant advantage to larger, generic organisations that have the additional staff and resources to devote entirely to making such bids at very short notice. We also ask you to note that these are the same organisations that have historically shunned migrant women with NRPF, by refusing to accommodate them or to provide other support.

We are left with the impression that no account has been taken of the need to ensure equality of opportunity for organisations like ours to make a bid, despite the fact that BME 'by and for' specialist organisations have largely driven the advocacy and support work for migrant women over the last four decades and have the experience, skills and expertise necessary to assist migrant women with overlapping and complex needs, including those with NRPF. The time frame for the application process effectively excludes smaller organisations from applying for the tender, rendering it unfair and discriminatory.

The time frame for the delivery of the project

The proposal makes clear that the pilot scheme is to start on 8 December 2020 (subject to the signing of the grant agreement) and is to be delivered in full by 31 March 2021 (there is a possibility of obtaining an extension to the project but this is subject to the Spending Review settlement, so there are no guarantees that it will be extended.) Any unspent monies are to be returned to the Home Office. We submit that the time frame for the delivery of a £1.5 million project that purports to make a 'careful' assessment of need and collect reliable and 'robust' data in relation to the needs of migrant women, is simply unrealistic and untenable.

The extremely short time frame for the project is not conducive to gathering meaningful data or addressing the complex needs of abused migrant women. Our years of experience in providing accommodation and support services to migrant women through funding from the Tampon Tax, has demonstrated that to be meaningful, the first three or four months of the life of such a project are needed to develop partnerships and synthesise ways of working with partners. This involves learning lessons from 'early teething problems' and taking time to publicise the scheme to users, organisations and the public generally. The time frame does not allow for such a preliminary stage. Even though organisations like ours have developed the infrastructure and expertise needed to deliver such a project (SBS currently operates the

Tampon Tax project and runs a pan-London MOPAC funded project), at the very minimum, a preparatory three months period is still needed to tailor an organisation's infrastructure to reach all parts of the UK, to develop partnerships and design and meet measurable outcome targets. It is also disappointing to see that the prospectus currently includes no meaningful outcomes at all. Furthermore, the extremely limited time frame of the project and the bidding process itself does not appear to take account of the challenges that are faced in the context of the current Covid-19 pandemic and the second national lockdown that was announced on 31 October 2020.

The pilot project is envisaged to run for four months only. The extremely short duration of the project will not allow for any meaningful support work to be undertaken with women or to produce any positive outcomes. As a point of comparison, The Tampon Tax funding given to SBS to deliver two similar 'No Recourse Fund' projects involved £250,000 in tranche 1 and £1.09m in tranche 2, which covered a period of two years for each tranche. This meant that SBS undertook two projects over a four-year period beginning in July 2017 and ending in March 2021. SBS' experience shows that a minimum two-year period is necessary to put into place the administrative infrastructure required, to identify and provide appropriate accommodation and to enable proper advocacy and support work to be undertaken with women. This can involve supporting women over a period ranging from three months to nine months or more. Similarly, the Sojourner Project ran from November 2009 to March 2012 (this was a Home Office funded pilot project which preceded the establishment of the Destitution Domestic Violence Concession). It is therefore well established that pilot projects of this kind need a realistic period of time to ensure the effective delivery of support and to gather meaningful evidence as the basis for effective permanent solutions. We submit that this pilot project must operate for a minimum of 12 - 24 months if it is to achieve any credible and meaningful outcomes and to inform viable long-term solutions.

A four-month time frame for the completion of the project is simply not enough time to provide migrant victims of domestic abuse with the effective and holistic support that is required to enable them to overcome their experiences of abuse and trauma and to address what are often complex histories of immigration. The time frame of this project is neither meaningful nor viable since women with complex immigration, mental health, housing and other needs often require many months of painstaking labour-intensive work to provide the holistic support they need. This includes the provision of safe accommodation and wrap around culturally sensitive counselling, support and advocacy services that enable women to recover from abuse, as well as to identify and instruct immigration and other legal practitioners and to engage with legal processes. Without such holistic support, often required for a period of six months or more, we cannot hope to provide any meaningful support to victims or realistically achieve any concrete outcomes that make a difference to their lives. This is an outcome that the prospectus does not seem to acknowledge. Instead, the prospectus appears to rest heavily on the problematic assumption that temporary

housing and mere signposting to an immigration lawyer will solve the needs of abused migrant women with NRPF.

We are also concerned that large, generic housing and other charities may claim to offer support migrant women but in reality, as we have outlined above, do not provide any meaningful support, mainly due to lack of expertise and competency and/or ability. Our experience shows that currently, some organisations offer accommodation for a period of three months only but no other holistic support. At the end of the three-month period, they simply refer women to BME specialist organisations because their rules no longer allow them to support women even though they continue to be at high risk of harm, in need of mental health support and have unresolved immigration matters. Although statistics from such charities show that they ‘support’ migrant women, in reality they do not provide the quality of support required or the assistance needed over an adequate period of time to ensure a woman’s safety and security. All too often, women with complex needs are referred to other organisations like ours with nothing having been resolved and because we do not operate within such rules. The large generic services fail to take account of the multiple, overlapping and complex needs that migrant women have, their greater vulnerability or the increased risk of harm and additional barriers that they face. We have evidence of women who are too fearful to work with non - specialist services due to previous negative experiences; they often report feeling even more vulnerable to harm because their immediate needs were not met. Therefore, any pilot project that operates for four months only is likely to defeat a key purpose of the project which is to obtain meaningful outcomes for migrant women.

In our submissions to the call for evidence to the Migrant Victims of Domestic Abuse Review, we provided the Home Office with evidence of the time frame needed to support women to overcome abuse and to address their complex immigration matters, but this has not been taken into account by the Home Office when creating this prospectus.

Supporting women

Inclusion criteria

We are concerned that the eligibility criteria for providing support to migrant women as set out in the prospectus will continue to exclude a large number of women who are subject to the NRPF rule and need support. The pilot project has taken no account of the considerable evidence that exists to show that there are many categories of women who need temporary support even where there are routes to settlement available to them.

Paragraph 8 states that the scheme *‘is not intended to support migrant victims of domestic abuse who qualify for support under existing routes’*, including the DDVC, asylum support and the National Referral Mechanism. However, as our submissions to the call for evidence to the

Migrant Victims of Domestic Abuse show, in many cases, the immigration history and status of women is not immediately obvious at the point of contact. Through painstaking work, at least around 70% of the women referred to us manage to establish routes to safety through the DDVC or on other immigration grounds but have previously been poorly assessed or discriminated against and exploited before they arrive at our doors. Yet under the proposed scheme, not only will many women remain excluded from support but it will also skew any data obtained about the needs of migrant women.

Paragraph 16 of the prospectus defines who is an 'eligible victim' for the purposes of the scheme. It reiterates the point that women who have an existing route to settlement, for example, those who are eligible for the DDVC, National Referral Mechanism or asylum seekers, cannot be supported through the pilot project. However, this criterion does not take account of the fact even if women have a route to support, it is not immediately available to them. Establishing whether or not a woman has access to an existing route to settlement can take time, often weeks. In the meantime, in the face of abuse and destitution, they have an urgent need for accommodation and support which cannot be delayed or refused pending inquiries into existing routes to safety that might be open to them. Our first and immediate priority is to protect women, irrespective of their circumstances and this means providing safe alternative accommodation and covering subsistence costs. This pilot scheme does not appear to have grasped this reality.

Many women need to obtain advice from a specialist immigration lawyer in order to establish their route to settlement and this can take weeks to obtain given the lack of reputable immigration lawyers in some parts of the country and the lack of legal aid immigration lawyers generally. It is a well-known fact that some parts of the country are immigration advice deserts. Moreover, even if a route to settlement can be established fairly quickly, it can take time for women to gain access to the support that is attached to such routes. For example, we regularly find ourselves engaged in a battle to obtain support for women with children under Section 17 of the Children Act 1989, pending their immigration applications for settlement. It can take a couple if not several weeks for such support to be provided, usually under threat of legal action. Similarly, although a woman may be entitled to the DDVC which enables her to apply for welfare benefits, this can take a few weeks to materialise. In the meantime, such women need to be accommodated to prevent their homelessness, and financially supported to cover the costs of food and other essential items. The pilot project makes no allowance for these delays which means that a substantial cohort of women (at least half of all women that we support through our various funds) will remain destitute and vulnerable to abuse and other forms of harm. SBS has provided findings from an independent evaluation report to the Migrant Victims of Domestic Abuse Review, which highlighted this problem but no account appears to be taken of this.

Even for women who have no immediate route to settlement, the stipulated duration of support – three to four months - to be provided under the terms of the pilot project is simply not realistic. It does not take account of considerable delays that occur in attempting to regularise women’s immigration status nor the current delays in processing applications on the part of the Home Office, especially in the current Covid-19 pandemic. No account is taken of the fact that the process of regularisation is also dependent on women being able to give instructions and finding lawyers to take instructions in the first place. Our experience shows that the levels of trauma and anxiety amongst migrant women are such that it can take weeks before they are able to make full and proper disclosures of abuse, let alone give instructions in relation to their difficult immigration circumstances that usually need to be disentangled. Our first task is to provide safe and confidential spaces that enable women to feel physically and mentally safe and to treat any physical injuries or mental health problems that they may have. This process, involving a combination of advocacy and counselling, can itself take a few weeks. We also incur delays in obtaining prompt legally aided family, community care and immigration legal advice which invariably takes weeks if not months to arrange due to the shortage of reputable lawyers across the country. The evaluation findings of SBS’ Tampon Tax fund highlighted that most women without clear routes to settlement needed considerably longer periods of support - at least six to nine months. This scheme has entirely failed to take these factors into account.

Paragraph 19 states that organisations providing support will be required to signpost women to a solicitor/immigration adviser under the scheme, but *“there should be no expectation of permanent housing as a result of being supported through this scheme”*. In our view, this requirement makes no sense since the entire point of referring women to immigration advisers is precisely to assist them in achieving stability which includes supporting them with accommodation pending applications for settlement. The requirement not to support women in accessing long term accommodation vitiates a key aspect of the scheme which is to support women with re-settlement so that they do not remain trapped in abuse and destitution or become vulnerable to other forms of harm, notably sexual exploitation, pending their application for settlement.

We are also concerned that by the fact that other than referring women to immigration advice, no allowance has been made in the scheme for the need to provide other essential support services that are widely recognised as crucial to aid recovery from abuse and to prevent further risk of harm – services that are available to women facing abuse in the wider society. The absence of such support will impact on migrant women’s ability to feel safe and secure and to make informed choices. Our experience shows that migrant victims of domestic abuse require holistic and intensive wrap around support to address the multiple and overlapping problems that they encounter; problems which cannot be compartmentalised or addressed separately. Evidence submitted to the Home Office by our organisations outline the vital importance of culturally sensitive support services such as counselling, peer group

support, interpretation and translation and advocacy, that accompany the provision of safe accommodation. It is not enough to simply signpost highly vulnerable and isolated women to legal services and expect them to be able to engage with the legal process without considerable advocacy and support from organisations like ours. We often play a key role in helping women to navigate their way through the legal process and to make informed choices. We would draw your attention to the fact that black and minority women including migrant women suffer disproportionate rates of homicide, suicide, self-harm, isolation, exploitation, severe mental health, discrimination and anxiety. Our 40 years of work with such women show that it is reckless, bordering on the dangerous, to simply provide women with temporary accommodation and basic subsistence payments without also providing them with the accompanying services that help to break cycles of abuse and inequality and empower them to lead safe, self-sufficient and productive lives.

It is also highly unrealistic to expect those delivering the pilot project to only provide accommodation and signpost women to immigration lawyers. First of all, merely referring women to an immigration lawyer is not likely to result in the provision of immediate advice and representation given the shortage of legally aided immigration lawyers. Our experience shows that it can take three months just to find a legal aid lawyer and the situation has worsened due to the Covid-19 pandemic. The proposal also disregards the fact that immigration lawyers often rely on 'by and for' BME specialist organisations to assist them in gathering documentation and evidence, and even with taking initial statements from women because they do not have the time to do so and because it is necessary to avoid undue delays on their part. Under supervision from lawyers, we often assist them in order to speed up the process of regularising women's immigration statuses. Lawyers also look to organisations like ours to inform them of other relevant criminal/matrimonial/children proceedings that have a bearing on the immigration matter. None of this would be possible without also ensuring that along with the provision of accommodation and subsistence payments and immigration advice, advocacy and support services are also included within the package of support provided throughout the duration of the pilot project.

Outcomes

Paragraph 29 sets out the outcomes of the scheme which are:

- I. A positive impact of providing access to safe accommodation and appropriate support services to Eligible Victims and their children who are in need of emergency support to escape abusive relationships;*
- II. Assisting Eligible Victims to obtain local authority housing and support if they meet local criteria in their place of residence, and/or other support for which Eligible Victims may be eligible; and*
- III. Signposting Eligible Victims with insecure immigration status towards Law Society / OISC registered immigration advisers.*

As outlined above, these stated outcomes of the scheme are meaningless and cannot be achieved due to the limited focus on the short-term provision of accommodation, a pathway to local authority housing (if women meet the criteria) and signposting to immigration advice. There is no attempt to ensure that migrant women's journey from the point of contact to the regularisation of their status is properly tracked. Without this it will be impossible to assess any improvement or positive outcomes. We would also be greatly concerned about the failure of statutory agencies and generic organisations to provide adequate support to migrant women, often because they lack the competence to assess their immigration circumstances properly. Our experience shows that all too often, migrant women seeking advice from statutory and generic services are refused support unless specialist BME services are on hand to advocate on their behalf. We have already seen commissioned services in areas such as Manchester refusing to provide advice, guidance and advocacy support to migrant women.⁷

Given that the stated aim of the pilot project is to understand and assess the needs of migrant women who have no existing route to safety, we are surprised that the project does not include measures (key performance indicators) to track the impact of the support received on women's long-term recovery/re-settlement. This also reinforces our concern that the focus of this project is not the potential impact on migrant women's safety and recovery or ability to regularise their stay at the end of their support. Once again, it strengthens our strong belief that the project is aimed at identifying undocumented migrant women, rather than providing support and protection with the aim of facilitating their integration and settlement.

The reporting regime

The reporting regime is by far, the most disturbing aspect of the eligibility criteria. According to **paragraph 37** of the prospectus, the 'reporting regime' involves a series of questions to which the successful bidder will need to respond on behalf of women accessing the scheme - this relates to their immigration status and other personal information. **Paragraphs 38 and 39** of the prospectus set out how the collection of such data will be addressed.

Paragraph 38 states: *"the Home Office recognises that in some cases victims may be without documentation and may not be able to provide the information required to establish their eligibility."*

Paragraph 39 states: *"In these instances, the Home Office will provide a point of contact at the mobilisation stage to assist in assessing eligibility for the Scheme and answering questions three to five (above). This status checking process will be conducted through UKVI. In such circumstances, victims' informed consent to sharing their personal information with UKVI will be required, assuming there is no other lawful basis for sharing this information, and victims will need to be made fully aware that the Department cannot guarantee that these eligibility*

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https://static1.squarespace.com/static/5af498dd3c3a53848b8530b6/t/5f8d43da5688f32ed1347aaa/1603093480213/Locked_in_abuse_locked_out_of_safety_S4Sreport.pdf

checks will not result in information being revealed, directly or indirectly, that could trigger immigration enforcement action.”

This means that organisations like ours will, as a matter of course, have to inform migrant victims of abuse arriving at our door that information about them will be shared with UKVI if they do not have documentation to establish their identity, and that a possible consequence of this is immigration enforcement. This is in our view, a highly problematic requirement given that we are dealing with very vulnerable women who seek our help as a last and quite often, desperate resort. Based on our extensive experience, we have no doubt that such a requirement will deter women from seeking our help once they become aware that we will be sharing information about them with UKVI. Such a requirement will severely undermine the very rationale of the scheme - to protect and support vulnerable and abused women with NRPF. Moreover, it will undermine our independence as organisations and hinder our efforts to promote and facilitate safe spaces and access to protection to all women without discrimination.

We would remind the Home Office that a significant number of migrant women have no documentation when they come to us and/or are unaware of their immigration status. Our experience shows that many of these women are in precarious positions in relation to their immigration status, often as a direct consequence of the conduct of their abuser/s that place them in such precarious positions in the first place through abuse, coercion and deception. This is acknowledged by the Home Office’s own draft statutory guidance framework on domestic abuse⁸, which recognises that coercive and controlling behaviour can include abusers ‘withholding documents and giving false information to a victim about their visa or visa application.’ We have found that in such circumstances, many women need the help of lawyers to unravel their complex immigration histories and to advise and represent them in their communication with the Home Office. They seek legal advice precisely so that they can resolve their immigration positions without the fear of immigration enforcement. We are therefore alarmed by the requirement that where undocumented women are concerned, information must be shared with the Home Office first, even though it can lead to enforcement before they have had an opportunity to seek legal advice and make representations. This requirement runs counter to the spirit and rationale of the scheme. It will effectively deter abused women from seeking the very support and protection that this scheme is supposedly designed to provide.

We are perplexed and concerned by the inclusion of what is in reality, an extremely harsh and punitive criterion for women who desperately need support. It appears to have been created with the aim of identifying undocumented women to the Home Office, rather than with providing life-saving support. It is all the more surprising that this criterion has been

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

introduced against a backdrop of mounting evidence that demonstrates the deterrent effect of data-sharing policies and practices between frontline services including the police, health and housing services and the Home Office, on vulnerable people and domestic abuse victims. See for example, the evidence submitted by the Latin American Women's Rights service (LAWRS) to the Home Office⁹ and evidence submitted by SBS to the HMICFRS¹⁰ as part of its ongoing investigation into the first ever police super-complaint. We are absolutely clear that this condition will generate a huge amount of distrust amongst migrant women, deterring them not only from approaching our service, but also others in the women and the 'by and for' BME and migrant women's sector. As things stand, we cannot in all conscience, encourage women to report abuse or seek help knowing that they may also be the subject of immigration enforcement before they have had an opportunity to obtain independent legal advice and representation. Nor will we be in a position to refer women to another organisation delivering the pilot project for the same reasons. This requirement will have the effect of not only driving women underground but also denying them the opportunity to regularise their immigration status with help from specialist organisations like ours. It is likely to keep women trapped in abuse and to give abusers a licence to continue to abuse with impunity.

The embedding of data-sharing between specialist VAWG organisations supporting abused migrant women and the Home Office is unprecedented. It signals a profoundly discriminatory response to abused migrant women. The proposal means that a significant cohort of women (with insecure immigration status) will not have access to the same independent, safe and confidential spaces that are enjoyed by other abused women in our society. The scheme does not guarantee migrant women's access to the same level and quality of support as other survivors and as such we are concerned that it has not been subject to an equality impact assessment. The data sharing requirement also directly contravenes Article 4(3) of the Istanbul Convention - the non-discrimination principle in relation to migrant or refugee status - since it sets up a two-tier model of support that discriminates against migrant women on the basis of their migrant status. The criterion of data sharing also breaches Article 14 of the ECHR when read in conjunction with Article 3 (right not to be subject torture, or inhuman or degrading treatment) and Article 8 (right to respect for private and family life). In the light of this, the Government's promise to develop a scheme that will treat migrant women first and foremost as victims of domestic abuse rings hollow.

We would also remind you that the inclusion of the data sharing criterion completely ignores the conclusions and recommendations of the Joint Committee on the Draft of the Domestic Abuse Bill as a result of which this pilot project was created. The Joint Committee strongly supported the 'Step Up Migrant Women' coalition's proposal to establish safe reporting

⁹ <https://stepupmigrantwomenuk.files.wordpress.com/2019/05/the-right-to-be-believed-full-version-updated.pdf>

¹⁰ <https://www.gov.uk/government/publications/police-data-sharing-for-immigration-purposes-a-super-complaint>

mechanisms that include a clear separation at all levels of policy and practice¹¹ between the provision of support services and the immigration control function of the state.

Site visits

Paragraph 34 states: *'The Department reserves the right to conduct site visits to premises who are supporting migrant victims during the Funding Period'*. In our view, this requirement like the reporting regime also appears to be punitive and ill-thought out.

You will no doubt be aware that precisely because of their lack of access to refuge accommodation, many of the migrant women we support have to be placed in Bed & Breakfast (B&B) accommodation alongside other vulnerable people. In circumstances where women have fled abuse and remain highly vulnerable, potential visits by the Home Office will only add to their anxiety and fears, which are likely to be exacerbated by the data sharing requirement of the scheme (see above). In addition, many women are likely to feel 'marked' or stigmatised by their landlord and/or other residents by such visits and this may increase their levels of distress and vulnerability to further forms of exploitation and harm. Women will not want to seek help if they know that the Home Office can visit them at any time. Regardless of the purpose of the visit, they will live in fear that it is to do with immigration enforcement. We have known many abused women to harbour such anxieties even where they are represented by solicitors and have pending applications to regularise their stay in the UK. Compelling abused women to live under such conditions also amounts to discrimination on the grounds of their migrant status since other women are not subject to the same level of scrutiny by state officials when seeking protection and support. The constant anxiety and distress that women are likely to experience will make the task of recovering from abuse even more difficult. Also, there are likely to be other vulnerable people in such premises who may also feel vulnerable and affected by such an imposition.

We are also concerned that housing providers such as B&B landlords that we work with will be unwilling to continue partnerships with us due to the prospect of being subject to site visits by the Home Office or immigration officials. Even if the visits never occur, the fact that organisations like ours will have to disclose the possibility of site visits by the Home Office is likely to seriously jeopardise our ability to secure safe, alternative refuge accommodation for women and children.

We also question the impact of such visits in respect of local safeguarding arrangements since these visits are likely to identify the location of safe accommodation and put the lives of vulnerable people at risk. There are also potential further health and safety risks to be considered with such visits occurring in the context of Covid-19.

Costs for accommodation

¹¹ <https://publications.parliament.uk/pa/jt201719/jtselect/jtddab/2075/2075.pdf>

Paragraph 40 of the prospectus highlights a series of ineligible expenses that are in fact routinely incurred by organisations like ours in meeting the needs of abused and destitute migrant women and children. The pilot project excludes for example expenditure such as immigration application fees and the cost of a bed space and any applicable service charge that exceeds the applicable Local Housing Allowance Rate in England, Scotland, Wales or Northern Ireland. It also states that amounts to be paid as a subsistence (designed to meet a person's essential living needs) cannot exceed the weekly subsistence 'Cash Support' rates for asylum seekers. The harsh reality is that such caps on expenditure will make it difficult for non-refuge providing specialist organisations such as SBS and others to find suitable housing within the local authority rates stipulated, as they are simply too low and no private landlord will find the amount that is given to them acceptable. For example, the rent for refuge accommodation is currently in excess of £200 per week in London. This means that few refuges in this region will be able to provide accommodation at the proposed capped rate without drastically subsidising the cost from their own budgets. In Newcastle, the local authority housing allowance for basic shared accommodation is about £75 per week whereas the Angelou Centre refuge accommodation cost is in excess of £150 per week.

As already explained, refuge accommodation is not always available or appropriate, so women have to be accommodated in the private sector. SBS currently supports 50 women per quarter in safe accommodation in the private sector in Outer West London at prices often exceeding £250 a week. This is because the current local rate for private accommodation is on average £280 per week. The local authority housing allowance for SBS' post code on the other hand is only £112 which is clearly insufficient to accommodate women. Housing allowance rates change from borough to borough and region to region which means that in order to stay within the cost cap stipulated by the prospectus, the project provider would have to disperse women to areas where it is possible to secure agreements with landlords at the stipulated rates. In reality, organisations such as ours are unlikely to secure such agreements as few, if any landlords are likely to provide accommodation at their local authority rate. In addition, the practice of dispersal will mean that already vulnerable and isolated women are removed from their networks of support including the charities and solicitors that are assisting them, thus adding to their trauma and anxiety. Apart from the issue of the cost of accommodation and the problem of dispersal, this part of the scheme will be an administrative nightmare to implement because it will mean having to prepare a list of available accommodation across the UK that falls within the stipulated housing allowance cap. The project provide will have to put into place pre-planned agreements with private landlords in premises that will also require comprehensive health and safety checks. This is virtually impossible to achieve without considerable additional resources and in any event, there is no way of knowing in advance the areas that will present a risk to women and to which they cannot return or areas where uptake is likely to be high. The scheme is therefore fundamentally flawed because these concrete obstacles have not been taken into account. If

implemented, there is a real risk of abused migrant women remaining homeless and destitute, thereby undermining the very problem that the scheme is purportedly designed to address.

Nor will the project provider be able to provide a meaningful subsistence allowance to women living in parts of the country where the cost of living is relatively higher, and where the amount they receive will not even cover basic travel costs that are necessary to visit their solicitor, for example. Additionally, many women cannot access legal aid, which means that they will not have the means to pay the fees for applications to regularise their stay. It is vital to appreciate that many women have grounds to make immigration applications outside of the Domestic Violence Rule and the asylum process, but do not have the finances to do so which means that they cannot access the routes to settlement that are available to them. There is no point in signposting destitute women to immigration lawyers to obtain advice on routes to settlement if they do not have the resources to instruct them, let alone make applications on their behalf for settlement. This is why SBS' Tampon Tax project made an allowance for the payment of application fees and/or to cover transport costs for women to obtain legal advice. Without such financial support, many women will simply not be able to regularise their status and this will lead to negative project outcomes that ultimately undermine the very purpose of the pilot project.

Evaluation and Monitoring of the Scheme

We have serious concerns about any evaluation of the pilot project that is carried out internally by the Home Office itself. **Paragraph 33** states that the Department will conduct the evaluation of the scheme, which means that no funding will be available for the purposes of evaluation by the project provider themselves. The successful Bidder (including their Delivery Partners) will be expected to support the Department in its evaluation of the scheme both during and after the funding period. A lack of transparency about the evaluation process however, risks undermining the objectivity and credibility of the findings, and the project itself. We submit that as a matter of good practice, the scheme should be subject to an independent evaluation from an evaluator that has expertise in the area and to ensure that the evaluation is fair and transparent.

Engagement and consultation with organisations working with abused migrant women

Finally, we wish to point out that the idea of a pilot project was announced on 28 April 2020, but no further details on the scheme were forthcoming until 19 October 2020, despite numerous requests on our part for more information about the scheme. After enduring months of delay, we are now expected to engage in an application process on which we have not been consulted and with around one week's notice - in the context of the Covid-19 pandemic. The Home Office should have undertaken a proper consultation exercise with BME specialist organisations with expertise on NRPF as to the design and content of the pilot

project. Given our vast experience, we should have been asked to feed into discussions about how it should operate and the desired outcomes. It is completely unacceptable to only consult with organisations like ours a week before the bid for the pilot project is to be launched.

We cannot but come to the conclusion that the scheme as it is currently stands appears to be ill-thought out and rushed. It will command neither trust nor confidence from the very women who need to use it or the organisations that support them. Our concern is that the Home Office is seriously in danger of being perceived to be engaging with specialist organisations like ours in bad faith.

At our meeting on 22 October, you agreed to reflect on these concerns. We hope that you will seriously re-consider the terms of reference for the pilot project in the light of the strength of our concerns expressed at that meeting and above.

Please do not hesitate to contact us if you would like to arrange further meeting with us or require further information or clarification on any of the points raised above.

We look forward to your response.

Yours Sincerely,

Pragna Patel, Director, Southall Black Sisters

Gisela Valle, Director, Latin American Women's Rights Service

Sandhya Sharma, Group Coordinator, Safety4Sisters NorthWest

Umme Imam, Executive Director, Angelou Centre

Nicki Norman, Acting Chief Executive, Woman's Aid Federation of England

Deniz Uğur, Deputy Director, End Violence Against Women Coalition