

Victoria Atkins MP
House of Commons
London
SW1A 0AA

By email: Victoria@victoriaatkins.org.uk

10 November 2020

Dear Victoria Atkins,

The Pilot Scheme for Support for Migrant Women Subject to Abuse and No Recourse to Public Funds: Not Fit for Purpose

We, the undersigned, express our deep concern and dismay at the draft bid prospectus for the Support for Migrant Victims Scheme (SMVS pilot), published on 19 October 2020 by the Home Office. In our view, it is ill-conceived, not fit for purpose and will put migrant women's lives at risk.

On 20 October 2020, the Home Office released its 'progress' report regarding the ratification of the Istanbul Convention in which the SMVS 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.

Background to the Pilot Scheme

A £1.5million pilot scheme was offered by the Government following criticism of its singular failure to include desperately needed protection measures for migrant women in the Domestic Abuse (DA) Bill. The Home Office insisted that a pilot project was necessary to gain a 'better understanding' and 'robust' evidence of migrant women's needs, despite comprehensive evidence² already being submitted to the Migrant Victims of Domestic Abuse Review³. Submissions to the review by specialist organisations provided evidence of the needs and experiences of migrant women with no recourse to public funds (NRPF) in relation to: immigration status, risk factors, recovery timescales and the wealth of outcomes achieved through the provision of holistic support and accommodation.

Our Concerns

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/928764/CCS001_CC_S1020331858-003_Istanbul_Convention_Progress_Report_E-Laying.pdf

² Copious and comprehensive evidence by Southall Black Sisters (SBS), Latin American Women's Rights Service (LAWRS), The Angelou Centre, Safety4Sisters North West and others, was submitted to the Migrant Victims of Domestic Abuse Review. Please see here for SBS and LAWRS joint response to the Review: <https://southallblacksisters.org.uk/wp-content/uploads/2020/09/SBS-and-LAWRS-joint-response-to-the-Migrant-Victims-of-Domestic-Violence-Review.pdf>

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

In its current form, the scheme will neither provide the support that migrant women need nor enable the collection of evidence purportedly needed to inform any meaningful long-term strategy for their protection. We are disturbed by both the process set out for making the bids and the substantive content of the scheme; in particular, the eligibility criteria, the short duration of the project and the envisaged low level of support that will be offered.

1. **Data sharing:** At the heart of our concerns is the highly problematic reporting regime that requires service providers to contact the Home Office in cases where women cannot provide documentation regarding their immigration status, in order to establish their eligibility for support.⁴ In these circumstances, providers are required to share the victim's personal information with UK Visas and Immigration (UKVI), whilst informing her that sharing such information may result in immigration enforcement action being taken against her.⁵ This requirement will effectively deter abused women from seeking protection and support, keeping them trapped in abuse and giving abusers a licence to continue to abuse with impunity.⁶ The criteria does not take into account the significant number of migrant women that have no documentation and are unaware of their immigration status as a direct consequence of the abusive and coercive conduct of their abuser/s. It will also undermine the independence and integrity of specialist services that provide safe spaces to all women without discrimination.
2. **Short duration of the project:** The pilot scheme is intended to start on 8 December 2020 and end on 31 March 2021. 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. To be effective, our evidenced service delivery shows that the pilot project must operate for a minimum of 12 - 24 months, especially given the Covid-19 pandemic context, if it is to achieve any credible and meaningful outcomes and properly inform viable long-term solutions.
3. **Discriminatory inclusion criteria:** We are concerned that the eligibility criteria for providing support to migrant women, as set out in the prospectus,⁷ will continue to exclude a large number of women subject to the NRPF rule. The prospectus does not take account of the fact that establishing whether or not a woman has access to an existing route to settlement relies on obtaining immigration advice which can significantly delay access to housing or support options. The pilot project makes no allowance for these delays which means that a substantial cohort of women will remain destitute and vulnerable to abuse and other forms of harm.
4. **Signposting to immigration advice:** The scheme entails signposting women to immigration advice and takes no account of the difficulties of obtaining such advice and the critical support and recovery required to ensure women's safety and wellbeing. It is not enough to simply signpost highly vulnerable and isolated women to legal services

⁴ See paragraph 37 and 38 of the draft bid prospectus: <https://www.contractsfinder.service.gov.uk/Notice/253bc7bc-5dba-4d99-a01e-fc6dbaab410e>

⁵ See paragraph 38 and 39 of the draft bid prospectus: <https://www.contractsfinder.service.gov.uk/Notice/253bc7bc-5dba-4d99-a01e-fc6dbaab410e>

⁶ This is well documented by evidence [submitted by LAWRS](#), and by SBS in their [police super-complaint](#).

⁷ See paragraph 16 of the draft bid prospectus: <https://www.contractsfinder.service.gov.uk/Notice/253bc7bc-5dba-4d99-a01e-fc6dbaab410e>

and to expect them to be able to engage with the legal process without considerable advocacy and support from specialist organisations.

5. ***Inappropriate site visits:*** The scheme stipulates that the Home Office reserves the right to conduct site visits to the premises of those accommodating migrant victims.⁸ This will heighten women's fear of immigration enforcement. Potential visits by the Home Office will re-traumatise victims and increase their anxiety, fear and vulnerability. Other abused women are not subject to the same level of scrutiny by the state when seeking protection and support. We question the impact of such visits on other vulnerable people living in the same accommodation, and the risks created if the location of their safe accommodation is made public.
6. ***Low cost of accommodation provision:*** The prospectus highlights a series of ineligible expenses that are in fact necessary to assist migrant women and to ensure that they can access appropriate routes to safety and settlement, such as immigration application fees and bed space or services charges that exceed the applicable Local Housing Allowance Rate in England, Scotland, Wales or Northern Ireland. It also states that 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 specialist providers to find suitable accommodation in a refuge or otherwise, or to cover the costs of for example, travel to meet with legal representative or key agencies. Additionally, many women who are ineligible for legal aid will not have the means to pay the fees for immigration applications to regularise their stay.
7. ***Other problems:*** In addition to the very substantial problems identified above, we are also concerned about the *process* of making bids to apply for the pilot due to the short 3-week time frame. This allows very little time for specialist organisations to put in place the administrative infrastructure needed to operate such a scheme on a UK-wide basis, therefore benefitting large generic organisations. We also have serious apprehensions about any evaluation of the pilot project that is carried out internally by the Home Office.⁹ There is a complete lack of transparency about the evaluation process which risks undermining the objectivity and credibility of the findings of the project. You can find a detailed response to the scheme [here](#).

Conclusion

A safe and confidential service that focuses on the protection of victims of violence and abuse is of paramount importance if migrant victims are to come forward and seek help, both in relation to the abuse they have suffered and their immigration position. Instead, this scheme promotes the delivery of services that are punitive and have an immigration enforcement function attached, thus subverting the very principles that underlie our services - independence, inclusivity, equality and non-discrimination. In a context where the Windrush scandal, Black Lives Matter and the Covid-19 pandemic¹⁰ have drawn attention to

⁸ See paragraph 34 of the draft bid prospectus: <https://www.contractsfinder.service.gov.uk/Notice/253bc7bc-5dba-4d99-a01e-fc6dbaab410e>

⁹ See paragraph 33 of the draft bid prospectus: <https://www.contractsfinder.service.gov.uk/Notice/253bc7bc-5dba-4d99-a01e-fc6dbaab410e>

¹⁰ Statistics across four services of SBS, LAWRS, the Angelou Centre and Safety4Sisters North West show at least a 40% increase in NRPF referrals.

widening structural inequalities, we remain disturbed by what we consider to be an inadequate and discriminatory proposal that will further institutionalise the abuse and destitution faced by migrant women. The scheme appears not to be subject to an equality impact assessment and as it stands, directly contravenes Article 4(3) of the Istanbul Convention - the non-discrimination principle in relation to migrant or refugee status - and breaches various principles of the European Convention of Human Rights.

We urge you to reconsider the project in its entirety and, in consultation with specialist BME organisations, develop a scheme for supporting migrant women that is fit for purpose.

Signed By

- 1. Pragna Patel, Director, Southall Black Sisters**
- 2. Gisela Valle, Director, Latin American Women's Rights Service**
- 3. Sandhya Sharma, Group Coordinator, Safety4Sisters North West**
- 4. Umme Imam, Executive Director, Angelou Centre**
- 5. Nicki Norman, Acting Chief Executive, Women's Aid Federation of England**
- 6. Deniz Uğur, Deputy Director, End Violence Against Women Coalition**
- 7. Gabriela Quevedo, Director for Advocacy and Influencing, Latin American Women's Aid**
- 8. Fiona Dwyer, CEO, Solace Women's Aid**
- 9. Sara Kirkpatrick, CEO, Welsh Women's Aid**
- 10. Dr Carole Easton OBE, Interim Chief Executive, Refuge**
- 11. Harriet Wistrich, Director, Centre for Women's Justice**
- 12. Camille Rouse, Legal Advice Service Manager, London Black Women's Project**
- 13. Dr. Dania Thomas, Chair, Board of Trustees, Ubuntu Women Shelter**
- 14. Baljit Banga, Executive Director, Imkaan**
- 15. Dawn Thomas and Jodie Woodward, co-Chairs, Rape Crisis England & Wales**
- 16. Halaleh Taheri, Executive Director, Middle Eastern Women & Society Organisation (MEWSo)**
- 17. Kyla Kirkpatrick, Director, Drive Partnership**
- 18. Yasmin Rehman, Chief Executive Officer, Juno Women's Aid**
- 19. Maureen Connolly, CEO, Birmingham and Solihull Women's Aid**
- 20. Jo Todd, CEO, Respect**
- 21. Jasbindar Bhatia, Senior Legal Officer, Rights of Women**
- 22. Natasha Walter, Director, Women for Refugee Women**
- 23. Gudrun Burnet, CEO, Standing Together**
- 24. Dr Mary-Ann Stephenson, Director, UK Women's Budget Group**
- 25. Jacqui Fray Deputy Manager, Amadudu Women's Refuge**
- 26. Karen Ingala Smith, Chief Executive, nia**
- 27. Diana Nammi, Executive Director, Iranian and Kurdish Women's Rights Organisation (IKWRO)**
- 28. Eunice Manu, Grassroots Coordinator, Women Asylum Seekers Together (WAST) Manchester**
- 29. Gail Heath, CEO, Pankhurst Trust (incorporating Manchester Women's Aid)**
- 30. Donna Covey CBE, Chief Executive, Against Violence and Abuse (AVA)**
- 31. Zlakha Ahmed MBE, Chief Executive, Apna Haq**

32. Shahien Taj OBE, Executive Director, Henna Foundation
33. Dr Nicola Sharp-Jeffs, Director, Surviving Economic Abuse
34. Suzanne Jacob, CEO, SafeLives
35. Sam Grant, Head of Policy and Campaigns, Liberty
36. Chiara Capraro, Women's Human Rights Programme Director, Amnesty International UK
37. Sam Smethers, Chief Executive, Fawcett Society
38. Medina Johnson, Chief Executive, IRISi
39. Vivienne Hayes, CEO, Women's Resource Centre
40. Dr Safina Islam, Chair, Ananna – Manchester Bangladeshi Women's Organisation
41. Huda Jawad, Co-Founder, Faith and VAWG coalition
42. Jason Tetley, Director, Greater Manchester Law Centre
43. Denise McDowell, Chief Executive, Greater Manchester Immigration Aid Unit
44. Clare Hurst, Deputy Centre Director, North East Law Centre
45. Hilary Brown, Immigration Lawyer, Virgo Consultancy Services Limited
46. Bridget Byrne, Professor of Sociology, University of Manchester
47. Cris McCurley, Head of International Family Law and Director, Ben Hoare Bell LLP
48. Hannah Niblett, Heritage Officer, University of Manchester
49. Dr Surya Nayak, Senior Lecturer Social Work, University of Salford
50. Dr Kate Hellin, Consultant Chartered Psychologist and Psychotherapist
51. Dashnye Daloye, Trainee Counselling Psychologist, the University of Manchester
52. Professor Carolyn Kagan, Manchester Metropolitan University
53. Daz Skubich, Diversity and Liberation Coordinator, University of Manchester Students' Union
54. Ms Calla Thompson, Advisory Board, Just Psychology, Manchester
55. Dr Saskia Warren, Senior Lecturer in Human Geography, University of Manchester
56. Erica Burman, Professor of Education, University of Manchester
57. Georgina Hughes, Senior Mental Health Practitioner, Just Psychology, Manchester.
58. Alison Harris, Consultant Clinical Psychologist