

Appendix 2

Domestic Abuse Inquiry – Published written evidence
Excerpts of relevance for Police/Home Office firewall super-complaint

Organisation: Amnesty International UK

Link: <http://data.parliament.uk/WrittenEvidence/CommitteeEvidence.svc/EvidenceDocument/Home%20Affairs/Domestic%20abuse/written/88419.html>

[...]

How to secure the equal protection of BAME and migrant women who are victims of domestic abuse

Equal protection for all women regardless of race, ethnicity and migration status is an obligation under Article 4 of the IC [Istanbul Convention]. The explanatory report accompanying the IC at paragraph 53 explains why drafters added a non-exhaustive list to non-discrimination grounds: ‘Research into help seeking behaviour of victims of violence against women and domestic violence, but also into the provision of services in Europe shows that discrimination against certain groups of victims is still widespread. Women may still experience discrimination at the hands of law enforcement agencies or the judiciary when reporting an act of gender-based violence’.

AIUK urges the government to accept and act on the evidence that immigration policy is being used by perpetrators of domestic abuse as a tool to control victims and continue the abuse. In practice this means recognising that immigration law and policy has exacerbated the risk for migrant women to experience violence and abuse and a climate of impunity for perpetrators. Unless these discriminations are remedied the UK will not be able to meet the requirements of the IC.

To start remedying the violation of migrant women’s rights and ensuring their full legal protection the government should:

- Establish a “firewall” around reporting and access to services, for all survivors regardless of immigration and citizenship status. Survivors must be able to report to police, social services and health services with no fear of immigration enforcement

[...]

Organisation: Clinks

Link: <http://data.parliament.uk/WrittenEvidence/CommitteeEvidence.svc/EvidenceDocument/Home%20Affairs/Domestic%20abuse/written/86383.html>

[...]

Research by Imkaan shows that BAME women who have experienced domestic and sexual violence are more likely to access the support provided by specialist BAME organisations and report feeling safer to speak about their experiences of violence in an environment where staff have the knowledge and expertise in providing specialist support to vulnerable BAME women. Their report notes that a large number of specialist organisations for BAME women with experience of domestic or sexual violence have closed or been absorbed by larger providers.

“Where this has taken place, these ‘culturally specific services’ lose their autonomy, become part of a suite of services offered by a large, single provider and become delinked from the specialist BME [black and minority ethnic] women’s sector (and movement).”

Voluntary organisations are particularly concerned about punitive immigration regulation and enforcement being used disproportionately against women from refugee and migrant communities, and that statutory CJS [criminal justice system] agencies view these women as offenders rather than victims. This has been confirmed by reports of the Metropolitan Police reporting victims of crime, including victims of domestic abuse and sexual violence, to the Home Office for potential immigration breaches. This punitive approach to women from refugee and migrant communities hinders strategies to address domestic abuse, sexual violence and trafficking by preventing women from accessing the CJS as victims and making them more likely to be caught up in the CJS unnecessarily.”

[...]

Organisation: Crown Prosecution Service

Link: <http://data.parliament.uk/WrittenEvidence/CommitteeEvidence.svc/EvidenceDocument/Home%20Affairs/Domestic%20abuse/written/86475.html>

[...]

What are the key difficulties encountered by victims of domestic abuse in the justice system, and in particular in the family courts?

Victims face many difficulties in reporting the abuse, such as fear of not being believed, fear of the abuse escalating, being financially dependent upon the perpetrator and having an insecure immigration status.

[...]

Organisation: End Violence Against Women Coalition

Link: <http://data.parliament.uk/WrittenEvidence/CommitteeEvidence.svc/EvidenceDocument/Home%20Affairs/Domestic%20abuse/written/86397.html>

[...]

How to secure the equal protection of BME and migrant women who are victims of domestic abuse?

Black and Ethnic Minority women who are British citizens are known to face worse criminal justice outcomes related to domestic violence, and find it more difficult to access advocacy and support. Politicians and decision makers at every level should be trying to understand and tackle this.

BME women in the UK have built a set of 'by and for' voluntary support services across the UK over decades which are expert in understanding and responding to the specific abuse some women experience and the barriers that stop them leaving. These include support services for Black, South Asian, Irish, African, Latin American and Jewish women. These services have often developed around domestic violence support and have acquired specialist expertise on forced marriage and so-called 'honour-based' violence, faith, specific cultural needs, legal advocacy and barriers to engagement with the police.

These precious and life-saving support services have been hit hardest by competitive tendering and 'austerity' cuts, as local commissioning has replaced them with more generic services, which can offer 'economies of scale' but commonly do not have their expertise and never meet their self-referral rates (an extremely important indicator). Research shows that specialist advocacy can have a significant impact on justice outcomes and reduce the numbers of victims 'disengaging' from the system. This is true for all women and has a notable impact on BME and more marginalised women. There should be national, ring-fenced funding for these services before a critical safety net is lost.

Evidence from Bristol University's Justice Project¹ points to very poor outcomes in the criminal justice system for women who have insecure immigration status. EVAW's own briefing² on migrant women and the Domestic Violence and Abuse Bill describes some of the main barriers to reporting and makes recommendations to strengthen protections for migrant women in the Bill.

Fundamental change is needed which clearly sets the needs of abuse victims before immigration enforcement, not least because abusers commonly use women's fears of deportation and separation from their children to control them. The statutory definition of domestic violence should recognise that threats concerning women's immigration status, and control of documents and application processes, can be part of domestic violence and abuse; and that fear of their and their children's deportation is a key barrier which stops migrant women being able to report and seek protection and justice. Protection of women facing abuse should be put clearly before any immigration enforcement, and there should be a "firewall" between all critical public services and immigration control policies.

[...]

¹ <http://www.bristol.ac.uk/media-library/sites/sps/documents/justice/migrant-women-policy-evidence-summary.pdf> and attached below.

² <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/FINAL-living-in-a-hostile-environment-for-Web-and-sharing-.pdf> and attached below.

Organisation: The Fawcett Society

Link: <http://data.parliament.uk/WrittenEvidence/CommitteeEvidence.svc/EvidenceDocument/Home%20Affairs/Domestic%20abuse/written/86440.html>

[...]

Ensuring full and equal access to support for migrant survivors of domestic abuse must be a priority and is needed to fulfil the Istanbul Convention, which makes clear that victims of VAWG are afforded protection regardless of their immigration status. Migrant women experiencing VAWG often face multiple barriers, with immigration itself routinely used as a means to control victims. The Government's 'hostile environment' policy has compounded the barriers to support migrant women face.

In evidence given to the Sex Discrimination Law Review (SDLR), which brought together a panel of expert QC's, judges and sector experts, chaired by Dame Laura Cox QC, which Fawcett published earlier this year, Southall Black Sisters highlighted transnational violence against women. This occurs when perpetrators deliberately remove women who have insecure immigration status from the safety of this country's laws, to continue to abuse and even murder women where such crimes are not taken seriously. Transnational abandonment is such a form of abuse, where foreign wives are abused and deliberately abandoned by their British husbands. This involves large numbers of Indian women, and increasingly women from Bangladesh. These problems exclusively apply to BAME women stripped of their rights, dignity, and protection. Any new definition of domestic violence and/or abuse should recognise this form of abuse.

Insecure immigration status features in many cases of domestic violence and abuse - Southall Black Sisters report that 60% of the women they work with who have been subject to gender based violence have insecure immigration status. The lack of adequate safety net for migrant women raises concerns about their exposure to high rates of domestic and sexual violence, sexual and economic exploitation, domestic violence related homicide ('honour' killings), and suicide. Given the additional vulnerabilities migrant women and women of colour face, funding for specialist service providers is essential.

Women with NRPF [no recourse to public funds] face additional barriers to accessing support services, particularly refuges, who generally can only support women who have access to welfare benefits or her own financial means. The domestic violence rule and destitution domestic violence concession (DDVC) are important developments, however there are significant problems including narrow eligibility criteria for the DDVC, difficulties with the DDVC application form, a restrictive three month time limit for the DDVC, and issues securing evidence.

In line with Southall Black Sisters, we recommend the following:

- Abolish the NRPF restriction for all migrant women and children subject to gender-based violence;
- Extend the DDVC beyond the three month limit;
- Reform housing and social security laws to prevent abused migrant women and children plunging into poverty. This should include ensuring there are refuge places for all migrant women suffering domestic abuse, with access to specialist, resourced link advocates;
- Ensure greater inclusion of foreign spouses in the visa application process, at both application and curtailment, so they are aware of their rights;
- Provide temporary visas for women who have entered the UK on spousal visas and are abandoned in another country, so they can return to the UK to exercise their rights;

- Institute ring-fenced funding for specialist BME services and refuges, based on track record of furthering the equality and human rights of women.
- Extend extra-territorial jurisdiction to all instances of homicide, including ‘honour’ killings committed by British citizens or residents.

We are concerned about public services sharing personal data with immigration enforcement. Victims of domestic violence and abuse are then treated as criminals when they are in need of support. As such, in line with Southall Black Sisters, we recommend:

- Providing statutory guidance to the police, and social and health services to protect victims of domestic abuse and their children, regardless of immigration status. This means delinking immigration enforcement from the protection principle underpinning these services;
- Developing safe and confidential reporting systems for victims with insecure immigration status;
- Ending the practice of detaining women who have suffered domestic abuse and other forms of VAWG;
- Ending the policy of dispersal for abused female asylum seekers.

Overall, migrant women and women of colour are particularly vulnerable to abuse and face numerous insurmountable barriers to support. This justice gap must be addressed such that these women are supported by the state, and not left vulnerable to abuse, violence, or death.

[...]

Organisation: Galop, LGBT+ Anti Violence Charity

Link: <http://data.parliament.uk/WrittenEvidence/CommitteeEvidence.svc/EvidenceDocument/Home%20Affairs/Domestic%20abuse/written/86453.html>

[...]

LGBT+ survivors might also be reluctant to talk about the abuse or seek help, to protect their abusive partner or family, avoid rejection and denial from their peers and keep their ties with the LGBT+ communities / infrastructure, which may in some cases be the only support system they know and feel accepted by. In addition, negative self-image, guilt and other complex intersecting issues such as mental ill-health or uncertain immigration status also make it difficult for LGBT+ survivors to leave the abusive situation.

[...]

Organisation: Home Office, Ministry of Justice and Ministry and Housing, Communities and Local Government

Link: <http://data.parliament.uk/WrittenEvidence/CommitteeEvidence.svc/EvidenceDocument/Home%20Affairs/Domestic%20abuse/written/86562.html>

[...]

Migrant women

We recognise that people living in the UK on partner visas are not entitled to receive financial support from the state in the form of most benefits, tax credits or housing assistance. This is referred to as the 'no recourse to public funds condition'. However, these people do have the right to work. Nonetheless, we also recognise that some of these people may encounter issues in accessing financial support if their relationship breaks down as a result of domestic abuse.

The Destitute Domestic Violence Concession is available to provide eligible individuals with a period of three months' leave outside the immigration rules with access to public funds in order to support them to amongst other things make an application for indefinite leave to remain. We are currently working to create an evidence base in order to review and improve how the immigration system caters to individuals who have been victims of domestic abuse. This includes the provision of £250,000 funding through the "Tampon Tax" to Southall Black Sisters to pilot support for women and their children affected by violence and abuse on non-partner visas with no recourse to public funds.

[...]

Organisation: Imkaan and London Black Women's Project

Link: <http://data.parliament.uk/WrittenEvidence/CommitteeEvidence.svc/EvidenceDocument/Home%20Affairs/Domestic%20abuse/written/86444.html>

[...]

Safe reporting

19. We support the call by Step Up Migrant Women to put an end to data sharing policies when victims approach the Police and to ensure that women have access to safe reporting pathways which are made up of BME VAWG organisations. Consultation with BME women's organisations regarding this inquiry found that "not all BME women want to report to Police or statutory services and should not be pressured to report as pressure can constitute ongoing abuse against them". Women with insecure immigration status will not readily report to Police or statutory services because of the risk and fear of detention and deportation. Step Up Migrant Women, through a Freedom of Information request found that from 45 police forces around England, more than 50% shared victims' details with the Home Office for immigration control purposes and only 3 avoided handing over such information. Reporting and community profiling occur together as women from specific communities are racially profiled and targeted with Police reinforcement action without any regard for their safety and security from the experience of violence.

20. We support Step Up Migrant Women's call on government to abolish the No Recourse to Public Funds Rule for victims/survivors of VAWG. Women in this country should have access to safety from violence and abuse regardless their immigration status. Women with insecure immigration status inclusive of NRPF have been viewed as immigration cases by local authorities and central government. Their needs have been neglected and their human rights violated. We call for an end to discriminatory practices that fails to see women as human beings in need of support. Instead, women with NRPF or other forms of insecure immigration status have feared detention and deportation if they present to agencies. Migrant women and women with insecure immigration status including NRPF will resist reporting VAWG to statutory services, fearing that they will be viewed by authorities as immigration cases. This situation has risked their lives keeping them in violence longer and creating opportunities for further risk and harm.

21. We call on Government to expand the Destitution Domestic Violence Concession (DDVC) to include access to housing and other benefits, extend DDVC beyond three months towards a more realistic timeframe, create pathways to refuge accommodation, improve involvement of foreign spouses in the visa application process ensuring that they understand their rights and where to go to access help and support, ensure foreign spouses can access information about their partner's previous marriages, or where their partner has supported any previous spousal visa applications through the visa application process, and improve the assessment and response to curtailing spousal visas for foreign spouses when a partner claims that a marriage has ended due to domestic abuse.

22. No woman should be turned away and her immigration status must not dictate her treatment by local authorities and before any government agency. Consultation from BME women's organisations regarding this inquiry found that it is "important not to frame issue as only NRPF as many women have no status at all therefore, any response to [migrant women facing violence] should think wider than women with NRPF as other migrant women are not included. Many applications that are available for women with no status are not covered by legal aid, and they are unable to move forward or access any support. A single woman (with NRPF) has less rights than a

woman (with NRPF) with children and this is unfair. We must also think about what this means for EU women".

[...]

Organisation: Latin American Women's Rights Service / Step Up Migrant Women

Link: <http://data.parliament.uk/WrittenEvidence/CommitteeEvidence.svc/EvidenceDocument/Home%20Affairs/Domestic%20abuse/written/86499.html>

How to secure the equal protection of BME and migrant women who are victims of domestic abuse?

a) Immigration status is used as a tool for control and abuse

As highlighted in the Home Office's '*Controlling or Coercive behaviour in an intimate or Family Relationship Statutory Guidance Framework*', women with insecure migrant status often report perpetrators use their legal status to exert abuse and control by threatening them with deportation. In numerous instances perpetrators control visa application processes and file applications, providing women with false updates, controlling finances and communication with lawyers.

A survey study with 183 women with insecure migrant status found that 92% stated that they received threats of deportation from perpetrator. The Bill however, does not offer secure avenues of practical support and justice for women in this situation. This Bill must recognise the gendered and intersectional nature of abuse and exploitation experienced by migrant women. SUMW campaign has gathered cases of unreported crime due to fear of detention by authorities, these are high risk cases.

Example:

KB (LAWRS service user), came to the UK in 2009 from Bolivia with a 6-months student visa. She met her partner and lived with him for 2 years with their two daughters. She became a victim of emotional and psychological abuse. KB did not report to social services and the police out of fear of her daughters being taken away and of being deported. Her ex-partner threatened with deportation. This caused her anxiety leading to suicide attempts, including drinking bleach at one point. She was denied refuge because of her immigration status and has continued to live with the perpetrator in the same house. She is currently supported by LAWRS VAWG team and an immigration lawyer.

b) Safety and justice before immigration control

Victims fleeing an abusive situation to report abuse are more likely to be harmed or murdered by their perpetrator. However, recent Freedom of Information requests found that from 45 police forces around England and Wales, 27 responded that the police had shared victims' details with the home office for immigration control purposes and only three responded that they did not hand over victims' information. The rest of the forces responded with neither a yes or no, or they did not have any information to respond. These figures show that there are no clear rules or guidance resulting in the inconsistency in practice of police officers, where victims are often questioned, disbelieved, detained and deported because of their potential immigration offense. These practices result in victims being reluctant to come forward due to lack of trust in the police. The SUMW campaign has gathered more than 15 cases where migrant women have been subject to immigration control as they approached the police to report abuse. One of the cases is presented below:

RA, London Black Women's Project case: RA approached LBWP because she was experiencing DV and she had come to the UK on a spousal visa. Examples included restrictive movement, financial control, keeping one twin at home while she was out with the other twin to ensure she would not flee the home, verbal, emotional and physical abuse. The perpetrator also used her immigration status against her telling her that if she phoned the Police then she would be arrested and deported. He also said the court would award the children to him because she had no money and could not speak English. The police told her she had no rights in the UK because she was illegally remaining in the country.

At one point, she believed her husband has made an application to the HO but didn't pay the fee. Her husband refused to tell her what application he had made. After one incident LWBP advised that she contact the Police. The Police said that they were not sure who the perpetrator was and who the victim was because after interviewing the husband, he told them that she was an overstayer. This suddenly became an immigration case and not a DV case.

The Bill must be in line with the Human Right Act (1998), ensuring the protection of victims' rights by complying with articles 2, 3, 4, 8 of the Act to uphold the duty of public safety to all victims of domestic violence and prevention of serious crime. The police should comply with their duty to prevent serious harm and crime and prosecute perpetrators of this violence. 1. This Bill should therefore establish a "firewall" between public services and immigration control policy to ensure protection of women is being placed above immigration enforcement. 2. Placing safe-reporting mechanisms in police practice and putting an end to data-sharing policies when victims approach the police.

It is paramount for the public safety of women that victims are recognised in the safety plans done by the police, following the College of Policing guidance, where the vulnerability of victims are prioritised.

Organisation: Office of the Police and Crime Commissioner for Northumbria

Link: <http://data.parliament.uk/WrittenEvidence/CommitteeEvidence.svc/EvidenceDocument/Home%20Affairs/Domestic%20abuse/written/86437.html>

How to secure the equal protection of BME and migrant women who are victims of domestic abuse?

[...]

Women with insecure immigration status and no recourse to public funds

EVAW's document 'Women living in a Hostile Environment', presented to a House of Commons event to which we contributed, sets out the issues succinctly. Women who have insecure immigration status face additional barriers to being able to report domestic and sexual violence, in particular fear of deportation. This gives perpetrators of domestic abuse an extra weapon – stay with me or be deported – and it is important that threats to rights should be represented in the definition. It currently uses the term 'threatening behaviour' likely to be understood as physical threats, in the context of public order legislation and without express reference apparently excluding threats to rights.

[...]

Organisation: Prof Catherine Donovan, Faculty of Education and Society, University of Sunderland

Link: <http://data.parliament.uk/WrittenEvidence/CommitteeEvidence.svc/EvidenceDocument/Home%20Affairs/Domestic%20abuse/written/86435.html>

[...]

How to secure the equal protection of BME and migrant women who are victims of domestic abuse?

[...]

xviii. **Institutionalised racism:** The broader and specific problems BME and migrant people face is institutionalised racism and a loss in confidence about how they might be treated by mainstream services, for e.g. being asked for their passports before being given a service, or fearing being reported to immigration authorities. These more structural issues should be addressed with strong statements and policies from appropriate government ministers. Locally DVA services can make explicit in campaigns that they welcome BME and migrant service users, explaining where/when necessary confidentiality policies.

[...]

Organisation: Rape Crisis England & Wales

Link: <http://data.parliament.uk/WrittenEvidence/CommitteeEvidence.svc/EvidenceDocument/Home%20Affairs/Domestic%20abuse/written/86506.html>

How to secure the equal protection of BME and migrant women who are victims of domestic abuse

We know that it is the people who face the most barriers, those who are most disenfranchised and marginalised from society that perpetrators choose to target. These people are less likely to have recourse to protection or support, either from individuals, their communities or support services. They are less likely to be listened to, believed and taken seriously. Women with insecure immigration status, including but not limited to women who are here on spousal visas, victims of trafficking, and asylum seekers, are among the most desperate and the most vulnerable to further abuse because of their status and inability to access safety, but they commonly face treatment as ‘immigration offenders’ due to the “hostile environment” rather than victims of abuse.

It is imperative that the Government puts in place safe-reporting mechanisms and puts an end to data-sharing policies when victims approach the police. The safety and protection of victims and survivors should be prioritised over immigration enforcement and an established “firewall” between all critical public services and immigration control policies. No Recourse to Public Funds should be abolished for victims and survivors of domestic abuse and sexual violence.

The government should ensure ring fenced long term funding of specialist sexual violence/abuse support services who are doing highly specialised work with marginalised communities, BME women and migrant and refugee women.

Organisation: Refuge

Link: <http://data.parliament.uk/WrittenEvidence/CommitteeEvidence.svc/EvidenceDocument/Home%20Affairs/Domestic%20abuse/written/86465.html>

Refuge is concerned that the current 'hostile environment' is preventing survivors with NRPF from leaving abusers and accessing the services they need. In our experience, requiring health agencies and housing agencies, as well as others, to check immigration status is a major barrier to survivors accessing services and puts some at further risk of harm. Steps need to be taken to ensure that survivors of VAWG are always treated as survivors first and foremost, and do not have to fear the services they need to access will pass on details about their immigration status.

Organisation: Sisters For Change

Link: <http://data.parliament.uk/WrittenEvidence/CommitteeEvidence.svc/EvidenceDocument/Home%20Affairs/Domestic%20abuse/written/86500.html>

[...]

For migrant women victims of domestic abuse or victims with insecure immigration status, there is evidence that currently, immigration enforcement is coming before protection of migrant women victims of domestic abuse due to the current 'hostile environment' in the UK. The UK Government's imposed restrictions on access to refuge and other support services for women with insecure immigration status increases their vulnerability, leads to destitution and is linked to rising rates of homicide and suicide.

[...]

Organisation: Southall Black Sisters

Link: <http://data.parliament.uk/WrittenEvidence/CommitteeEvidence.svc/EvidenceDocument/Home%20Affairs/Domestic%20abuse/written/86074.html>

Immigration enforcement

16. We are increasingly concerned about the preoccupation of police and other services with immigration enforcement when a victim with insecure status reports her experience of abuse. Immigration enforcement appears to be the overriding priority rather than providing protection or pursuing criminal charges. The following are some examples:

- a. SBS was compelled to challenge a local police decision where a migrant woman had reported domestic abuse. The police and Chair of the local MARAC made clear that abused women with insecure immigration status should not call the police even in emergencies as they are duty bound to arrest and report them to the immigration authorities if they are flagged up on their data base as ‘illegal immigrants’;
- b. An SBS user reported domestic abuse to the police whilst at SBS where she felt safe. She was taken to the police station and interrogated about her about her immigration status but no police action was taken regarding her allegations against her husband;
- c. Some abused women are told by the police that “you have no rights” and others are even arrested and detained.

17. Responses to a BBC Freedom of Information request showed that 27 out of 45 police forces shared victims’ details with the Home Office, and some forces even had embedded immigration enforcement officers working with them. Although there is interim guidance from the National Police Chiefs Council on victims with insecure status it is neither consistently followed nor adequate as it does not prioritise protection over immigration enforcement.

18. There must be a ‘firewall’ between immigration enforcement and policing so that women can report abuse without fear of deportation. There is no obvious legal duty on the police mandating them to share information on a victim’s immigration status with the Home Office. In any event such a duty would likely conflict with the state’s obligations under the Human Rights Act to prevent a breach of articles 2, 3 and 14 European Convention on Human Rights. It may also breach the Equality Act 2010 and international human rights instruments such as the United Nations Declaration on Human Rights, Istanbul Convention and Convention on the Elimination of all forms of Discrimination Against Women.

Organisation: The nia project

Link: <http://data.parliament.uk/WrittenEvidence/CommitteeEvidence.svc/EvidenceDocument/Home%20Affairs/Domestic%20abuse/written/86384.html>

How to secure the equal protection of the full diversity of BME and migrant women who are victims of domestic abuse?

For British women of BME heritage there are issues of racism across all our public services and a scarcity of BME specialist services. Racism is exacerbated by the “hostile environment” and by the Immigration Act. This has a “chilling effect” which encourages landlords, and to some extent other public services (notably Health), to not even consider people they think look, sound or seem “foreign” or “without status” as seen in the recent Windrush scandal.

For women with no recourse to public funds, refugee and asylum seeking women, migrant women who have no access to their documents, migrant women who are unsure of their immigration status or generally frightened of enforcement agencies or migrant women who actually may not have status; they may find it hugely difficult to access services and may meet with racist responses should they do so or may not even attempt to access services at all due to such fears. Yet international human rights law requires that all women fleeing violence within the jurisdiction are entitled to safety and justice irrespective of their immigration status.

As long as immigration enforcement and anti-immigrant discourse leads the state response then women experiencing VAWG cannot access safety and justice. We have BME rape victims wanting to hold their perpetrators to account but afraid to report to the police, we have victims of trafficking afraid to seek help, we have BME pregnant women afraid to access health care, we have women with no recourse turned away from refuges or choosing between staying with their abuser or being homeless and destitute on the street and homeless being swept up off the street without consideration of their rights and needs.

Organisation: Black Women's Rape Action Project and Women Against Rape

Link: <http://data.parliament.uk/WrittenEvidence/CommitteeEvidence.svc/EvidenceDocument/Home%20Affairs/Domestic%20abuse/written/86503.html>

[...]

1.19 Mothers whose immigration status is dependent on staying with a violent partner are at particular risk. Women in these situations have also experienced bullying and intimidation including terrifying threats to report them as “illegal overstayers” to the Home Office if they dare report the violence. Family courts are far more likely to believe men and deport women causing untold harm to mothers and their children.

[...]

Organisation: Women's Aid Federation of England

Link: http://data.parliament.uk/WrittenEvidence/CommitteeEvidence.svc/EvidenceDocument/Home%20Affairs/Domestic%20abuse/written/86431.html#_ednref17

How to secure the equal protection of BME and migrant women who are victims of domestic abuse

4.1 Ensuring full and equal access to support for BME and migrant survivors is a fundamental priority for the Bill. BME and migrant women are particularly vulnerable to domestic abuse and VAWG and face extra barriers to reporting abuse and seeking help.

4.2 All measures in the Bill must be inclusive and responsive to BME and migrant survivors. The proposed statutory definition unacceptably excludes the forms of violence disproportionately experienced by BME women - forced marriage, female genital mutilation (FGM) and so-called 'honour-based violence', often perpetrated by family members and with multiple perpetrators, as well as dowry abuse and transnational marriage abandonment. Women's Aid is highly concerned by this and calls for the definition to include these other forms of abuse, with accompanying statutory guidance.

4.3 Research with over 250 survivors found that the police were much less likely to arrest, conduct a criminal investigation, or bring a criminal charge in cases involving migrant women - who were also less likely to get injunctions or protection orders than UK/EU nationals. New criminal justice measures proposed for the Bill - including the Domestic Abuse Protection Order (DAPO) - must be accessible, and deliver equal protection, for BME and migrant survivors.

4.3 Dedicated 'by and for' specialist BME women's services are vital for meeting BME women's needs - from language specialism to expertise on immigration, discrimination, racism, and gender dynamics within family and community structures. Although the NSEmakes clear that local areas should fund this provision, 'by and for' BME services face severe challenges within the current devolved funding model. In 2017 there were just 28 refuge services run specifically for BME women.

"The biggest thing was that she used to speak my own language to speak with me", Survivor.

4.4 Urgent reforms are needed to end the often insurmountable barriers facing survivors with NRPF to accessing safety. The funding crisis facing refuges means many are simply unable to accommodate survivors who are unable to access housing benefit, or other means, to pay rent. Over a quarter (26%) of the women refused access to a refuge space supported by NWTA project in 2017 had NRPF.

4.5 The Domestic Violence Rule (DVR) and Destitution Domestic Violence Concession (DDVC) - secured through advocacy from 'by and for' BME women's sector - are important developments. However, in practice there remain significant barriers for survivors in accessing the DDVC - which provides access to benefits while a survivor applies for indefinite leave to remain (ILR).

4.6 Immigration status itself is routinely used by perpetrators as means to coerce and control, and compounded by a 'hostile environment' and inadequate public sector responses to migrant women. As a member of the Step Up! Migrant Women Campaign, we are highly concerned that over half (27) of police forces in England and Wales confirmed in response to Freedom of Information requests that they share victims' details with the Home Office for immigration control purposes