

THE DOMESTIC ABUSE BILL: MIGRANT WOMEN LEFT BEHIND

Background

The UK Government's draft Domestic Abuse Bill (the Bill), is an inadequate solution to a devastating and widespread problem that impacts roughly two million people a year in the UK, the majority of whom are women. The Bill also leaves behind society's most marginalised and isolated survivors of domestic abuse, particularly migrant women. As a result, it fails to fully meet the requirements of the Istanbul Convention (IC) despite the Government's stated intention to ratify the IC through the introduction of this Bill.

Given the wealth of evidence submitted to the Government consultation on the Domestic Abuse Bill, demonstrating that women who have insecure immigration status find it virtually impossible to seek protection when experiencing domestic abuse, *and* the crystal clear language of the IC that protection must be afforded to survivors regardless of immigration status – it is extremely disappointing that migrant women are not mentioned anywhere on the face of this proposed legislation. If this Bill does not promote equality and ensure protection for *all* survivors of abuse, it will fail to fully incorporate the IC and risks violating our existing human rights obligations under the European Convention on Human Rights (ECHR), Human Rights Act 1998 and the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW).

Key areas of concern

- **Women with insecure immigration status find it virtually impossible to access refuge and other welfare support in order to escape violence and abuse.** Without access to public funds and housing support, they are routinely denied refuge spaces, safe accommodation and welfare and are therefore faced with the impossible decision of becoming destitute/homeless or returning to the perpetrator. Many often find they are unable to regularise or confirm their immigration status for a host of complex reasons, including because their status depends on the perpetrator's status, or because the perpetrator has control of necessary documents and evidence.
- **Immigration enforcement has been prioritised over the need to provide safety and security to survivors of domestic abuse** in continuation of the Government's 'hostile environment' agenda. Invasive data-sharing agreements between public services and Immigration Enforcement prevent survivors with insecure immigration status from accessing the services they need, as they fear and face the real risk of detention or deportation. In one account, a survivor undergoing physical and psychological abuse who reported to the police on three occasions, was told that she was an 'illegal' and that she should refrain from calling again; in another case, the police arrested a survivor as she reported in her local police station and was detained and questioned by immigration officials.
- **The Bill does not meaningfully acknowledge or address the significant additional barriers faced by migrant women in accessing protection**, including that abusers commonly use women's fears of immigration enforcement and separation from their children to control them. Research has pointed to particular vulnerabilities of migrant women, including:
 - Higher proportion of homelessness
 - Greater financial impact of abuse because of their own inability to work on account of their immigration status

- Being disproportionately affected by lack of support when facing forms of abuse such as FGM, forced marriage and so called ‘honour-based’ violence
- More likely to report multiple perpetrators
- More likely to face a justice gap, with police not pursuing criminal charges.

Key Recommendations:

We believe the Bill is a missed opportunity and is so limited in scope that it will fail to meet the Government’s international and domestic human rights obligations, including the requirements of the IC. The human cost of these failures will be severe – as thousands of migrant and BME survivors of domestic abuse and their children will remain at risk of detention/deportation, destitution and further violence. Below are our key recommendations to remedy the Bill:

1. Introduce a **non-discrimination clause in the Bill**, reflecting the language in Article 4(3) of the Istanbul Convention. This would confront the existing hierarchy of safety that exists for migrant and BME women, and strengthens the legislative framework that requires public authorities to effectively respond to *all victims* of domestic abuse.
2. Amending the Bill to include a provision establishing **safe reporting systems for survivors accessing vital public services**, so they can safely report abuse to the police, social services, health professionals and others without fear of immigration enforcement. Examples of good practice on safe reporting to the police and statutory agencies can be found in Amsterdam (Netherlands), Antwerp (Belgium) and Helsinki (Finland). These practices encourage the reporting of crimes, in the interests of more effective policing and community engagement.
3. **Extend eligibility for the existing Domestic Violence (DV) Rule and Destitution Domestic Violence Concession (DDVC) to all migrant women experiencing or at risk of abuse.** Currently the DV Rule and DDVC are only available to those on spousal visas. We believe all survivors – whether on student visas, domestic workers or others - should also be able to access routes to regularise their immigration status independent of their perpetrator, and access public funds in order to escape abuse.
4. Survivors of abuse should be **exempt from having No Recourse to Public Funds (NRPF)** or at the very least the NRPF condition should be delinked from a woman’s eligibility for refuge accommodation. The Government maintains a NRPF condition on many people’s immigration documents, or if a person is undocumented. This excludes them from accessing most welfare benefits and local authority housing. We believe this condition should no longer apply to migrant survivors of domestic abuse.

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