

## Domestic Abuse Bill 2019-2021 – Report Stage and Third Reading

### Executive summary and areas for amendment

1. Despite repeated assurances that policy will treat those reporting domestic abuse as ‘survivors first’, current provision and proposals within the Domestic Abuse Bill mean that many migrant women are not able to access life-saving accommodation and support services when they need them.

The Refugee Council has for many years advocated for better support for survivors of domestic abuse who are in the asylum system. In 2019, the Home Office revised their guidance on responding to reports of domestic abuse from people seeking asylum.

The revised guidance includes a number of new safeguards including a new funding mechanism enabling people seeking asylum to access specialist refuge accommodation and support services.

However, women who become appeal rights exhausted after coming through the UK asylum system are not able to access domestic violence services, and they need a route to do so, alongside other migrant survivors.

The bill should make provision to ensure all victims of domestic abuse can access public funds and vital, often life-saving support and routes to safety; and that no survivor, whatever her immigration status, is treated as being in breach of immigration laws or the immigration rules for accessing those funds.

**This can be achieved by allowing all survivors of domestic abuse to access public funds should they require them, as provided by NC22. In addition, NC23 puts a statutory duty on local authorities and other relevant bodies to commission specialist services for survivors, including those with protected characteristics.**

These amendments would ensure that every migrant survivor can secure public funds to access services, and that local authorities and others would need to provide those specialist services as needed.

2. In addition to the above, the bill should make provision to ensure all victims of domestic abuse are given a route to regularise their status, to support them to rebuild their lives and give them the opportunity to engage with authorities and support services.

**This would be achieved through NC26 , which makes provision for the granting of indefinite leave to remain to migrant survivors of domestic abuse and limited leave to remain to a survivor who is eligible to make an application for indefinite leave to remain.**

3. Women with insecure immigration status fear reporting domestic abuse because they believe this could affect their status or asylum claim.

**To ensure women are accessing services when they need them, members should support NC27 that would provide safe reporting mechanisms and an end to data-sharing for immigration enforcement purposes between vital public services and the Home Office, to ensure all survivors can safely report abuse to police and other services without fear of immigration control.**

4. To fully ensure all migrant survivors are protected and supported within the provisions of the bill, a principle of **non-discrimination** that mirrors the language of Article 4(3) of the Istanbul Convention should be part of the bill. **This would be achieved by NC25.**

### **Women seeking asylum who become appeal rights exhausted (ARE)**

The Government states that all victims of domestic abuse should be treated first and foremost as survivors, and all the measures in the Bill apply equally to all survivors of domestic abuse in England and Wales, irrespective of their immigration status.

Currently the bill fails to address the needs of women who are forced to exit the asylum support system as a result of having their asylum claim refused and becoming appeal rights exhausted (ARE), with no recourse to asylum support or any other public financial support.

Women who become appeal rights exhausted are extremely vulnerable to homelessness and destitution, which in turn can expose them to an increased risk of abuse and exploitation. There is a particular risk of sexual exploitation when women have no alternative but to rely on friends, acquaintances, or strangers for accommodation.

If government action to tackle domestic abuse is truly to treat people as victims first, regardless of their immigration status, then support for women who are appeal rights exhausted must be brought forward.

This support must take into account the particular needs of this cohort of migrant women, and specialist services must be available across the UK.

To do this, provision must be made to allow migrant survivors of domestic abuse recourse to public funds, through which they can then access the support they need. New clauses 22 and 23 make this provision.

Migrant survivors of domestic abuse also need space and time to regularise their status, at point at which they have escaped an abusive situation, and NC26 provides that opportunity.

### **Barriers to disclosure of abuse for women seeking asylum**

Women seeking asylum often fear reporting abuse because they believe that it could affect their immigration status or asylum claim.

They are often unaware of how the criminal justice system functions in the UK and are suspicious of state bodies and authority figures, due to their experiences in the countries from which they have fled. Perpetrators use these fears as a tool to isolate and control women.

The bill should create a safe reporting mechanisms and an end to data-sharing for immigration enforcement purposes between vital public services and the Home Office. This would be achieved through NC 27.

This would ensure that women whose asylum claims have been refused can seek help without the overhanging threat of immigration enforcement.

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## Ratification of the Istanbul Convention

The measures contained in the bill are not compliant with Article 3(4) of the Istanbul Convention which states that 'provisions of this Convention by the Parties, in particular measures to protect the rights of victims, shall be secured without discrimination on any ground such as [...] national or social origin {...or...} migrant or refugee status'.

As such, the bill leaves women with insecure immigration status, including asylum-seeking women and those who are appeal rights exhausted without the protection required by the Convention.

The government should take the opportunity presented by the bill to put in domestic legislation to ensure full compliance with Article 3(4) of the Istanbul Convention, to provide greater protection for women with insecure immigration status, including asylum-seeking women and those who are appeal rights exhausted. This would be achieved through NC25.

## About Refugee Council

The Refugee Council is one of the leading charities in the UK working with refugees and people seeking asylum. As a human rights charity, independent of government, we work to ensure that refugees are given the protection they need, that they are treated with respect and understanding, and that they have the same rights, opportunities and responsibilities as other members of our society.

Refugee Council has worked for many years to improve the outcomes for women seeking asylum who have experienced, or are at risk of, violence and abuse after arriving in the UK.

In July 2018, the Refugee Council and the Asylum Support Appeals Project published a report 'Women seeking asylum: Safe from violence in the UK?'<sup>1</sup>, looking at how the UK government responds to women facing domestic violence and other forms of gender-based violence after arrival in the UK and during their time in the asylum system.

Following the publication of our report, the Home Office revised their guidance on responding to reports of domestic abuse from people seeking asylum. The revised guidance includes a number of new safeguards including a new funding mechanism enabling people seeking asylum to access specialist refuge accommodation and support services.

These new safeguards help to address some of the key concerns outlined in our report. However, we are supporting the amendments set out in this briefing to move towards a system that comprehensively supports all survivors, regardless of immigration status.

For further information, please contact:

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<sup>1</sup> [http://www.refugeecouncil.org.uk/wp-content/uploads/2019/03/Safe from violence in the UK. ASAP-RC report.pdf](http://www.refugeecouncil.org.uk/wp-content/uploads/2019/03/Safe_from_violence_in_the_UK_ASAP-RC_report.pdf)  
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