

Refuge briefing: Domestic Abuse Bill 2019 Second Reading, Migrant Women

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About Refuge

Refuge is the largest specialist provider of gender-based violence services in the country supporting over 6,500 women and children on any given day. Refuge opened the world's first refuge in 1971 in Chiswick, and 47 years later, provides: a national network of 46 refuges, community outreach programmes, child support services, and acts as independent advocates for those experiencing domestic, sexual, and gender-based violence. We also run specialist services for survivors of modern slavery, 'honour'-based violence, and female genital mutilation. In partnership with Women's Aid, Refuge provides the National Domestic Violence Helpline which receives hundreds of calls a day.

Summary

The Domestic Abuse Bill has the potential to transform the response to domestic abuse. However, as it stands, the Bill falls far short of this aim, leaving a large proportion of migrant survivors with few places to turn if they want to flee. Migrant women who have 'no recourse to public funds' (NRPF) due to their immigration status are unable to access benefits in order to financially support a stay in refuge – which is how the vast majority of survivors support their stays. As a result, migrant women with NRPF find it very difficult to access refuge accommodation, are sometimes forced into destitution, and in some cases have no choice but to remain with the perpetrator. Survivors in the UK on a spousal visa or a small number of other family visas are able to apply for the Destitute Domestic Violence Concession (DDVC). If successful, this grants survivors leave to remain in the UK for three months and eligibility to apply for benefits during this time (which they can use to support a stay in refuge), while they apply for indefinite leave to remain under the Domestic Violence Rule (DVR). However, only migrant survivors on a very limited number of visa types are eligible to apply for the DDVC and indefinite leave to remain under the DVR, arbitrarily leaving an enormous number of migrant survivors with NRPF status, with few places to turn for safety. Refuge is therefore calling for:

- **DDVC eligibility extension:** the Bill must amend immigration law so that all survivors, regardless of immigration status can access the DDVC
- **DVR eligibility extension:** the Bill must amend immigration law so that all survivors, regardless of immigration status can apply for indefinite leave to remain under the DVR
- **Extension of time-limit for financial support under the DDVC:** some immigration cases can be complex, and fail to be resolved within the three month time limit for support under the DDVC, particularly given the trauma survivors are dealing with. The time limit for financial support in the form of benefits must be extended to at least six months

The Destitute Domestic Violence Concession

Many migrant women are not eligible to apply for benefits, or for a range of other forms of state support as they have NRPF due to their immigration status. This means that survivors with NRPF who want to flee abuse have very few options, as the majority of survivors use their housing benefit to financially support a stay in refuge – an option that is not open to women with NRPF. This enables abusers to weaponise survivors' immigration status – some survivors are told that if they tell anyone about the abuse or try to leave, they will have nowhere to go, their children will be removed from them, and they will be deported. There have been reports that the police report migrant women to immigration enforcement even if they had approached the police for protection from the abuse they are

experiencing. It is therefore no surprise that many survivors are deterred from reporting abuse to the police and other authorities.

Survivors in the UK on a spousal visa or a small number of other family visas are eligible to apply for the DDVC. The DDVC grants survivors three months leave to remain and eligibility to apply for benefits during this time, while they apply for indefinite leave to remain under the DVR. Survivors who access benefits under the DDVC can then use their temporary entitlement to housing benefit to support a stay in refuge for up to three months. However, this arbitrarily bars survivors that are in the UK on other visa types, such as work or student visas, from accessing benefits, which effectively means in the majority of cases they are prevented from access life-saving refuge spaces.¹ Refuge is in agreement with other sector experts including Southall Black Sisters, Women's Aid, and Imkaan, that eligibility for the DDVC must be extended to all migrant survivors regardless of immigration status. We acknowledge that the Government has committed to review the overall response to migrant survivors in their response to the final report of the Joint Committee on the Draft Domestic Abuse Bill. However, it has been well established for a number of years that NRPF status severely limits the options open to survivors with insecure immigration status. Additionally, numerous experts submitted evidence to the Government's Domestic Abuse Bill consultation stating that extending protection to all women, regardless of immigration status, is urgently needed.

Refuge urges MPs to raise the particularly acute vulnerability survivors with no recourse to public funds face during second reading, and call on the Government to extend eligibility for the DDVC to all survivors, regardless of immigration status.

Even migrant survivors that are eligible to apply for the DDVC are only eligible for support for three months. During this time survivors are expected to gather all the evidence needed for their leave to remain application and progress it to completion, all at a time when they are experiencing acute trauma. In our and others' experience, such as Southall Black Sisters, three months is not sufficient to ensure survivors are supported to access legal advice and complete their application, particularly when survivors are dealing with the aftermath of abuse. The three month time limit is also insufficient in part due to lack of legal aid immigration lawyers in parts of England and Wales. The Joint Committee on the Draft Domestic Abuse Bill agreed that eligibility for benefits under the DDVC should be extended to six months, in recognition that applications for leave to remain frequently take much longer.

Refuge is therefore calling on MPs to urge the Government to extend the length of time the DDVC lasts to a guaranteed minimum of six months.

Other support for migrant women

Some women with NRPF who are pregnant or have dependent children are entitled to housing or financial support from social services. However, our frontline staff report numerous problems with securing this support, even for women and children who are clearly eligible, which is often flatly refused. Social services have been known to offer support to the children by taking them into care and leaving the mother without support, thereby separating the family.

Refuge runs a specialist Eastern European service, which supports a significant number of women with NRPF. We have recently supported a migrant woman with NRPF who fled her abuser with her young children and was on the streets. She was terrified the perpetrator was going to find her. Refuge staff

¹ Refuge supports as many women with no recourse as possible; our Eastern European IDVA service, for example, supports a very high number of women with no recourse to public funds. However, due to the way refuges are funded, with refuges largely reliant on rental income through housing benefit, such services are unfortunately limited in the number of survivors without recourse to public funds that they can support at any one time.

advocated for the survivor, however, social services and the housing team in the local authority refused to provide her with a room for the night. Instead, they advised her to go back to the perpetrator and call the police 'if he were to do anything'. With the help of Refuge, she has found some temporary accommodation, but her options remain severely limited.

Domestic Violence Rule

Individuals who are in the UK on a spouse or partner visa are typically required to have remained in the UK on this visa for five years before they are eligible to apply for indefinite leave to remain. However, under the Domestic Violence Rule, survivors experiencing domestic abuse that are on a spousal or partner visa can apply for indefinite leave to remain straight away, and do not need to wait until they accrue five years of residence. This makes it much more difficult for perpetrators to weaponise survivors' immigration status as survivors can apply for leave to remain independently of the perpetrator. However, as with the DDVC, only survivors on a very limited number of visa types are eligible to apply for leave to remain under the DVR. This leaves survivors vulnerable to their immigration status being weaponised by the perpetrator, deterring survivors from seeking support from the police and other public services. It is essential that eligibility for the DVR is extended so that all survivors are eligible to apply for indefinite leave to remain, regardless of immigration status.

Refuge urges MPs to call on the Government during second reading to use the Bill to amend immigration law so that all migrant survivors are eligible to apply for indefinite leave to remain under the Domestic Violence Rule.

Summary of Recommendations

Migrant survivors with NRPF are among some of the most vulnerable populations in the UK, enjoying very limited protections from their abusers. We must ensure that these survivors are granted the protection they badly need, as early as possible. In order to support the changes Refuge wants to see to the Bill, we urge MPs to call on the Government during second reading to do the following:

- Extend eligibility for the DDVC to all survivors, regardless of immigration status
- Extend the length of time the DDVC lasts to a guaranteed minimum of six months
- Extend eligibility to apply for indefinite leave to remain under the Domestic Violence Rule to all migrant survivors