

Refugee Council

policy response



Refugee Council response to the Government Equalities Office consultation paper *Strengthening Women's Voices in Government*

June 2011

1. About the Refugee Council

As the leading organisation working with asylum seekers and refugees in the UK, the Refugee Council is committed to working towards creating a fair, humane and effective asylum system that provides protection and enables refugees to rebuild their lives in safety.

We provide advice and support services through a number of One Stop Services. In 2009/10 we delivered 76,586 advice sessions both in person and over the phone. We have extensive experience of trying to assist and advise asylum seekers both in relation to their asylum claims and related issues of support, health and employment. The Refugee Council also provides specialised services for refugee women¹ in the UK, in recognition of their needs and experiences. These services include the Powerful Women's Project, the provision of pragmatic holistic therapy to refugee women who have experienced sexual violence.

The Refugee Council is an active partner in the [Charter of rights of women seeking asylum](#) coordinated by Asylum Aid. Jointly with Asylum Aid, the Refugee Council's Chief Executive was instrumental in demonstrating to UKBA the need to appoint a gender champion and draw up a gender action plan.

2. Introduction

This consultation comes at a particularly auspicious moment for the Refugee Council as June sees the start of the Refugee Council's Influencing Women's Project (IWP). The IWP builds on our experience of working with refugee women who have experienced sexual violence and/or exploitation. Supported by Comic Relief, the project specifically aims to provide refugee women with a platform to get their voices heard within a system that renders them powerless.

The Refugee Council welcomes the opportunity to comment on the Government's proposals to strengthen women's voices in government and its commitment to develop policies that make a real difference to women's lives. Furthermore, we welcome the Government's acknowledgement of the need

¹ The use of 'Refugee women' in this policy briefing refers to women and girls who have sought asylum and whose claims are undecided or have been refused, as well as those who have already been successful in their asylum claims and granted refugee status, humanitarian protection, indefinite or discretionary leave to remain, unless otherwise specifically indicated.

to “develop targeted strategies to help particular kinds of people... where they face distinct barriers, or especially deep and persistent inequalities.”² We believe that refugee women are one such group facing particularly deep and complex inequalities.

While we welcome this new initiative, we would emphasize that we believe it is of primary importance that effort is put into to engaging the most marginalised women in our society, including refugee women, and that this requires commitment, resources and expert knowledge. The Refugee Council is keen to contribute our expertise to developing policies and we offer to work with colleagues across government and the voluntary sector wherever we can in order to address the barriers and inequalities facing refugee women.

This response is confined to those questions most relevant to our client group.

3. Challenges facing refugee women in the UK (question 1)

Refugee women are some of the most marginalised, economically disadvantaged and vulnerable women in society with varied and complex needs. This consultation response does not attempt to address the myriad of challenges they face but highlights current concerns that have arisen in light of recent government proposals that we believe will create still further barriers to refugee women’s ability to participate in civil society and would damage any initiative that seeks to strengthen women’s voices.

3.1 Proposed changes to ESOL (English for Speakers of Other Languages) funding

The Refugee Council has significant concerns about the proposed changes to ESOL funding, as detailed in The Department for Business, Innovation and Skills’ strategies *Skills for Sustainable Growth* and *Investing in Skills for Sustainable Growth*.

English language support is key to refugee women (and men) playing a full part in UK life. Many refugees do not have any control over the country in which they find safety. While some may speak English fluently, for many arrival in the UK will mean having to cope with a new language, as well as a very different society, job market and wider culture.

At present, many refugee women are among those learners that are eligible for full fee remission (full funding) on ESOL courses funded by the Skills Funding Agency (SFA). However, from September 2011 the government is proposing that fee remission will be available only for learners on Jobseeker’s Allowance (JSA) or the Employment and Support Allowance (ESA) work-related activity group, described as ‘active benefits’. Learners on other benefits, described as ‘non-active benefits’ will have to pay 50% of the full cost of the course. This includes women seeking asylum and women with refugee status or indefinite leave to remain who are on income support (‘non-active benefits’).

ESOL providers report that a majority of current learners are not on ‘active benefits’ but are on benefits such as income support, housing benefit, asylum support or Working Tax Credit. This is supported by a [survey](#) by the Association of Colleges which suggests that the changes are likely to impact on women learners in particular. Furthermore, since 2007, ESOL learners in receipt of certain benefits or earning a low wage have been able to get help towards fees from the Discretionary Learner Support Fund (DLSF) for ESOL. This will be unavailable from September 2011.

In the paper, the Government Equalities Office acknowledges that the barriers to gender equality in many cases “arise out of a more complex combination of attitudes, behaviours, culture and expectations”³ and that one in ten women in the UK today are from minority ethnic backgrounds.⁴ The

² *Strengthening Women’s Voices in Government*, para 3.4

³ *Ibid.* para 5.3

⁴ *Ibid.* para.2.2

Refugee Council is concerned that BIS' proposed changes to ESOL funding will in effect limit access to ESOL provision for women thereby impacting on their ability to learn English and exacerbating existing barriers to gender equality.

Recommendations

It is crucial that women, including refugee women, are supported to learn English to enable them to play a full and active part in UK life. We therefore recommend that the government:

- recognises the importance of ESOL in the lives of women and men, their families and the wider society by not distinguishing between 'active' and 'non active' benefits and maintains the current eligibility of learners for full fee remission for Skills Funding Agency (SFA) funded ESOL
- maintains the current eligibility of asylum seeking women and men for full fee remission for SFA funded ESOL
- maintains the DLSF so that refugee women can be supported in their learning and training (e.g. through meeting childcare and travel costs)

3.2 Proposed changes to legal aid in England and Wales

On the 15th November 2010 the Ministry of Justice published the consultation paper *Proposals for the Reform of Legal Aid in England and Wales*. The Refugee Council believes that these proposed changes will remove a safety net which is crucial in providing access to justice for the most vulnerable members of the community, including refugee women. You can see the full Refugee Council response to the proposals [here](#). In this paper, we highlight the proposed changes that will have a particular impact on refugee women.

3.2.1 Asylum support

The Refugee Council sees firsthand the devastating impact of a support regime that fails to meet women's needs or protect them and their children from destitution and poverty. Asylum support is the only access to any benefits that asylum seekers have, providing the most basic level of accommodation and income. It is hence a safety net for women (and men) in a state of absolute destitution and its denial can have severe repercussions for people's health and well being. Destitution makes women particularly vulnerable to sexual exploitation and internal trafficking.

Whilst it may be true that the basic outline to asylum support entitlements is straightforward and easy to explain, the complications that can arise are not. People can be refused asylum support for a variety of reasons which can include not applying in time, disagreements over whether a person is destitute and matters relating to the applicants' co-operation with UKBA. As asylum support is the only means of support available to asylum seekers, who are generally not permitted to work, it is vital that if an application for asylum support is refused, the applicant is able to access legal advice to establish whether there are grounds to challenge the decision and to make the basic case. This may involve discussion or correspondence with UKBA outlining the basis of the case in the hope of resolving it without the necessity of recourse to the courts.

The green paper states that the voluntary sector, non-legal advice agencies are able to advise on the intricate case law on entitlements that has arisen over the years – this is not the case. Furthermore, the impact of the current round of government spending cuts means it is far from certain what alternative sources of advice will be available in future.

Recommendation

- Asylum support should remain in scope as a high priority just as homelessness is, namely because of “the potential impact on the livelihood, health, safety and well-being of the litigant and their family and...given the gravity of the consequences”.⁵

3.2.2 Refugee family reunion

We are also concerned that applications for refugee family reunion are to be treated as immigration matters and not asylum, and hence will be out of the scope of the legal aid scheme according to government proposals. The right to family reunion arises directly from the recognition of an individual's need for protection. The entitlement is strictly limited to spouses and dependant children. Living with one's spouse and children is a fundamental human right, not a matter of choice, nor simply something one decides to do.

The framers of the 1951 Refugee Convention reminded Governments of this in General Provision B.

*The Conference, **considering** that the unity of the family, the natural and fundamental group unit of society, is an essential right of the refugee... and the rights granted to a refugee are extended to members of his family, **recommends** Governments to take the necessary measures for the protection of the refugee's family.*⁶

Family reunion is particularly important for women who may:

- Be particularly vulnerable to persecution and violence in country of origin if they are left alone following the flight of their husband. Women in this situation may be persecuted because of their association with someone who has applied for asylum in the UK or may be stigmatised because they are a separated spouse. In many countries and cultures it is not acceptable for women to live alone and women in this situation may be harassed or singled out for ill-treatment.
- Have claimed protection in the UK but have had to leave children in order to escape persecution or other serious harm. It is vital for the physical and mental health and wellbeing of the woman and her children that they are reunited as soon as possible.

Applications for family reunion are often refused and many of these refusals are overturned on appeal. Refugees should continue to get legal aid in order to pursue these appeals effectively.

Recommendation

- A refugee's application for family reunion should be treated as an extension to his or her claim for asylum and be within scope for legal aid purposes.

3.2.3 Other issues specific to women

Whilst we are pleased that legal aid will continue to be available to protect women who experience domestic violence we are concerned that this may be narrowly defined and confined to cases involving actual physical contact. Many women experience non-physical forms of intimidation, harassment and violence and find themselves trapped within abusive relationships. This can be greatly compounded where there are underlying issues relating to the immigration status of either or both parties. Women in this situation need to have access to legal advice to protect themselves and their children and to resolve their position. In the absence of this they will have little option but to simply apply for asylum.

We are also concerned that removing criminal injuries compensation from the scope of legal aid will have consequences for trafficked women contrary to the UK's obligations under the *Council of Europe Convention on Action against Trafficking in Human Beings*. This requires states to provide legal advice

⁵ *Proposals for the Reform of Legal Aid in England and Wales*, para 4.15

⁶ Convention and protocol relating to the status of refugees 1951 p 12 <http://www.unhcr.org/3b66c2aa10.html>
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and information to victims and free legal aid to enable them to seek redress, including compensation, for the harm they have experienced.

This is a situation comparable to that relating to asylum support where procedures may be apparently straightforward but the complexities that arise are not and require legal advice to pursue. Again alternative sources of advice and support are not available to assist this vulnerable to group to take their cases forward.

Recommendation

- Legal aid should continue to be available for women experiencing all forms of violence, physical and non-physical, and for compensation for victims of trafficking.

4. A new approach (questions 2 and 3)

The consultation paper outlines four approaches to engaging and listening to women in the UK. We provide comment here on the relevance of each for refugee women.

Direct engagement (question 5)

Refugee women and the community organisations that support them are primarily focused on meeting immediate needs. As a result, their voices are often not heard within mainstream political and media debate. Yet in our experience, when they do get the chance and the support to speak out, women with direct experience of the asylum process are powerful advocates and best placed to voice the challenges they face. The Refugee Council would therefore strongly welcome increased engagement between government and refugee women.

However, for this process to be meaningful it requires commitment, resources and expert knowledge. Practical considerations need to be borne in mind to enable refugee women to participate in such initiatives. These would include the provision of suitable childcare arrangements, the covering of travel expenses and other costs including recompense for individual women's time.

We would welcome the opportunity to facilitate direct engagement between refugee women, Ministers and policy officials.

Expertise of the sector (question 6)

As mentioned above, the Refugee Council would welcome any opportunity to work with Government to develop policies that address the barriers and inequalities facing refugee women. Involvement from specialist organisations such as the Refugee Council with expert knowledge on the issues facing women is essential if Government is to develop policies that make a real difference to women's lives.

The paper outlines various methods to engage with specialist organisations and community groups. However, the Refugee Council emphasises the need for ongoing and transparent dialogue between policy makers and stakeholders, with feedback on how stakeholders' views are being taken into account.

IT platform (question 8)

Many refugee women are living in poverty and therefore are some of the least likely to have regular, if any, access to the internet. Therefore an IT platform will be ineffectual in engaging the majority of refugee women.

10 June 2011

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