

Second Reading of the Domestic Abuse Bill

Refugee Council Briefing – April 2020

About the 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.

We deliver a number of programmes and have been working 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?](#)'¹ looking at how the UK government responds to women facing domestic violence and other forms of gender-based violence after arrival in the UK. 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 included 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, many of our outstanding concerns require legislative changes, hence our engagement with the Domestic Abuse Bill.

Whilst we welcome many of the new measures contained in the Domestic Abuse Bill 2020, we remain concerned that the bill fails to adequately address many of the recommendations put forward by the Joint Committee on the Draft Domestic Abuse Bill, particularly those relating to migrant women.

Our key concerns relating to the Domestic Abuse Bill 2020 are outlined below.

Funding for specialist support services and accommodation

Whilst we very much welcome the new requirement for local authorities to provide support services and accommodation, we are concerned that this will only be effective if underpinned by sustainable funding for specialist women's services. Women's Aid estimate that funding support for a safe and sustainable national network of refuges would cost approx. £173 million annually. We believe that local authorities should be

¹ Refugee Council & Asylum Support Appeals Project – [Women seeking asylum: Safe from Violence in the UK?](#)

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required to fund specialist women's refuges including those aimed at supporting BAME survivors. It remains unclear as to what level of funding will be made available to support this.

Failure to address the needs of migrant women (including women seeking asylum)

We are disappointed that the government has not taken the opportunity provided by the Bill to address the needs of migrant women, electing instead to carry out a separate review of services provided to migrant women. Many of the safeguards contained within the Bill would not be available to migrant women with an insecure immigration status, leaving vulnerable women at increased risk of abuse.

Barriers to disclosure 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 often use these fears as a tool to isolate and control women. The Bill should create an effective firewall to separate immigration control from the public services that survivors seek help from, to ensure that women whose claims have been refused can seek help without the overhanging threat of immigration enforcement.

Women seeking asylum who become appeal rights exhausted (ARE)

The Government state that all victims of domestic abuse should be treated first and foremost as victims and all the measures in the Bill apply equally to all victims of domestic abuse in England and Wales irrespective of their immigration status. However, the Bill fails to address the needs of women who exit the asylum support system as a result of having their asylum claim refused and becoming appeal rights exhausted (ARE).

Women who become appeal rights exhausted are 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 or acquaintances 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. To do this, the Destitute Domestic Violence Concession (DDVC) should be widened so that all women with insecure immigration status in the UK can access it, including refused asylum seeking women, rather than just those entering the country on spousal visas.

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 [...] migrant or refugee status'. As such, the draft Bill leaves asylum seeking women 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.

Questions for the government

1. How will the government ensure women seeking asylum who become appeal rights exhausted are able to benefit from safeguards and services contained within the Bill?
2. How will the government ensure survivors with insecure immigration status feel comfortable in

making disclosures of abuse without the threat of immigration enforcement?

3. When does the government expect it will be able to ensure full compliance with the Istanbul Convention?
4. What level of funding will be made available to local authorities to enable them to deliver their new duties to provide services and support?
5. What is the timeframe for the review of services provided to migrant women?

Conclusion

The Bill should require local authorities to fund specialist women's support services as part of the new duty to provide services and support. The government must ensure an appropriate level of funding is made available to local authorities to effectively discharge their new duty.

The Bill should fully address the needs of migrant women (including women seeking asylum). The government must abandon the separate review into services for migrant women and incorporate the recommendations provided by the Joint Committee on the Draft Domestic Abuse Bill.

The Bill should create an effective firewall to separate immigration control from the public services that survivors seek help from, to ensure that women whose claims have been refused can seek help without the overhanging threat of immigration enforcement.

The Destitute Domestic Violence Concession (DDVC) should be widened so that all women with insecure immigration status in the UK can access it, including refused asylum seeking women in the UK, rather than just those entering the country on spousal visas.

The government should take the opportunity presented by the Bill to introduce 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.

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