



Written submission to the Women & Equalities Committee

Equality and the UK asylum process – October 2021

About the Refugee Council

1. 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.
2. Our advocacy work is directly informed through our service delivery across the UK where we have a number of projects that specifically work with women, including pregnant women and new mothers who are experiencing abuse.
3. The Refugee Council has been advocating to improve the outcomes for women who have experienced, or are at risk of, violence and abuse after arriving in the UK. Most recently, 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 seeking asylum at risk of domestic violence and other forms of gender-based violence.
4. Following the publication of that research, we worked with the Home Office to revise their guidance on responding to reports of domestic abuse from people seeking asylum. The revised guidance, published in July 2019², included a number of new safeguards, notably a new funding mechanism enabling women seeking asylum to access specialist refuge accommodation and support services at the point they might experience abuse, or to provide them with a refuge space shortly after.
5. Given our policy work has focused on women seeking asylum at risk of domestic abuse and violence against women and girls, our written evidence on the asylum process focuses on these issues.

¹ http://www.refugeecouncil.org.uk/wp-content/uploads/2019/03/Safe_from_violence_in_the_UK_ASAP-RC_report.pdf

² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/817667/domestic-abuse-asylum-support-v1.0.pdf

What is the nature and extent of the dangers for those with protected characteristics who are seeking asylum in the UK?

Women seeking asylum at risk of abuse

6. Women seeking asylum are often very vulnerable to domestic abuse, because of their lack of resources, knowledge of support systems, and the difficult circumstances in which they arrived in the country.³
7. The asylum system (screening interview, substantive interview, reporting etc.) routinely fails to pick up safeguarding and trafficking indicators despite that fact that women seeking asylum are especially vulnerable to such exploitation.
8. Women who have their asylum claim refused who become appeal rights exhausted (ARE) are particularly vulnerable to exploitation and abuse and are unable to access support services, as they have no recourse to public funds (NRPF).

Asylum support payments

9. Asylum support provides a subsistence payment of £39.63 per person, per week, along with accommodation which is provided on a 'no choice' basis and is usually shared between unrelated adults. People seeking asylum, with outstanding claims, who have friends or family willing to accommodate them are able to apply for the subsistence element on its own.
10. Asylum support does not ordinarily make provision for separate payments to women and men within family units, since only the main applicant is registered to receive payments from the Home Office. The weekly payments cover the whole family's entitlement, and are accessible only by a single ASPEN card, issued in the name of the main applicant (often the women's partner or spouse) for support. Such a system can leave women from all backgrounds open to financial abuse and has been heavily critiqued in the context of Universal Credit where a similar household payment mechanism exists.⁴

Asylum accommodation

11. Once a person has registered their claim for asylum, if they are destitute and unable to support themselves they are able to access emergency accommodation known as 'Initial Accommodation'. This ordinarily takes the form of full-board hostel type accommodation. Some single-sex Initial Accommodation (IA) units do exist, and in some regions IA is offered in individual flats or

³ Addressing Sexual Violence against Refugee Women Project delivered by the University of Bristol:

<https://www.bristol.ac.uk/sps/research/projects/addressing-sexual-violence-against-refugee-women/summary/#d.en.379949>

Study commissioned by the Policy Department for Citizen's Rights and Constitutional Affairs at the request of the FEMM Committee: 'Female refugees and asylum seekers: the issue of integration' (2016), available at: [https://www.europarl.europa.eu/RegData/etudes/STUD/2016/556929/IPOL_STU\(2016\)556929_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2016/556929/IPOL_STU(2016)556929_EN.pdf)

⁴ House of Lords, Economic Affairs Committee 2nd Report of Session 2019–21: *Universal Credit*

isn't working: proposals for reform. Para 80 page 25, available at:

<https://publications.parliament.uk/pa/ld5801/ldselect/ldeconaf/105/105.pdf> .

accommodation units rather than in hostel-type spaces, but concerns remain about the appropriateness of some IA provision.

12. These concerns relate to the difficulties of living in mixed-sex environments for women who have suffered any type of gender-based violence. The fact that Initial Accommodation is provided early on in the asylum system, often means that women who have suffered gender-based violence are not yet recognised and adequately protected because they did not have the opportunity to disclose their experiences or struggle with trauma and need specialist support to be able to disclose painful events.
13. People seeking asylum would ordinarily spend a few weeks in Initial Accommodation before being dispersed on a 'no choice basis' to a town or city anywhere across the UK. They live in this dispersal accommodation whilst they await a decision on their asylum claim.
14. The current accommodation contracts allow accommodation providers to house unrelated people together, and for those people to share rooms. This practice extends to single-parent families. Families in this situation will be allocated separate and lockable rooms but will normally share washing and kitchen facilities. This leads to difficulties and tensions inherent in asking unrelated adults to share a living space. Some of the accommodation providers have recognised the risk and impact room sharing has, Mears for example have decided that they will not require unrelated people to share rooms.
15. Asylum accommodation is provided on a 'no choice' basis. People living on asylum support have no tenancy rights in the properties allocated to them, and can be moved, often at short notice, within the accommodation 'estate' of an accommodation provider. This can include moves between dispersal regions. While the upheaval involved in moving frequently affects both men and women, the impact of frequent moves on women with children, and on women who are pregnant, for whom uninterrupted access to healthcare provision and children's schooling is vital, has a particularly damaging effect.
16. From the start of the Covid-19 pandemic, the Home Office accommodated an increasing number of people in hotels as a form of contingency accommodation due to pressures on the asylum accommodation estate. This resulted in many families being accommodated in hotels that were not suitable for their needs, for long periods of time. They had limited access to the information and support services that would ordinarily have been provided in initial accommodation, and also faced language barriers and digital exclusion.
17. For many women accommodated in hotels, their only interaction was with hotel staff who had no experience of supporting vulnerable people and who would not have had the same level of training and understanding of domestic abuse as the staff employed directly by the accommodation providers.
18. It is not clear what level of training has been provided to staff working for the accommodation providers. We know that staff working in hotels often receive no specialist training despite being asked to work with vulnerable people. There does not seem to be a consistently applied training package for the key staff coming into contact with women seeking asylum who might be expected to act as a 'first responder' to any disclosure of abuse.
19. The increased use of hotels as contingency accommodation as well as employing inadequately trained staff, led to a rise in the number of women reporting experiences of sexual harassment by other residents, and in some cases, by hotel staff directly.

Protection for women who are Appeal Rights Exhausted (ARE)

20. The revised Home Office Domestic Abuse guidance offers additional protection to women seeking asylum who are eligible for asylum support, but this does not include women who have their asylum claim refused and who become Appeal Rights Exhausted (ARE) with no further eligibility for asylum support. This group are not able to access any domestic violence services, leaving them at increased risk of violence or abuse.
21. Women who become ARE are extremely vulnerable to homelessness and destitution, which in turn can expose them to an increased risk of abuse and exploitation, including trafficking. There is a particular risk of sexual exploitation when women have no alternative but to rely on friends, acquaintances, or strangers for accommodation and essential living needs.
22. In addition, these women are often extremely reluctant to report abuse, because they fear being subject to immigration enforcement if they do. This concern is often used by abusers to stop women from reporting their abuse, and held as an ongoing threat against them.
23. Despite an ongoing campaign to ensure all migrant women can access domestic abuse services, the final Domestic Abuse Act did not include these provisions. Instead, the government has recently introduced its Support for Migrant Victims (SMV) pilot, to support 500 migrant women in the next year who would otherwise not be eligible for support. The timing of this – after the Domestic Abuse Act has passed into statute – is unfortunate and insufficient; particularly when we knew that the new system is going to leave some groups of women behind, leaving them with no protection against abuse and violence.

The 'Move-on' period for women who are granted status

24. Asylum support is designed to cease 28 days after a person is granted refugee status or another form of leave to remain. This is known as the 'move on period'. During this time, newly granted refugees are expected to apply for, and access, mainstream benefits and find suitable housing. An extensive body of research has shown that this is an insufficient length of time if homelessness and destitution is to be avoided. The British Red Cross in particular, have published a number of reports⁵ on this issue over recent years. The issue was also extensively covered in the APPG report 'Refugees Welcome?'⁶
25. Recently granted refugees find themselves in an uniquely vulnerable situation at the point at which they exit the asylum support system.
26. The majority of newly granted refugees will have no alternative than to present as homeless to their Local Authority, despite the fact that this homelessness is almost entirely predictable. One of the main issues highlighted in the aforementioned research is the lack of funding to find accommodation in the private rental sector, given that asylum support is only provided on the basis a person is destitute, making saving for a deposit impossible, as having such funds would make a person ineligible for ongoing financial support.
27. Access to welfare benefits, in particular delays built into the design of Universal Credit, result in most refugees experiencing a gap in income.
28. Both the homelessness and benefits systems are less than responsive to the needs of women who exit the asylum support system upon being granted status in the UK.

⁵ <https://www.redcross.org.uk/about-us/what-we-do/research-publications#Refugee%20support>

⁶ <https://refugeecouncil.org.uk/information/resources/refugees-welcome-the-experience-of-new-refugees-in-the-uk/>
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Are individuals with certain protected characteristics more at risk of harm or unfair treatment when going through the UK asylum process?

29. 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.
30. LGBTQI people face additional risks and barriers associated with the asylum system and the decision making process. People often face barriers around disclosure, credibility and a culture of disbelief. A recent report from SOGICA ⁷highlights these issues in more detail and the same organisation has published a set of recommendations ⁸to improve the way in which the UK asylum system responds to LGBTQI applicants.

Do current domestic and international laws and conventions governing the UK's asylum process provide effective protection against discrimination for those with protected characteristics?

Ratification of the Istanbul Convention

31. Article 3(4) of the Istanbul Convention 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'.
32. The government's continued failure to ratify the Istanbul convention leaves women with insecure immigration status, including asylum-seeking women and those who are appeal rights exhausted without the protection required by the Convention.
33. When passing the Domestic Abuse Act, the government failed to take the opportunity to ensure the new domestic legislation was in full compliance with Article 3(4) of the Istanbul Convention.

How is the Government addressing any discrimination or specific dangers for those with protected characteristics in the asylum process, and what more could be done?

34. In July 2018, the Refugee Council and the Asylum Support Appeals Project published a report 'Women seeking asylum: Safe from violence in the UK?', 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.
35. Following the publication of that research, the Home Office revised their guidance on responding to reports of domestic abuse from people seeking asylum. The revised guidance, published in July 2019, includes a number of new safeguards, including a new funding mechanism enabling women seeking asylum who are eligible for asylum support to access specialist refuge accommodation and support services, funded through the asylum support budget.
36. The guidance also sets out the roles and responsibilities that Home Office caseworkers, accommodation providers and Migrant Help are required to take when responding to women at risk of abuse. Migrant

⁷ <https://link.springer.com/content/pdf/10.1007%2F978-3-030-69441-8.pdf>

⁸ <https://www.sogica.org/en/final-recommendations/>

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Help hold the national contract to provide advice and information to people seeking asylum in the UK. They are also the first point of contact for the reporting of issues relating to accommodation and support, so in many cases would be in a position of acting as a first responder to women at risk of abuse.

37. Since the publication of the revised guidance, we have been working with partners to monitor how the guidance is being implemented. Sadly, we found that awareness of the revised guidance amongst Home Office safeguarding hub officials, accommodation providers and Migrant Help staff was poor and remains inconsistent, leaving women at risk of continued abuse. The Home Office need to ensure all relevant stakeholders are aware of the guidance and improve their own monitoring of the outcomes of women at risk of domestic abuse to ensure the guidance is working in practice.
38. The Home Office should ensure that women seeking asylum are firmly included in the cross-government efforts to address violence against women and girls. The new VAWG strategy makes no reference to the needs of women seeking asylum.
39. When a woman receives a positive decision on her asylum claim, the Home Office should ensure that her asylum support is not terminated until an alternative form of income has been secured, to reduce the risk of exploitation and abuse caused by her destitution and homelessness. Whilst the move-on period remains limited to 28 days, refugees should receive a one-off cash payment to assist their transition into mainstream welfare support or work, in line with the allowance provided to resettled refugees.
40. The Home Office should increase its provision of single-sex, or 'family-only' accommodation units within the Initial Accommodation estate.
41. The Home Office should ensure that, where there is mixed-sex Initial Accommodation, women-only spaces or protected times are developed. This would not only lessen the risk of exploitation and abuse but would also facilitate the provision of education sessions around, for example, women's rights, violence awareness and health.
42. Accommodation providers should ensure that staff are adequately trained to recognise the indicators of domestic violence, act on suspicions and respond to disclosures.
43. The Home Office should end its policy of allowing accommodation providers to place unrelated single-parent families in the same accommodation.
44. The Home Office should provide an ASPEN payment card to all adult dependents and not just the principle asylum support applicant.

Afghanistan Citizens' Resettlement Scheme (ACRS)

In what ways does the Afghanistan Citizens' Resettlement Scheme differ from other routes to claiming asylum?

45. Resettlement programmes provide a life-changing opportunity for a fraction of the world's refugees to be given a new life in another country. Resettlement schemes differ from claiming asylum in that eligible refugees are initially identified by the UNHCR, often in refugee camps within the region. These refugees are then approved by the UK government for resettlement to the UK. Refugees approved for resettlement are then flown to the UK and are provided with housing and significant integration support

upon their arrival to the UK. Refugees are approved for resettlement based on whether they meet specific vulnerability criteria set by the UK government.

46. The integration support afforded to resettled refugees stands in stark contrast to the lack of support provided to refugees who are recognised as refugees through the asylum system.
47. Whilst specific details of the Afghanistan Citizens' Resettlement Scheme are yet to be published, our understanding is that the scheme will involve a 'mixed model' which will include the resettlement of refugees from third countries in the region (as people can only be recognised as refugees once they are outside their country) along with the transfer of Afghans directly from Afghanistan. Some of the recent Afghan evacuees will fall under the ACRS scheme so it is important that the Home Office confirm the details of the scheme to enable these people to be issued with the appropriate documentation to enable their onward integration.
48. The government has stated that the ACRS will prioritise vulnerable people, including women and girls at risk, and members of minority groups at risk (including ethnic and religious minorities and LGBTQI people), though at the time of writing the scheme is not yet operational and it remains unclear as to what processes will be put in place to enable these vulnerable groups to access the scheme.

Are people resettled through the Afghanistan Citizens' Resettlement Scheme more likely to be facing persecution based on certain protected characteristics?

49. Given the focus of the scheme includes people with particular protected characteristics, it is likely that people resettled through the scheme will be more likely to be facing persecution based on their sex, religion or sexual orientation.
50. However, given the ACRS scheme is not yet operational, it is unclear as to how each of the priority groups will be able to access the scheme, or what percentage of the total number of people resettled will have a protected characteristic.
51. The risks to these groups presented by the Taliban are well documented. The Home Office's own 'Policy and Information note on Afghanistan' published in October 2021⁹ lists a number of groups who are at specific risk from the Taliban, including Women, LGBTQI people as well as ethnic and religious minorities.
52. A recent article from Human Rights Watch¹⁰ highlights the Taliban issued "By-Law of the Commission for Preaching and Guidance, Recruitment and Propagation of Virtue and the Prevention of Vice". It barred women from educating girls in home-based schools, or from working. Ministry officials have beaten women publicly for dress deemed "immodest"; showing their wrists, hands, or ankles; and not being accompanied by a close male relative.
53. A recent report from Amnesty International¹¹ notes how 'the Taliban carried out multiple human rights violations against women including stoning, public beatings, executions and death penalty, and facing arrest and penalties for "inappropriate dress", and denial of education for girls. As the Taliban return to

⁹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1023533/AFG_CPIN_Fear_of_the_Taliban.pdf

¹⁰ <https://www.hrw.org/news/2021/10/29/afghanistan-taliban-vice-handbook-abusive>

¹¹ <https://www.amnesty.org/en/wp-content/uploads/2021/09/ASA1147272021ENGLISH.pdf>

power, women are at high risk of human rights violations’. The same report also highlights the risk to LGBTQI people in that ‘LGBTI people and groups are at high risk of being harmed in Afghanistan under the Taliban rule’.

54. The organisation Asylos has published a repository of Afghanistan Country of Origin Information (COI)¹², which provides an up-to-date list of current country information on Afghanistan compiled from national, regional and international sources. The most recent edition contains numerous examples of how the Taliban are targeted specific groups including women, LGBTQI people and ethnic minorities.

What measures are needed to support people with certain protected characteristics arriving via the Afghanistan Citizens’ Resettlement Scheme route?

55. The Home Office need to ensure that people with protected characteristics can access the scheme in a safe manner, particularly those people who remain in Afghanistan who may be looking to be resettled directly from Afghanistan rather than through a neighbouring country. At the time of writing, the government has not published any details as to how the ACRS will work in practice or how any potential referral mechanisms for the scheme will work.
56. The government should set up a cross-governmental taskforce commissioned to coordinate work relating to support provided to Afghan evacuees and their families, spearheaded by a senior government official.
57. The Home Office need to ensure all people who arrive under ACRS have the right documentation and can access welfare and housing support (many Afghans who arrived under the ARAP scheme were not provided with the right documentation, leading to extensive delays in accessing welfare support).
58. The Home Office need to set up effective communication channels with key statutory and voluntary sector stakeholders to ensure people are aware of what support is available to them and how to access it. Services that provide high quality post arrival orientation are vital in terms of helping people to understand the systems and practicalities of living a new life in the UK.
59. The Home Office need to support Community Sponsorship groups who want to offer resettlement support to Afghans with protected characteristics.
60. The Home Office need to work with other relevant departments, especially with the Ministry of Defence and the Foreign, Commonwealth and Development Office, to ensure Afghan families can be reunited safely in the UK.
61. The Home Office need to work with other relevant departments and statutory bodies, especially the Department of Health and Social Care and the NHS, to ensure resettled Afghans and their families have access to mental health support, and barriers they are currently experiencing in accessing health services are addressed.
62. The Home Office need to work with other relevant departments and statutory bodies, especially the Department for Business, Energy and Industrial Strategy and the Confederation of British Industry, to set up an employment strategy for resettled Afghans.

¹² <https://www.asylos.eu/afghanistan>

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