

# Best policy and practice in supporting migrant survivors of domestic abuse

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*Domestic Abuse Commissioner Festival of Practice*

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About Southall Black Sisters,  
Safety4Sisters

Hostile environment, Immigration and  
No Recourse to Public Funds (NRPF),  
Data Sharing

Firewall, DVILR and DDVC, SMV,  
Istanbul Convention

Best Practice



# About Southall Black Sisters (SBS)

- Founded in 1979
- 'By and for' black and ethnic minority (BEM) women's organisation addressing violence against women and girls (VAWG) within BEM communities
- **Vision:** empower BEM women and girls to assert their human rights to freedom, equality and justice by leading independent, autonomous lives, free from VAWG
- SBS operates within a VAWG, secular, human rights and intersectional framework, particularly in relation to overlapping inequalities based on race, gender and class/poverty
- SBS provides holistic women's resource centre, community based services
- 60% of SBS' services users are migrant women
- About 70% of our cases are honour based abuse (HBA) related as they involve multiple perpetrators



# About Safety4Sisters (S4S)

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- S4S - an anti racist, feminist - holistic service working to secure the human rights to safety and protection for migrant women who experience gender based abuse

## **All women should have;**

Equal access to safety and protection especially to women's refuges - regardless of immigration status.

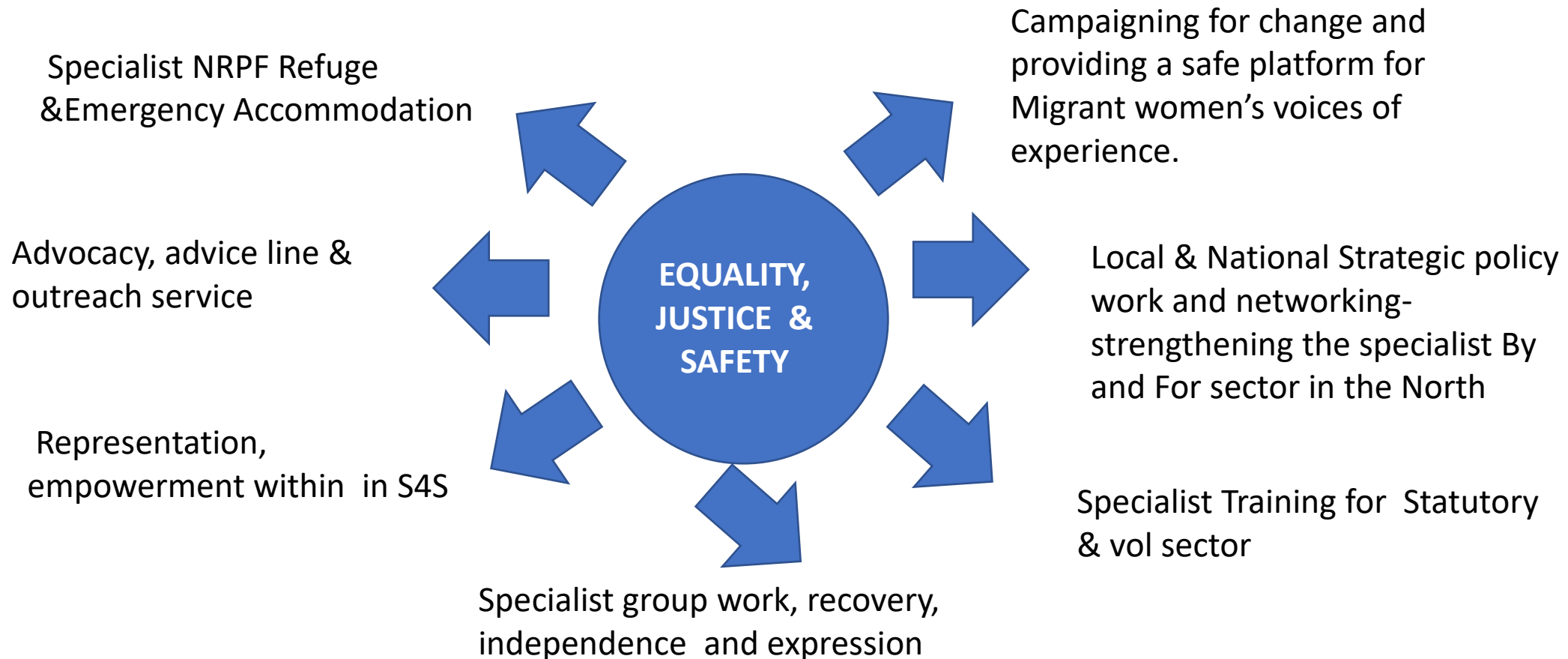
Safe reporting – delink police protection from the Home Office and immigration control

Safety as a right not a privilege





# About Safety4Sisters (S4S)



# Immigration and Hostile Environment

- Some use 'Hostile Environment' to refer to all policies which make life difficult for migrants living in the UK - treating them as less deserving of dignity and humanity than British citizens
- Started in 2012 by Theresa May to target migrants with insecure immigration status and those who can't show the right paperwork
- Aimed at discouraging undocumented migrants from using fundamental services including NHS, police, make it illegal to work, rent
- Data sharing between public sector organisations, for instance, police data sharing with Immigration Enforcement which can lead to deportation



# No Recourse to Public Funds

Many migrants on short-term visas and undocumented migrants have No Recourse to Public Funds (NRPF)- they are

- Ineligible to claim most benefits, council housing and secondary health care
- Unable to enter a women's refuge as they cannot pay their rent or living costs as they are not eligible for housing or other social security benefits



# No Recourse to Public Funds

Migrant survivors of abuse face a stark choice between domestic abuse (and HBA) and deportation and destitution due to

- their insecure immigration status and the NRPF requirement
- a lack of safe reporting mechanisms when reporting abuse or seeking help from the police for fear of being deported as a result of data sharing with Immigration Enforcement





# Data Sharing Between the Police and Immigration Enforcement

- Research by the Latin American Women's Rights Service (LAWRS) shows that 1 in 2 migrant victims with insecure immigration status do not report abuse to the police for fear of disbelief, destitution, detention and deportation
- Perpetrators often exploit women's insecure status, telling them that if they approach the police, they will not be supported and instead be placed at risk of detention or removal because of their legal status. Research by LAWRS found that 62% of migrant women had specifically been threatened in this manner by their abusers
- Perpetrators are thus given impunity

Case Study

# Case study by S4S on data sharing



# Firewall

- Since 2017, the Step Up Migrant Women, which include LAWRS, SBS, S4S campaign has called for establishing safe reporting mechanisms in the form of a firewall to ensure the reporting of a crime and access to support is clearly separated from any form of immigration control
- 2020, three independent watchdogs upheld super complaint by SBS and Liberty and called for immediate firewall and Home Office to review policy. It said data sharing was not in the public interest or constitute safeguarding.
- 2022, the Justice Committee recommended a firewall, which was rejected by the Home Office.
- DAC supports call for a firewall- see 'Safety before Status: the Solutions'.

# Migrant Victims Protocol

- The Home Office proposed Migrant Victims Protocol to 'safeguard' victims by data sharing between police and Immigration Enforcement will not encourage victims to come forward to report abuse.
- Although under the Protocol victims will not be removed while there are criminal proceedings against the perpetrator or support being provided to the victim, data can still be shared and victims can be treated as immigration offenders and liable for deportation.
- This is particularly worrying for migrant women under the illegal immigration bill and other hostile environment policies; and problems with police being institutionally racist, misogynistic and homophobic (Met police, Casey, 2023).
- David Carrick's victim with insecure immigration status was trapped by him. LAWRS had a recent case study of migrant victim being issued with a removal notice 8 days after reporting domestic abuse with no action being taken against the perpetrator. Guardian investigation (March 2023) showed that between 2020-22, 423 victims of domestic abuse were reported to Immigration Enforcement.
- We are currently boycotting the proposed Protocol, which remains unpublished.

# NRPF

- 2022, marked 30 years of campaigning led by SBS to reform immigration and NRPF law for victims of domestic abuse
- The year also marked the anniversaries of two major reforms achieved by the campaign.
- These were 20th anniversary of **Domestic Violence Indefinite Leave to Remain (DVILR)** 2002,
- 10th anniversary of the introduction of **Destitution Domestic Violence Concession (DDVC)** in 2012



# DVILR and DDVC

- Domestic Violence Indefinite Leave to Remain (DVILR) Rule 2002
  - initially introduced as a concession in 1999. It gave victims of domestic abuse on partner/spousal visas the right to indefinite leave to remain in the UK
- Destitution Domestic Violence Concession (DDVC) 2012
  - enables victims on partner/spousal visas with NRPF the right to receive benefits and social housing for three months while they regularised their stay in the UK under the DVILR



# Barriers to leaving:

- Fear of deportation & destitution
- Immigration tied to abuser & Perpetrators threats ('illegal')
- Children ( fear of social services, lack of info on education)
- Fear of authorities ( police , unsafe reporting)
- Language barriers to support- husband prevented women learning English, may not be long in UK.
- Isolation , doesn't know what services there are if she leaves
- Woman never had any independence or been out alone either COO or in UK.
- Unsafe to leave in tight community- surveillance Presumes Destitution and poverty & homelessness- nrpf
- Threats from extended family in UK or abroad or to her relatives ( mothers, sisters)
- Woman doesn't want to get her husband/ abuser into probable with the HO.
- Heightened exposure to racism and exploitative living/labour conditions, hostile environment
- Unsure of their rights as women
- Shame and isolation from the community



# WOMENS VOICES;



*“My husband says that if (I) go back to Iran, he will arrange for intelligence services to pick me up from the airport, put me in prison and torture me – all this is possible in Iran. All the time I am scared outside, someone could come and hurt me”*. - **Group member**

*“If I had taken my children, he would have killed me and then the children would have had no mother, at least this way I am living, I am still their mother”* – **Group member from Jamaica**

*“Going back would be like dying”* – **Group member**



# Barriers to accessing support:

## Immigration;

services turn women away because;

- they think she maybe nrpf
- she is nrpf
- She doesn't know, or she cant prove her status
- They are unaware or untrained as to her rights

## Language barriers

- Police listen to the perp as he has better English & understanding of the systems.
- Services accessible in English only
- Services don't use interpreters

## Police & Lack of safe reporting

- Threats from family in UK & abroad , misunderstood/ ignored & police mis read women's reluctance to report
- Woman fears of involving the police and services in relation to reporting them to HO & having children taken off them

## Safe accommodation

- No accommodation for women who are nrpf ( if she doesn't have children) and refuges cant take women if no HB
- Only one nrpf refuge in North West
- Services don't know her entitlements if she does have children & is nrpf
- Refuges reluctant to take more than one "woman who is nrpf " & lack of training.

## Legal advice & representation

Lack of legal aid immigration lawyers or long waiting lists



# Support For Migrant Victims (SMV) Pilot Scheme

- The SMV pilot is being delivered by SBS in a UK wide partnership. It began in April 2021, and has been extended into its second year and is due to end in March 2023
- Came out of SBS amendments to the Domestic Abuse Bill debates to extend DVILR and DDVC to all migrant victims of domestic abuse to gather more evidence
- The pilot pays towards victim's rent and subsistence for a period of up to 12 weeks to enable them to escape abuse and access legal advice to regularise their status and other holistic support
- In the first year, the pilot assisted about 400 victims and their children. In year two, we expect the numbers to be higher



Case Study

Case study by S4S on NRPF



# SMV evaluation & Research

- Independent evaluation funded by Home Office of SMV for year 1 produced, but unpublished. It recognises the SMV scheme as a vital lifeline
- SBS evaluation by London Met Uni – victims need higher amounts for longer as SMV does not pay UC rates. Still cannot get many into a refuge
- Many on non-spousal/partner visas and undocumented victims have not come forward as it does not also give them the right to settlement
- Previous pilot by SBS funded by Tampon Tax Fund show the same results



# Istanbul Convention (IC)

- In July 2022, the Government ratified the Istanbul Convention, but placed a reservation on Article 59 which gives residency rights to migrant women who face abuse from a spouse or partner
- It stated the reservation was a temporary measure while they evaluate the SMV pilot scheme, after which they will reconsider the matter
- However, the pilot's evaluation assesses the impact of support to victims, not the impact of providing status. While the ratification is welcome, the reservation unfairly restricts the rights of migrant women to safety currently available to non-migrant women



# Recommendations on NRPF

- Extend the DVILR and DDVC to all victims irrespective of immigration status
- Extend the DDVC from 3 to 6 months
- Extend the SMV pilot, pending longer-term solution
- Remove reservation on IC
- DAC recommends these too – see ‘Safety before Status: the Solutions’.
- DAC report shows social gains of £2billion over 10 years

# Problems in Practice

- Lack of services which cater for needs of migrant women and children for refuge, advocacy and support– women turned away
- Lack of practitioner knowledge or willingness to address NRPF and immigration issues – so not pursuing what is possible
- Lack of gender-based violence trauma informed support and mental health services
- Underfunded services generally and specialist ‘by and for’ services
- Lack of legal aid or legal aid solicitors
- Lack of intersectional, holistic and specialist models of practice or services



# Best Practice and Policy

- End hostile environment and improve legal aid
- Extend DVILR and DDVC to all migrant victims & increase to 6 months (best model in the world)
- Local/regional NRPF funds and refuges/services for those with NRPF –EG: new Wales wide NRPF fund
- Introduction of firewall/guidance for police and other agencies – local/regional pilots. EG: Northumbria PCC multi-agency guidance and some overseas
- Improve responses and policy for social services –support mother and child together and treat domestic abuse adults as vulnerable
- Improve training for professionals and knowledge base on migrant women
- Intervene early – ‘one chance’ rule
- Trauma informed spaces and transcultural counselling and better NHS counselling and therapy availability
- More specialist holistic by and for services based on the SBS Model
- Joint working and referral pathways between agencies
- Embed intersectionality/equality within policy and practice



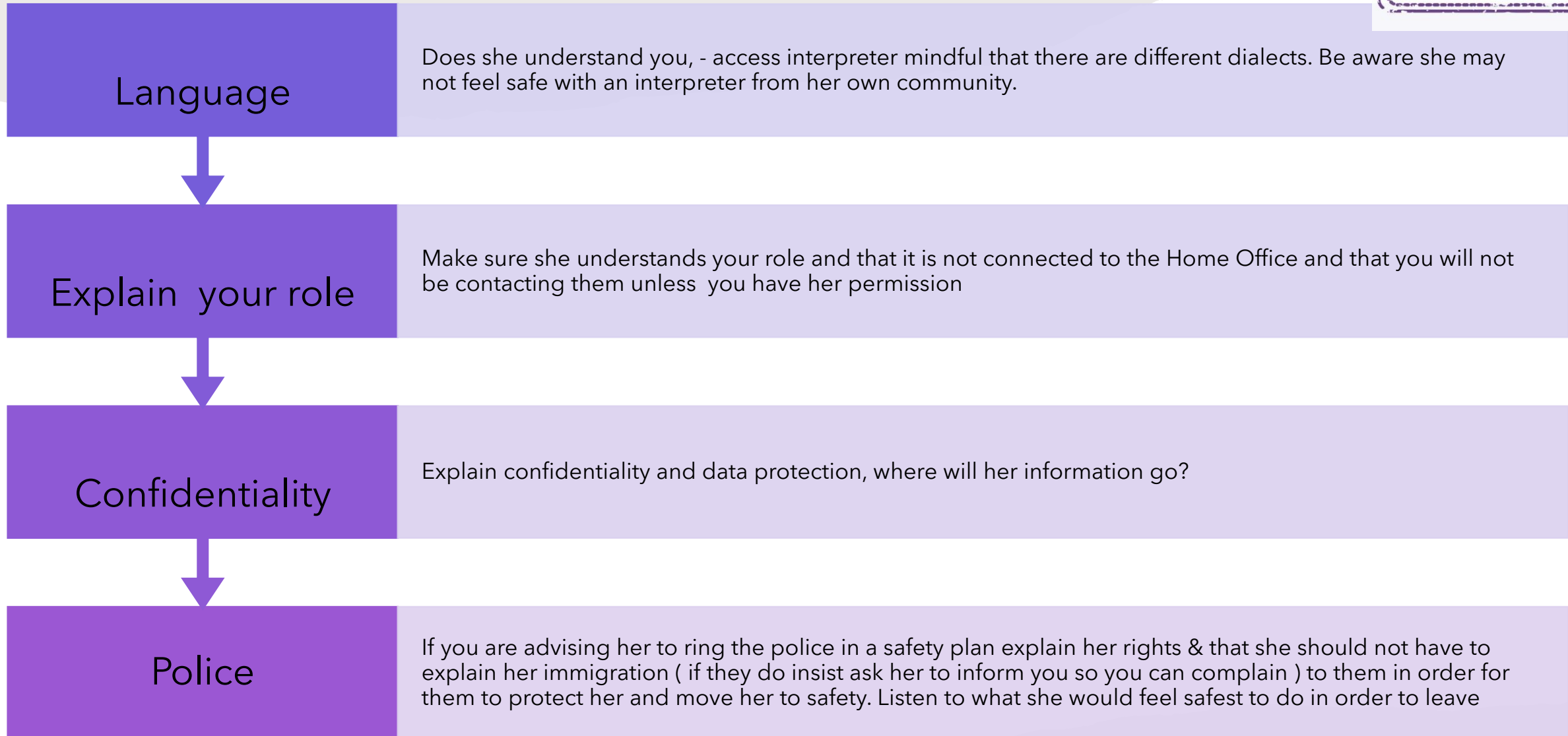


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# Working best practise Migrant Women



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## Legal advice

Get her access to immigration advice as quickly as possible, never contact the Home office, don't put in the DDV concession or contact the Home Office unless she has had immigration advice and you have her permission.

## Safety planning

If she is in the house and is planning to leave remind her to take her immigration documents or if she cant try and get a picture on her mobile if it is safe.  
Be guided by her in relation to where it is safe for her to meet you and give her time to talk about the risks she faces within the home but also in her community or from her COO.

## Access to documents

Some perpetrators of domestic violence take their partner's passport and documentation. No one has the right to take some ones documents if this happens you should report them as stolen to the police. The police report / crime reference number is evidence of domestic violence. You must send both your passport and biometric residence permit (if you were issued with one) with your SET (DV) application. If you are unable to do so you must explain why including why you have been unable to get a replacement passport issued

# Working best practise Migrant Women



Record &  
date  
& questions

Record everything from the first time you make contact- This may be important evidence in her domestic violence or immigration applications further down the line ( eg both physical and mental state, her reactions. )

Make sure you get the details of both hers and her husband/partners immigration status or country of origin ( she maybe an EEA dependent & have many more rights) and ask when she came to the UK. Does she have children, has she already got a solicitor , is she working, are there threats from wider family in UK or abroad.

Hostile  
environment  
& health.

Ensure she is confident to go to the hospital ( some hospitals put women off who have insecure immigration who think they will be charged or report by A&E and other health professionals). Offer to help her complete an HC1 form for free medical care

# Migrant Women

*The evidence and our experience show that victims of domestic abuse need both the right to settlement and public funds in order to come forward, report abuse and be safe*



# WOMENS VOICES;



*My first violent partner – I had to go into a women’s refuge but he called the Home Office to say I was illegal so that I wouldn’t get my residence. The state ignores or criminalises you and the men know you are vulnerable so they can exploit you” - Group member*

*“How can you, you don’t just leave as you are not in control of the situation. I just tried to make myself small and invisible so that he didn’t need me or see me as a human being anymore and so he would leave me alone – I found that this was the most effective way”*

Group member

*“When you are in my situation you are invisible, you are nobody and have no rights”*

Group member

## Questions for Discussion

- **What changes would you like to see in law and policy?**
- **How can your agency improve its policies and practice?**

# Feedback, Information and Thanks

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Thank you!!!

