

Refuge's response to the Home Office's consultation on the New Plan for Immigration (May 2021)

Refuge welcomes the opportunity to respond to the government consultation on the New Plan for Immigration. We would like to make clear from the outset that we stand against any and all amendments to immigration law that will significantly and irreversibly diminish the protection afforded to vulnerable individuals seeking refuge in the UK, and that will have a disproportionately negative impact on survivors of male violence against women and girls. We are concerned that this consultation period has been limited to six weeks rather than the customary twelve. This leaves little time for under-resourced experts in the third sector to respond to such a complex area of proposed policy and legislation. As such, we are limiting our response to the survey to this question alone. We would encourage the government to extend the public consultation process and/or undertake additional stakeholder engagement to ensure that this is a transparent, accountable and reliable consultation.

As the country's largest specialist provider of specialist services for survivors of male violence against women and girls, Refuge is deeply concerned by the New Plan for Immigration and the disproportionate and negative impact it will have on women seeking protection in the UK. Many of these women will have fled their home country after suffering persecution on the grounds of their sex and will be survivors of intersecting forms of gender-based violence, including sexual abuse, forced marriage, female genital mutilation, forced prostitution and domestic abuse. Survivors will often have had little or no choice in how they arrive here, due to the coercion, control, and abuse they experience at the hands of traffickers, family members, and intimate partners (both current and former). These individuals are often one and the same, making women's experience of different forms of gender-based violence, such as domestic abuse and trafficking, impossible to separate. These perpetrators often have complete control of survivors' documents, finances and movements. Women should not be further negatively impacted by the immigration system, as a result of the abuse and violence they have experienced.

By creating a 'one-stop' asylum structure that restricts irregular arrivals to a temporary protection status in the UK with no recourse to public funds, we believe that the New Plan for Immigration will create a punitive and discriminatory asylum system that denies full refugee status to women in genuine need of protection and will directly undermine the Home Office's stated objectives of 'increasing fairness and efficacy'. Furthermore, we believe these proposals will exacerbate the many barriers to protection already faced by migrant survivors of gender-based violence, preventing them from regularising their immigration status and leaving them at a heightened risk of further harm, including abusers weaponising survivors' immigration status in order to exert further control.

One-stop process

From our 50-year long history of supporting women who have suffered gender-based violence, we know that they are often deeply traumatised by their experiences, and it takes ongoing mental health and legal support,

delivered by highly trained specialists, for them to be able to share their experiences. However, the proposed 'one-stop' process for asylum applications, as well as revisions to the National Referral Mechanism's (NRM) procedures for identifying 'credible' victims of human trafficking and an increased threshold for 'reasonable grounds to believe' test, would discriminate against survivors of gender-based violence who do not present all their evidence to immigration officials when making their initial asylum application. It would also unjustly prevent them from making fresh claims once they are safe and ready to speak. Refuge, along with other organisations across the specialist violence against women and girls (VAWG) sector, believes this would create a punitive asylum system in the UK that is prejudiced against women and risks their asylum claims being wrongly refused. This would have devastating and far-reaching impacts for the many survivors of gender-based violence seeking safety in the UK and sends a message to the British public that survivors of violence and abuse will not be supported and may not be believed when reporting their experiences to statutory services.

Temporary protection status

Refuge is also concerned by the proposal that successful asylum claimants who have arrived here by irregular means will only be eligible for temporary protection status, with limited rights and access to support and no opportunity to regularise their immigration status. As previously stated, undocumented women who seek asylum in the UK are often survivors of gender-based violence and have been trafficked against their will by violent perpetrators who will likely pose a significant and ongoing risk to their safety at the point of applying for asylum. The proposed temporary protection status will leave these vulnerable women in permanent fear of being removed from the UK, including to their country of origin even if it poses an ongoing threat to her safety, and with no recourse to public funds. We know traffickers and perpetrators of violence and abuse prey on these vulnerable women, weaponizing their, in many cases well-founded, fears as a tool of coercive control that prevents them from fleeing. We are concerned that the diminished level of protection conferred on survivors by the proposed temporary protection status will be weaponised by perpetrators to further abuse women, and will leave them at a heightened risk of harm and destitution.

Increased protection for migrant survivors of male violence against women and girls

Refuge, along with our sister organisations in the VAWG sector, agrees with the government that domestic immigration law must be urgently amended to better protect survivors of gender-based violence, whether or not that violence took place here or overseas. We would like to take this opportunity to share our joint expert sector-wide recommendations to government which we believe the government should prioritise introducing, rather than create a more punitive immigration system that risks the safety of women and girls in this country.

Support for asylum-seeking women

Currently, women who are asylum seekers are able to use the National Asylum Support Service to financially support a stay in refuge, which is essential given the interrelationship between trafficking, modern slavery, and domestic abuse. Similarly, if asylum seeking women were then awarded refugee status, they would have

indefinite leave to remain and recourse to public funds, meaning that their stay in refuge could continue, or they would be able to continue rebuilding their lives and moving on from the abuse with the specialist, wraparound support that they need and deserve. We are concerned that the proposed changes to the asylum rules, including making an entire cohort of abused women 'inadmissible' to enter the asylum system and the introduction of temporary leave to remain for this group of survivors, rather than permanent refugee status, would make it more difficult for women to access vital support, forcing them to remain with or return to their perpetrators, thus increasing their vulnerability to further abuse. In short, insecure immigration status would lead to further victimisation of survivors and also potentially risks survivors' return to countries that remain unsafe for them.

Access to the DDVC and DVR

This is in contrast to survivors who are in the UK on a spousal visa or a small number of family visas, who can apply for the destitute domestic violence concession (DDVC) and Domestic Violence Rule. This grants survivors leave to remain in the UK for three months and eligibility to apply for benefits during this time, while they apply for indefinite leave to remain under the Domestic Violence Rule (DVR). The DVR again is only open to survivors on spousal visas or a small number of family visas. If survivors successfully apply for the DDVC and for benefits during this time, they can use their housing benefit to support a stay in refuge. However, only migrant women 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 out an enormous portion of migrant survivors, including asylum seeking women and, if the new rules come into force, excluding all refugee women who arrived in the UK by irregular means.

The no recourse to public funds condition

Rather than the changes proposed by the government in this plan, Refuge strongly believes that the immigration system must be reformed such that the no recourse to public funds condition should be abolished in its entirety, and all migrant survivors have a route to remain, including undocumented women. This is ultimately what is needed to ensure that all migrant survivors of violence against women and girls, including asylum seeking survivors and those that arrived in the UK via irregular means, can access safety and support when they need it and are not further victimised and disadvantaged. Alternatively, while not a complete solution (as some survivors will fall through the cracks because they are unable to evidence the abuse they have experienced), eligibility for the DDVC could be expanded to all migrant survivors of abuse, regardless of immigration status and visa type. Given the complexity involved in many immigration applications involving survivors of abuse, Refuge recommends that the length of time for financial support under the DDVC is extended to six months.

Our recommendations to government

While the Government has committed to providing a £1.5 million pilot fund for survivors of domestic abuse with NRPF, via the Support for Migrant Survivors Scheme, we are clear that this is far from enough to ensure

that all migrant survivors can access support and protection. The entirety of the VAWG sector, led by the Step Up for Migrant Women campaign, is in agreement that there is a wealth of existing evidence demonstrating the necessity of abolishing the no recourse to public funds condition, or failing that extending eligibility for the DDVC to all migrant survivors and extending the length of time support can be accessed under the DDVC. The sector is also in agreement that the DVR must be extended to all migrant survivors in order to prevent further re-victimisation and weaponisation of survivors' immigration status, as is common practice amongst perpetrators of abuse.

In summary, our joint recommendations are as follows:

- a) i) Establish a data firewall between public services and immigration enforcement so that when survivors with insecure immigration status approach the police and other public services for support, their personal data is not used for immigration control purposes; ii) ensure that this change is properly communicated to the public, and in particular, migrant communities, so they are more likely to disclose their experiences
- b) Abolish the no recourse to public funds condition for all migrant survivors of domestic abuse and other forms of gender-based violence
- c) Extend the destitute domestic violence concession to at least six months
- d) Expand eligibility for leave to remain under the domestic violence rule to all migrant survivors, including undocumented survivors.

Refuge is clear that the proposals contained within the New Plan for Immigration will discriminate against and disadvantage abused and trafficked women who arrive in the UK via irregular means, often with no choice, and will leave them unsafe and unsupported. The recommendations to government that we have outlined above are the *minimum* requirements needed to ensure that all migrant survivors of violence are abuse, including asylum-seeking women, are given the protection and support they need and deserve when they report their experiences to the police, immigration officials and other statutory services.