

## **Minutes of the APPG on Domestic Violence Meeting**

### ***Will the Bill Stop Her Being Turned Away? Support for survivors with no recourse to public funds (NRPF)***

**5-6pm, Wednesday 1 November 2017**  
Committee Room 10, House of Commons

**Chair:** Jess Phillips MP

The All Party Parliamentary Group (APPG) on Domestic Violence meeting on 1 November 2017 focused on improving survivors of domestic abuse with no recourse to public funds (NRPF) and the opportunities that the forthcoming Domestic Violence and Abuse Bill (DVA Bill) presented in this regard.

The meeting was chaired by Jess Phillips MP. Members of the APPG also in attendance were Alison Thewliss MP, Maria Miller MP, Gavin Newlands MP and Gill Furniss MP.

Speakers at the meeting were:

- Anonymous Survivor of Domestic Abuse
- Katie Ghose – Chief Executive, Women’s Aid
- Nicole Masri - Legal Officer, Rights of Women
- Pragna Patel & Dr Hannana Siddiqui - Southall Black Sisters

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#### **Jess Phillips MP**

Jess Phillips MP welcomed attendees to the meeting and outlined that along with the vice-chair of the APPG, Maria Miller, she had recently met with Sarah Newton to discuss the forthcoming DVA Bill. She stated that the APPG would have an influential role over the DVA Bill, and that the group will be a key opinion former for this legislation.

#### **Anonymous Survivor of Domestic Abuse (A)**

A shared her experiences of domestic abuse, and the struggles that she faced to leave the abuse and get support due to being classified as having “NRPF”. After A came to England with two of her sons to live with her husband, he became progressively more controlling and violent. For example, he did not allow A to speak Spanish (her native language) in their house or talk to her son in Spanish, and threatened to get her deported. A did contact the police and local housing services for help but neither service provided her with quality advice or support.

A called the National Domestic Violence Helpline but she struggled to access any refuge of safe house due to having NRPF. Supported by a local domestic abuse service, she applied for the

Destitute Domestic Violence Concession under the Domestic Violence Rule.<sup>1</sup> Once A was able to claim welfare benefits for a limited period she was able to secure a place for herself and her youngest son in a refuge. A's other son is currently sofa surfing. A finally made a number of recommendations for practical steps that can be taken to improve access to help, information and support for women with NRPF who come to the UK on a spousal visa, which are listed at the end of the minutes.

### **Katie Ghose - Chief Executive, Women's Aid**

Katie set out findings from Women's Aid's ['No Woman Turned Away'](#) (NWTa) project - which delivers additional casework to women who have called the National Domestic Violence Helpline (run in partnership between Women's Aid and refuge) who are unable to access refuge. Of the 404 women supported by the project in 2016-17, over a quarter had NRPF (27%). Only 8 of these 110 women with NRPF were able to access to refuge - a total of just 7%. 7 of these 8 women couldn't access refuge because they had the DDVC and were unable to access benefits while applying for indefinite leave to remain. Katie explained why accessing housing benefit is critical for enabling women to stay in refuges - these services face serious funding challenges and are simply not able to 'self-fund', or cover the rent, for women and children with no benefit entitlement.

Katie set out the harrowing experiences of women with NRPF who weren't able to get into a refuge:

- 34 women (31%) stayed with friends and family while trying to escape abuse.
- 21 women stayed put (19%). 17 of these women remained with the perpetrator - the other four had already fled.
- Many suffered further violence - 9 women (8%) were physically injured by the perpetrator, and 20 women (18%) called the police to respond to an incident with the perpetrator.
- 12 women (11%) with NRPF slept rough or 'sofa surfed' as a result of simply having nowhere to turn - including two women who had children with them and another two women who were pregnant.
- For 16% of women with NRPF, the caseworkers lost contact with them - likely because they grew tired of battling the system and gave up searching for safety.

Katie also highlighted how many of these women had been failed by statutory services - over half of women with NRPF (57%) were fleeing with children. But the project found that social services failed to meet their duty of care to children<sup>2</sup> in 17% of the families.

Whilst the DDV Concession was really important in tackling the problem of destitution for women under the NRPF, Katie highlighted a number of key problems with it's operation in practice. She stated that it was failing to provide an effective safety net - because it excludes

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<sup>1</sup> The Domestic Violence Rule was introduced in 1999, after an extensive campaign by Southall Black Sisters. If women have leave to remain as the spouse/partner of a settled person they are able to apply for indefinite leave to remain (ILR) under the domestic violence rule, which entitles them to public funds. The Destitution Domestic Violence Concession (DDVC) was introduced in April 2012, following further strategic advocacy from the BME by and for ending VAWG sector, to address the problem of destitution for women under the NRPF rule while applying for an ILR decision to be made. The DDVC allows women to claim benefits for three months while they apply for ILR under the domestic violence rule.

<sup>2</sup> Under Section 17 of the Children Act 1989)

many women with insecure status, the criteria for accessing it is too narrow, and the process is far too complex and lengthy. Women's Aid's NRTA Project had found that:

- 74 women of the women with NRPF were not eligible for the DDVC (67%) at all. Almost half (47%) of these women were EEA nationals who did not have access to housing benefit. None of these women were accommodated in a refuge space.
- Other women unable to access the DDVC had over-stayed their visa (13 women), were seeking asylum (5 women), or were on student or other visas (21 women.)

Katie ended by recommending that the DVA Bill include a range of measures to improve support to survivors of domestic abuse with NRPF - including:

- Expanding the eligibility for the Domestic Violence Rule and the DDVC to include all women who have NRPF, to ensure they can access this vital gateway to support;
- Lengthening the time limit, and broadening the evidence requirements, for the DDVC to ensure that it reflects the realities facing women experiencing domestic violence and abuse'
- Reducing the complexity of the process for applications under the DVR and DDVC, and ensure that applications are fast-tracked.

### **Nicole Masri - Legal Officer, Rights of Women**

Nicole started her speech by stating that the purpose of the DVA Bill - to *"make victims safe in the knowledge that the state and justice system will do everything it can to both support them and their children, and pursue their abuser"* was unachievable for migrant women. She stated that the proposed elements of the DVA Bill did not address the multiple and complex barriers faced by migrant women - and this followed the increasing number of barriers imposed by successive governments in recent years on migrant's access to support in the UK. When leave is granted, she highlighted that it is commonly granted with the condition of NRPF. The DDVC is only accessible to specific categories of migrants, excluding the majority of migrant women that need access to this protection. Nicole stated that the right to appeal in DV Rule applications needs to be reinstated.

For undocumented migrants, Nicole stated that the Government have persisted with hostile immigration policies which aim to make life intolerable for undocumented migrants - such as denying their right to rent private accommodation, withdrawing access to legal aid and frequently denying European rights to social security. Asylum seekers are not able to access refuge, a bar which Rights of Women (ROW) had been pressing the Home Office to overturn for three years. These restrictive policies trap many migrant women in abusive relationships, or cause homelessness and destitution if they leave. Nicole also stressed that immigration law does not properly protect victims of domestic abuse, as women can face removal from the UK if fleeing an abusive relationship.

Finally, Nicole stated that migrant women are experiencing significant barriers to justice - particularly as perpetrators use insecure immigration status as a means to coerce and control victims. Many migrant women will not report incidents of domestic abuse to the police, and when they do often withdraw their complaint for fear it will lead to the removal of their right to stay in the UK. Nicole stated that many migrant women have reported to ROW about facing questioning on their immigration status by police when interviewed about domestic abuse.

## **Pragna Patel and Dr Hannana Siddiqui - Southall Black Sisters**

Southall Black Sisters (SBS) described their campaign to reform immigration law and policy that led to the introduction of the DV Rule and DDVC. They spoke to the APPG about the profoundly discriminatory state response to migrant women - who are largely excluded from state protection and are at the mercy of husbands, in-laws and employers. The state's immigration laws and policies were described as weapons of patriarchal control - that subjected women to secondary abuse and trauma in their response to migrant women fleeing domestic abuse.

Pragna and Dr Siddiqui stated that although the Domestic Violence Rule and DDVC were important developments, they needed to be extended to all migrant women and undocumented migrant women, and have their operation improved. Too often, refuges routinely reject women even when they have the DDVC in place for fear that they will not receive funding for the space, or that the funding will be delayed - as most benefits take 8-10 weeks to come through after being granted the DDVC. When the DDVC is granted, women are given a letter from the Home Office declaring their right to public funds. Despite this, SBS said that it was increasingly difficult to place these women in refuges as stipulations were being made to see women's passport, which many didn't have. They highlighted that refuges could be complicit in excluding migrant women from support, and often weren't fully trained in immigration law. This in turn put a strain on organisations like SBS who are required to continue supporting women with immigration matters once they have secured accommodation in a refuge. SBS stated that austerity and damaging commissioning practices were also reducing refuges' capacity to accept women with NRPF.

Pragna and Dr Siddiqui highlighted significant concerns with the response from statutory agencies and local authorities to survivors with NRP. If a woman is not on a spousal visa and has no children, there is very little help available. Whilst Section 17 of the Children Act could provide some protection, SBS stated that every single referral for migrant survivors to social services "creates a war of attrition." Assessments typically take a long time to go through and are usually rejected - often verbally and with a refusal from social services to put the reasons for the rejection in writing. SBS set out the highly inappropriate and risk-laden responses to women with NRPF from statutory services, who often: offer to pay for woman's fare back to home country, offer to facilitate mediation with the perpetrator, offer to house the children and not mother, and tell women that they will contact the perpetrator to see if she can go back home. Although such responses frequently breached women's human rights, the only remedy for this was through legal action. The APPG heard that constantly having to threaten, or take, legal action took up significant time and resources for the SBS.

More generally, Pragna and Dr Siddiqui stated that there had been an insufficient response from the women's movement - and that refuges and the wider women's sector have not done enough to address the issue of NRPF. The burden of providing support and services to women with NRPF has been largely on BME services.

SBS made a series of recommendations which have been reproduced below.

## Recommendations for the DVA Bill

Speakers and attendees at the APPG meeting then focused on how the DVA Bill could be used to improve support for survivors with NRPF, with the aim of ensuring that protection for migrant women was an essential part of the DVA Bill.

Recommendations from speakers and attendees at the meeting included:

- A potential amendment which would give housing and benefits to women on non-spousal visas – through expanding the DDVC to all migrant women. If this was implemented, the government would meet the requirements to migrant women within the Istanbul Convention and the CEDAW convention.
- Ending the practice of curtailing spousal visas for women when their partner claims the marriage has ended. It is important that women have the right to reply to the curtailment of visa, as she will be subject to deportation.
- Providing temporary visas for women who have entered the UK on spousal visas and are taken to another country and abandoned there. It is important that women in this situation have the right to come back into the UK to exercise their rights.
- Placing guidance to social services to provide financial and housing support to women and children who meet the S17 criteria (Children Act 1989) on a statutory footing.
- Provision of financial support to refugees to support women with NRPF.
- If a woman on a spousal visa flees her husband due to domestic abuse the perpetrator should pay for her stay in a refuge.
- During the spousal visa application process, a woman should be able to find out whether her husband has had any previous marriages or supported any previous spousal visa applications.
- Greater inclusion of foreign spouses in the visa application process, ensuring that they understand their rights and where to go to access help and support.