



domestic
abuse
commissioner



Safety Before Status

Improving pathways
to support for
migrant victims of
domestic abuse

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Foreword

It is my firm belief that no victim or survivor of domestic abuse should ever be prevented from accessing the support and protection they need, regardless of who they are. That belief is the driving force of my work as Domestic Abuse Commissioner to champion all survivors of domestic abuse, to raise awareness of key issues and best practice, and to hold local and national government to account in their response to domestic abuse.

Victims and survivors with insecure immigration status are currently shut out of vital routes to safety and security. Without recourse to public funds, too many are unable to access life-saving refuge, if they are forced to flee their homes. A fear of their data being shared with immigration enforcement also prevents many victims and survivors from reporting abuse and reaching out for support from public services. In turn, this enables perpetrators to exploit victims' and survivors' insecure immigration status as a tool of coercive control – and to do so with impunity.

While the passage of the Domestic Abuse Act this year was a critical step forwards, victims and survivors with no recourse to public funds will be left out of this vital provision, and will not be able to access the safe accommodation and increased protection that the Act affords other victims and survivors. We must act now to ensure the barriers they face are addressed. Having spent over 20 years working on the frontline, I have sat with victims and survivors and their children as they desperately seek a place of safety, only to be told that their immigration status means there is nowhere to go. This cannot be allowed to continue.

This is why support for migrant victims and survivors of domestic abuse is a priority for me,

and why I commissioned two independent reports to help understand the pathways and barriers to support, and the evidence needed to drive change.

This report makes the case for a better understanding at a national and local level of the rights and routes to support for migrant victims. A greater awareness of how perpetrators can use their victim's insecure status to further control and abuse them – defined in this report as immigration abuse – is also vital for national policy makers and frontline professionals.

Without routes to safe accommodation, victims face a stark choice: either be trapped in abuse or face homelessness and destitution. I am calling for funding to be allocated in the upcoming Spending Review to enable victims and survivors with no recourse to public funds to access housing, and for holistic, wrap around support to be provided by specialist 'by and for' services that are tailored to their needs.

Above all, it's clear from this report that we need a long-term solution which provides a universal and clear pathway to support for all migrant victims and survivors of domestic abuse. Over the next year, I will undertake further work to create a clearer picture of what this support could look like in practice.

This report represents the starting point for my work in standing up for victims and survivors of domestic abuse with insecure immigration status, and it sets out my ambition as Commissioner to ensure that support and protection is provided to all who need it.

*Nicole Jacobs,
Domestic Abuse Commissioner for England and Wales*

Executive Summary

Introduction

Victims and survivors of domestic abuse with insecure immigration status face significant barriers to accessing the support and protection they need. The no recourse to public funds (NRPF) status means many are prevented from accessing refuge and other safe accommodation. Many victims and survivors are also afraid of reporting to the police or public services due to the fear that their data will be shared with Immigration Enforcement. In turn, perpetrators use their victim's insecure immigration status as a tool for coercive control.

Safety Before Status examines the existing evidence on national policy measures for victims and survivors with insecure immigration status, and provides new evidence on the pathways and barriers to support in practice. It draws on two independent pieces of research commissioned by the Domestic Abuse Commissioner in early 2021: *Hinterland of Marginality*, by the Angelou Centre, and *A Critical Appraisal of the Home Office's Migrant Victims Review*, by the University of Suffolk. It outlines key short and long-term policy measures to ensure support and protection for all victims and survivors of domestic abuse, regardless of their immigration status.

The policy context

Ahead of the Domestic Abuse Bill's passage through parliament, the Home Affairs Select Committee inquiry into domestic abuse and the Joint Committee on the Domestic Abuse Bill both identified a key gap in the draft Bill: support and protection for victims and survivors with insecure immigration status. The evidence identified that while support is available to victims and

survivors on spousal visas for three months via the Destitution Domestic Violence Concession (DDVC), there were few clear avenues to support for victims who were not on spousal visas, and three months may be insufficient for those who could access the DDVC. Concerns were raised about the practice of data sharing between public services and the Home Office, creating a fear of reporting abuse and accessing support. As a result of this evidence, amendments were made by parliamentarians to the Domestic Abuse Bill to:

1. Extend the DDVC to all victims with NRPF, and from 3 months to 6 months support;
2. Establish a firewall between immigration enforcement and public services.

In July 2019, the Home Office committed to conducting a Migrant Victims Review, which in 2020 concluded that further evidence was needed to identify which groups of migrants are likely to be most in need of support, how well existing arrangements may address their needs, how long the group might need support for, and how they could be supported to move on from safe accommodation. The Domestic Abuse Act passed in April 2021, and amendments to extend the DDVC and establish a Firewall were not accepted by the Government.

Untangling the evidence: identifying gaps and learning

In early 2021, the Domestic Abuse Commissioner commissioned the University of Suffolk to consider and assess the evidence provided to the Home Office in their Migrant Victims Review, to help identify evidence gaps and share key learning for future evidence gathering.

Understanding the complexity

Researchers identified that certain types of evidence which may have been given less weight in the Review, particularly case studies, contained evidence which may have answered certain questions that cannot be discerned in large-scale data. Researchers highlighted that the Migrant Victims Review identified categories of 'dependent' versus 'self-supporting' victims who it identified would not necessarily need support. The University of Suffolk report however highlighted that the Migrant Victims Review did not consider that many victims of domestic abuse may experience economic abuse, leaving them vulnerable to destitution, and therefore many survivors may not necessarily remain 'self-supporting' even if they were on entry to the UK. Evidence was also found to identify why victims who are eligible for other forms of support such as asylum support might also need to access support via the DDVC – for example while they are waiting to better understand their entitlement to support, or because they need to access gender-specific and specialised support. The research also identified lessons for future reviews and evaluations conducted by the government to help ensure any evidence gaps can be identified throughout the review process.

Evidence gaps

This report enabled the Domestic Abuse Commissioner to better understand the gaps in evidence. As a result, the Domestic Abuse Commissioner is preparing to commission research which will help to identify how many victims of domestic abuse with NRPF need support, how much it would cost the Government to extend support to these victims, and what the cost benefit



of this policy intervention would be. This research will be published ahead of the evaluation of the Support for Migrant Victims Pilot, to inform future decision making.

Lost in the maze: mapping pathways and barriers to support

In 2021, the Domestic Abuse Commissioner commissioned the Angelou Centre – a specialist 'by and for' service for Black and minoritised victims and survivors – to produce a report which examined the pathways and barriers to support for migrant victims of domestic abuse in terms of their legal eligibility, as well as practical barriers that exist on the ground.

Legal pathways and barriers

The primary legal barrier to support is created through the NRPF condition, which exists for most insecure status categories – including those with no form of leave to enter or remain, those on visitor visas, student visas, work visas, five and ten-year family routes, and refused asylum seekers. Some statuses entitle victims to support under certain conditions – such as those who can apply for the EU Settlement Scheme, and victims of domestic abuse on spousal visas who can access support via the DDVC. Across all categories, migrants who have children are entitled to support from their local authority via section 17 of the Children Act, and local authorities also have some obligations to support individuals who fall under the Care Act. There is, however, a legislative gap in the entitlement to support for migrant victims of domestic abuse who have no children, are not on spousal visas and are not former EEA citizens.

Immigration abuse: a hidden barrier to support and protection

Perpetrators of domestic abuse often use a victim's insecure immigration status to exert further power and control. This form of coercive and controlling behaviour is defined in this report as immigration abuse. Immigration abuse is a form of abuse that is compounded by immigration legislation, policy, and practice. Identifying and naming immigration abuse is vital in ensuring that national and local policy makers and frontline practitioners are equipped to identify and respond appropriately to victims and survivors.¹ A new definition of immigration abuse is provided in the full report, and the Domestic Abuse Commissioner recommends that it is included in national and local domestic abuse and VAWG policies and guidance.

¹ We recognise that there is not a unified consensus on the use of immigration abuse as a term within the specialist 'by and for' sector.

One of the key signifiers of immigration abuse is the inability of victims and survivors to explain their immigration status or be able to access their documentation. However, many agencies determine this lack of documentation or knowledge about immigration status as evidence that a victim is undocumented and therefore not eligible for support

“I had spoken with social services, the police and my doctor and no one had ever questioned his behaviour or thought it was wrong that he kept my immigration papers locked away.”²

Immigration abuse and insecure immigration status as a risk factor is not always identified in local safeguarding protocols, and often the risk faced by victims with insecure immigration status is misidentified. In comparing data with six northern agencies, the Angelou Centre found that over 80% of people referred who were identified as standard or medium risk and considered to have NRPF were reassessed by specialist agencies as high risk, and over 40% had to be referred to MARAC according to local safeguarding protocols.

Information sharing with immigration enforcement undermines trust in the police and public services and enables perpetrators to control and abuse survivors with impunity. A key reason why staff in public services share information with immigration enforcement is for the perceived purpose of safeguarding a victim. Data sharing in this capacity, however, can put the victim or survivor at risk of immigration enforcement, and, even where enforcement action does not take place can compound the experience of immigration abuse, pushing victims and survivors further away from support.

“I did not report to the police because I feared

being deported with my children. I could barely tolerate the abuse, but couldn't dare going to the police”³

Understanding, accessing, and applying for support in practice

An inability to access documentation because of immigration abuse can create further barriers to accessing support in practice, particularly where statutory services require high levels of documentary evidence. For example, returning UK citizens, non- EEA citizens who are eligible for public funds and EEA citizens must prove they are habitually resident to access Universal Credit. Many victims have also had their understanding of services and support controlled and limited by perpetrators, with support services observing that victims and survivors have not heard of the EU settlement scheme when they first access support.

Barriers created by statutory agencies: poor understanding and a failure to implement duties of support

The VAWG National Statement of Expectations states that all local areas should respond to the needs of victims and survivors with insecure immigration status.⁴ However, statutory and non-statutory agencies often do not have a clear knowledge about immigration routes and rights to legal advocacy and support. Evidence from the Angelou Centre shows that 70% of victims and survivors referred as 'NRPF' to their VAWG services and Helpline in 2020-21 should in fact have access to either benefits or other public funding. The Angelou Centre described many of these cases as 'revolving door cases' which involved repeat crisis calls to the police and adult social care. 100% were identified as having experienced Immigration Abuse.

One of the primary routes to support for people with NRPF who have children is Section 17 of the Children Act 1989. Evidence suggests that these duties are not always adhered to; all 12 of the specialist Black and minoritised VAWG

²Victim/Survivor of domestic abuse with insecure immigration status interviewed by the Angelou Centre. The Angelou Centre (2021), *Hinterland of Marginality*. Newcastle Upon Tyne: The Angelou Centre

³ Victim/Survivor of domestic abuse with insecure immigration status interviewed by the Angelou Centre. The Angelou Centre (2021), *Hinterland of Marginality*. Newcastle Upon Tyne: The Angelou Centre

⁴ Home Office (2016) *Violence Against Women and Girls: National Statement of Expectations*. London: Home Office

services consulted by the Angelou Centre for their research stated that they regularly observed Local Authorities failing to uphold Section 17. This report also identified that where police are failing to utilise key powers to protect victims in their own homes, such as DVPNs and DVPOs, this has a particularly adverse effect on victims with NRPF because they have no clear route to safe accommodation.

Specialist services providing support to victims and survivors with insecure immigration status

Home Office VAWG National Statement of Expectations indicates that victims and survivors with protected characteristics, such as Black and minoritised victims and those with insecure immigration status, are best served by specialist 'by and for' services, which are run by highly specialist staff, whose work is designed to meet their specific needs. These services are often the only place that victims with insecure immigration status can turn to: DAC commissioned research by the Angelou Centre identified that women with NRPF and/or uncertain immigration status had consistently made up over 65% of referrals for specialist 'by and for' services; for three of the 12 organisations consulted it was over 80%.

These services have developed, in consultation with victims and survivors, wrap around holistic support to meet the distinct intersectional needs of victims and survivors with insecure immigration status, and hold a wealth of expertise in the routes to support for this group and their distinct experiences, including of immigration abuse. These services also bring a wealth of knowledge to the wider statutory and non-statutory services in their community: among specialist 'by and for' services consulted in DAC-commissioned research by the Angelou Centre, all were the primary referral service for advice and guidance around NRPF issues in their local areas.

Despite the value they bring, these specialist services are small, limited in number and capacity, and often facing significant funding precarity. Initial findings from the Domestic Abuse Commissioner's research to map the provision of domestic abuse services in England and Wales found that the majority of specialist 'by and for' services stated that they provide specialist support to migrant victims or victims with NRPF and were considerably more likely to say that they provided this support than other organisations providing Domestic Abuse services. At the same time, specialist 'by and for' services were far less likely to be in receipt of statutory funding than other organisations.

Evidence also suggests that these services are often not included in local decision making and



multi-agency settings where they could bring value: of the nine non-London based specialist organisations the Angelou Centre spoke to, seven stated that they were not invited to attend any local authority based strategic decision-making meetings (such as Safeguarding, MARAC or Serious Case Reviews) even when the meetings were specifically about women and children from Black and minoritised communities.

Conclusion

This report highlights that alongside national restrictions on support, a range of issues at a regional, local, and individual level create further barriers for victims and survivors of domestic abuse with insecure immigration status. Safety Before Status identifies a gap in terms of eligibility for support for victims and survivors with NRPF who are not on spousal visas. Barriers are also created due to a lack of understanding of the routes to support for victims at a local level, a need to better understand and respond to immigration abuse, and the precarious situation that specialist 'by and for' services for this group are placed in. The Commissioner has outlined long term solutions, as well as short-term changes to address these issues. This report also paves the way for a larger piece of research by the Commissioner to calculate the total number of victims of domestic abuse with NRPF, and better understand the cost-benefit of extending existing support to certain groups. This research will be published ahead of the evaluation of the Support for Migrant Victims Pilot in 2022, to inform Home Office policy solutions for this group.

Key Recommendations

A full list of recommendations is set out on p37–38 of the full report. Priority recommendations for the Domestic Abuse Commissioner are:

1. Following the Migrant Victims Pilot, the Home Office should develop a long-term funding solution which ensures that a clear, universal pathway to support is available for victims with insecure immigration status.
2. In the Autumn Spending Review, £18.7m over three years should be distributed across local authorities to ensure that victims with NRPF can access accommodation and subsistence. This should be accompanied by £262.9m over three years for a dedicated cross-department funding pot for specialist 'by and for' services for survivors with protected characteristics including to provide holistic wrap around support to migrant women with NRPF.
3. As a result of the review into data-sharing, the Home Office should introduce a firewall between police and immigration enforcement, accompanied by safe reporting mechanisms and funded referral pathways to support. This firewall should be extended through the Victims Bill to cover all public services.
4. The Home Office should introduce a working definition of Immigration Abuse in all domestic abuse and VAWG policy, including the Domestic Abuse Act Statutory Guidance, and the Controlling and Coercive Behaviour Guidance. Home Office should also commission a 'specialist 'by and for' VAWG organisation(s) to produce a toolkit on NRPF and Immigration Abuse as well as training and guidance to be made available nationally.
5. The Home Office and the Department for Levelling Up, Housing and Communities should provide guidance and policy to local authorities on the development of Regional NRPF Strategy Forums to address gaps in service provision, referral pathways and support.
6. All future government reviews and evaluations, including the Support for Migrant Victims pilot should include a published Terms of Reference, proactive engagement plans with experts in the field, and a rapid evidence assessment.



1. Introduction



Safety Before Status is a report that seeks to improve the policy response to victims and survivors of domestic abuse with insecure immigration status, a key priority for the Domestic Abuse Commissioner. It examines the existing evidence on national policy measures, as well as providing new evidence on the pathways and barriers to support in practice, and provides short and long-term recommendations to improve support and protection for victims and survivors with insecure immigration status. While the Domestic Abuse Commissioner's remit is England and Wales, this report makes recommendations for welfare and immigration policy which, given reserved powers would take effect across the four nations of the United Kingdom.

The report includes findings from two independent pieces of research commissioned by the Domestic Abuse Commissioner in early 2021: *Hinterland of Marginality*, by the Angelou Centre, and *A Critical Appraisal of the Home Office's Migrant Victims Review*, by the University of Suffolk. Both pieces of research are published in full on their respective authors' websites. In addition, the report includes initial findings of the Domestic Abuse Commissioner's research to map the provision of domestic abuse services across England and Wales, which will be published in full in March 2022. The next stage in our work to ensure that all victims and survivors have access to the support they need will be to better understand the number of people experiencing domestic abuse with NRPf. We will be commissioning further research to determine how many people require support, the cost of providing such support, and the benefits of doing so. With this upcoming research, we anticipate that decision makers will have a much clearer picture of

the nature of support that is so desperately needed for victims and survivors with insecure immigration status.

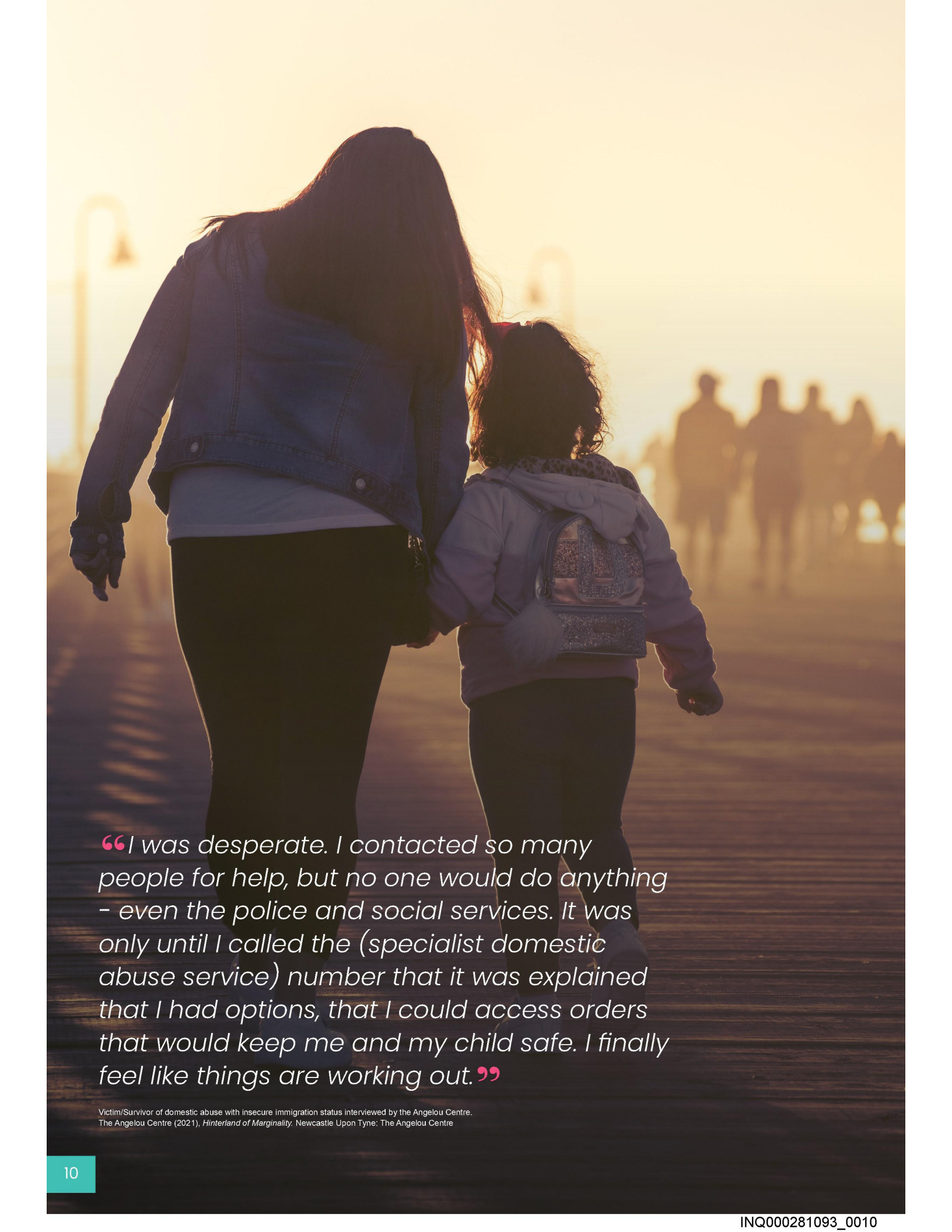
1.1 Background

This report focuses on a group of people who occupy one of the most precarious positions in society: victims and survivors of domestic abuse with insecure immigration status. Many victims and survivors in this situation are too scared to report their experiences to the police and other agencies because they are – or believe they are – dependent on their abusive spouses or partners for their right to remain in the UK. Within this context, it is common for perpetrators of domestic abuse to use immigration status as a weapon of control and coercion.¹ This cycle is compounded by a lack of firewall between police, public agencies and immigration enforcement, and victims and survivors fear immigration control should they report their abuser to the police. Preliminary evidence suggests that people with insecure immigration status experience higher rates of domestic abuse than the national average.²

For victims and survivors of domestic abuse with NRPf, there is an additional layer of economic dependency on the abusive spouse or partner. These victims and survivors are unable to access Housing Benefit which is used to fund most refuge bed spaces and other forms of safe accommodation for people fleeing domestic abuse. This often leaves people facing the impossible choice between destitution and homelessness, or staying with their abuser. These issues are further compounded by factors such as

¹ Imkaan (2012) *Vital Statistics 2: Key findings report on Black, Minority Ethnic and Refugee Women's and Children's experiences of gender-based violence*. London: Imkaan

² Gardner, Z., Patel, C. (2021) *We Are Here: Routes to Regularisation for the UK's Undocumented Population*. London: Joint Council for the Welfare of Immigrants



“I was desperate. I contacted so many people for help, but no one would do anything – even the police and social services. It was only until I called the (specialist domestic abuse service) number that it was explained that I had options, that I could access orders that would keep me and my child safe. I finally feel like things are working out.”

Victim/Survivor of domestic abuse with insecure immigration status interviewed by the Angelou Centre.
The Angelou Centre (2021). *Hinterland of Marginality*. Newcastle Upon Tyne: The Angelou Centre

race and ethnicity, language barriers, sexual and gender identity, disability, age, and economic status, all of which can create additional barriers for victims and survivors of domestic abuse.

This report is underpinned by a recognition of domestic abuse as a crime that disproportionately impacts women and is disproportionately committed by men.³ Women are also disproportionately affected by the highest-harm abuse.⁴ As such, this report draws upon key evidence from specialist 'by and for' services for women experiencing domestic abuse, particularly the Angelou Centre in the Northeast of England, and includes reflections on critical issues affecting women. Male and gender-non-binary victims also face particular barriers to support, as highlighted in section four of this report, which draws on evidence from organisations that support and represent these groups. The recommendations outlined in this research are designed to benefit male, female, and gender non-binary victims with insecure immigration status.

1.2 About this research

This research draws upon existing literature, consultation with expert organisations and policy makers, as well as two independent pieces of research commissioned by the Domestic Abuse Commissioner: *Hinterland of Marginality* and *A Critical Appraisal of the Home Office's Migrant Victims Review* – as well as early findings from the Domestic Abuse Commissioner's own research to map the provision of domestic abuse services across England and Wales.

A Critical Appraisal of the Home Office's Migrant Victims Review, by Dr Olumide Adisa and Dr Katherine Allen at the University of Suffolk, seeks to better understand the existing evidence of the routes and barriers to support for migrant victims and survivors of domestic abuse. It does this through analysing the evidence that the Home Office collected prior to June 2020 in their *Migrant Victims Review*. This includes organisational and service data, case studies, and interview and survey data from service providers and users, and is assessed through the lens of trustworthiness, value, relevance, and context. The appraisal then considers the evidence base against the findings of the *Migrant Victims Review* and identifies what further evidence is needed to best inform decision-makers.

Hinterland of Marginality is a report by the Angelou Centre, an organisation in the North East of England

providing support to Black and minoritised women and children who have been subject to domestic and/or sexual abuse. In early 2021, the Domestic Abuse Commissioner put out a call for submissions to undertake research that helps to understand the pathways and barriers to support for migrant victims of domestic abuse. The Angelou Centre were chosen to conduct this research because of their expertise as a provider of specialist services for victims and survivors with insecure immigration status, as well as their strong links with a wide network of statutory and non-statutory services which enabled them to provide a rich understanding of the pathways and barriers to support. Their research focussed on how these pathways are implemented at a local and regional level by statutory and non-statutory agencies.

The evidence from the Angelou Centre draws upon: first person narratives from over 60 survivors conducted over a total of six group sessions and 24 interviews; interviews, meetings and consultations with 12 specialist led 'by and for' Black and minoritised Violence Against Women and Girls (VAWG) sector organisations and services, ten national VAWG women's organisations, six domestic abuse organisations and 18 multi sectoral professionals⁵ from four regions⁶; as well as national, local authority and regional data sets, reports, strategies and protocols, and Black and minoritised specialist services data, reports, strategies and protocols.

The Domestic Abuse Commissioner's research to map and monitor the provision of domestic abuse services in England and Wales is a task that was established through the Domestic Abuse Act and will be a significant step towards evidencing and addressing the postcode lottery in support for victims and survivors, their children, and perpetrator interventions. This mapping research consists of: a feasibility study in early 2021 to map provision in four local authority areas, work to identify more than 600 organisations across England and Wales, a service provider survey in July 2021 and detailed analysis of responses, and engagement with victims and survivors of domestic abuse to understand their experience in accessing services. As a key priority area, the Domestic Abuse Commissioner's mapping seeks to identify the types of organisations and services which are more likely to accept or offer tailored support to migrant victims and victims with NRPF. As the mapping work and data assurance is not complete, all data and findings are provisional and subject to completion of the final mapping report in 2022.

³ Office for National Statistics (ONS). (2020A). *Domestic abuse victim characteristics, England and Wales: year ending March 2020*. Published online: ONS; Office for National Statistics (ONS). (2020B). *Appendix tables: Homicide in England and Wales*. Published online: ONS; Office for National Statistics (ONS). (2020C). *Domestic abuse and the criminal justice system, England and Wales: November 2020* Published online: ONS.

⁴ Walby, S. and Allen, J. (2004) *Domestic Violence, Sexual Assault and Stalking: Findings from the British Crime Survey*. Home Office Research Study 276. London: Home Office; Walby, S., Towers, J. (2017) *Measuring violence to end violence: mainstreaming gender*. *Journal of Gender-Based Violence*, vol 1 no 1.

⁵ Professionals included high ranking police officers, Adult and Children's Social Care managers, PCC Managers on Domestic Abuse / Violence Reduction, Safeguarding Hubs including MASH and MARAC leads, specialist legal experts on family and immigration law, health leads and local authority VAWG leads.

⁶ North East of England, Yorkshire and the Humber, North West of England, London and the South East of England

“I am a mother of a daughter aged 8 and we live with no recourse to public funds. I have suffered domestic abuse and live in fear. I am always scared- I don't know what is happening with my case. I cannot sleep. I always stress and worry; what if we are deported and sent back?”

Victim/Survivor of domestic abuse with insecure immigration status interviewed by the Angelou Centre. The Angelou Centre (2021), *Hinterland of Marginality*. Newcastle Upon Tyne: The Angelou Centre





2. The Policy

Context

2.1 Before the Domestic Abuse Act: The DV Rule and the DDVC

The Domestic Violence (DV) Rule was introduced in 2002 to provide victims and survivors of domestic abuse on spousal visas a route to apply for indefinite leave to remain in circumstances where their relationship breaks down due to domestic abuse. In 2012, the Destitution Domestic Violence Concession (DDVC) was introduced, giving DV Rule applicants three months' temporary leave and the right to access limited state benefits and temporary housing. The DDVC applies only to those who are destitute, which it defines as having no access to funds or being reliant on a third party to pay for essential living costs, such as basic accommodation and food. The DV Rule and the DDVC do not extend to migrant victims and survivors with non-spousal visas who are subject to NRPF.

2.2. Consultation on the draft Domestic Abuse Bill

In February 2017, former Prime Minister Theresa May introduced the Domestic Abuse Bill (now the Domestic Abuse Act) to Parliament. In March 2018, the Government undertook a consultation to gather feedback on the draft Bill.⁷ Following this consultation, a Joint Parliamentary Committee

to undertake pre-legislative scrutiny of the draft Domestic Abuse Bill between February and March 2019.

In June 2019, the Joint Committee published their first report which found that the Bill included “no specific provisions concerning migrant women,” and acknowledged concerns that “in practice some migrant women would not be protected by the proposed measures in the Bill.”⁸ Witnesses told the Committee that “some women with insecure immigration status are faced with the choice of staying with a perpetrator of abuse or becoming homeless and destitute because they do not know how to get help or may not be entitled to support and may be at risk of detention and deportation. Because of this vulnerability, immigration status itself is used by perpetrators of domestic abuse to coerce and control.”⁹

As a result, the Joint Committee recommended extending the DDVC from three to six months; extending support for migrant victims under the DV Rule; and the establishment of a ‘firewall’ to separate reporting of crime and access to support services from immigration enforcement. In July 2019, the Home Office published a response to the Joint Committee¹⁰ in which it committed to review the overall response for migrant victims of domestic abuse, which later became the Migrant Victims Review.

⁷ HM Government (2018) *Transforming the Response to Domestic Abuse: Government Consultation*. Available at: https://consult.justice.gov.uk/homeoffice-moj/domestic-abuse-consultation-sign-version/supporting_documents/Transforming%20the%20response%20to%20domestic%20abuse.pdf (Accessed 01 April 2021)

⁸ Joint Committee on the Draft Domestic Abuse Bill, *Draft Domestic Abuse Bill: First Report of Session 2017–2019* (HL 2017–19, Paper 378; HC 2017–19, 2075) p.61. Available at: [Draft Domestic Abuse Bill \(parliament.uk\)](https://www.parliament.uk/publications/54204/1/draft-domestic-abuse-bill) (Accessed 24 Sept 2021)

⁹ Joint Committee on the Draft Domestic Abuse Bill, *Draft Domestic Abuse Bill: First Report of Session 2017–2019* (HL 2017–19, Paper 378; HC 2017–19, 2075) p.62. Available at: [Draft Domestic Abuse Bill \(parliament.uk\)](https://www.parliament.uk/publications/54204/1/draft-domestic-abuse-bill) (Accessed 24 Sept 2021)

¹⁰ Home Office (July 2019), *THE GOVERNMENT RESPONSE TO THE REPORT FROM THE JOINT COMMITTEE ON THE DRAFT DOMESTIC ABUSE BILL SESSION 2017–19 HL PAPER 378 / HC 2075: DOMESTIC ABUSE BILL*. Available at: [Domestic Abuse Bill \(publishing.service.gov.uk\)](https://www.gov.uk/government/consultations/domestic-abuse-bill) (Accessed 24 Sept 2021)

2.3. Home Affairs Select Committee

While the Home Office's own consultation exercises were taking place, the Home Affairs Select Committee announced an Inquiry into Domestic Abuse, which published its findings in October 2018. The inquiry highlighted the intersecting barriers of race and insecure immigration status for victims and survivors of domestic abuse and the importance of providing specialist 'by and for' services for this group. The Select Committee concluded that they were "particularly concerned to hear evidence that many police forces share details of victims with the Home Office for the purposes of immigration control."¹¹ In agreement with the Joint Committee, the Select Committee found that "immigration status itself is used by perpetrators of domestic abuse as a means to coerce and control" This finding resulted in a recommendation to Government stipulating that:

"Insecure immigration status must not bar victims of abuse from protection and access to justice. The Government states that its immediate priority is to ensure that all vulnerable migrants, including those in the UK illegally, receive the support and assistance they need regardless of their immigration status. It must ensure that the police service conforms with this objective."¹²

2.4. Firewall super-complaint and data-sharing review

"We have to tell women who have risked everything and their lives to seek help 'I'm sorry but we can't guarantee that your data won't be shared or that you

*won't be deported'. How can we expect any women who are at risk of death to come forward? This is another reason why so many women remain in abuse."*¹³

On 18 December 2018, Liberty and Southall Black Sisters submitted the first ever super-complaint to Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS). It highlighted two features of policing: the passing of victim and witness data to the Home Office by the police for immigration enforcement purposes; and a culture of police prioritising immigration enforcement over safeguarding and the investigation of crime. It raised particular concerns about the impact of data sharing on survivors of domestic abuse, including the sharing of data through multi-agency risk assessment conferences (MARACs).¹⁴ In December 2020, the HMICFRS, College of Policing, and IOPC responded to the super-complaint.¹⁵ Their report found that significant harm is being caused to the public interest because victims of crime with insecure immigration status are fearful that, if they report to the police, their information will be shared with the Home Office and/or the reported crimes will not be investigated.

The report recommended that the Home Office should undertake a review, the effect of which "should be to establish safe reporting mechanisms for all migrant victims and witnesses"¹⁶ It stated that the review should be conducted in consultation with victim and survivor representative groups, practitioners and other interested parties; and should include consideration of a mechanism for establishing a firewall. The report also recommended that as an interim measure, the police immediately stop sharing information on domestic abuse victims with Immigration Enforcement. However, NPCC guidance has not

¹¹ House of Commons Home Affairs Committee, *Domestic Abuse: Ninth Report of Session 2017–2019 (HC 2017–19, 1015)* p.34. Available at: [Domestic Abuse \(parliament.uk\)](#) (Accessed 24 Sept 2021)

¹² House of Commons Home Affairs Committee, *Domestic Abuse: Ninth Report of Session 2017–2019 (HC 2017–19, 1015)* p.34. Available at: [Domestic Abuse \(parliament.uk\)](#) (Accessed 24 Sept 2021)

¹³ Frontline domestic abuse specialist interviewed by the Angelou Centre. *The Angelou Centre (2021), Hinterland of Marginality. Newcastle Upon Tyne: The Angelou Centre*

¹⁴ A MARAC is a meeting where information is shared on the highest risk domestic abuse cases between representatives of local police, probation, health, child protection, housing practitioners, independent Domestic Violence Advisors (IDVAs) and other specialists from the statutory and voluntary sectors.

¹⁵ HMICFRS, College of Policing and IOPC (Dec 2020), *Safe to share? Report on Liberty and Southall Black Sisters' super-complaint on policing and immigration status*. Available at: [Safe to share? Report on Liberty and Southall Black Sisters' super-complaint on policing and immigration status \(publishing.service.gov.uk\)](#) (Accessed 24 Sept 2021)

¹⁶ HMICFRS, College of Policing and IOPC (Dec 2020), *Safe to share? Report on Liberty and Southall Black Sisters' super-complaint on policing and immigration status*. p.16. Available at: [Safe to share? Report on Liberty and Southall Black Sisters' super-complaint on policing and immigration status \(publishing.service.gov.uk\)](#) (Accessed 24 Sept 2021)

been changed to reflect this and no police forces have adopted this recommendation.

The Home Office is currently undertaking its review of the legislative and policy framework that governs the establishment of a Firewall and safe reporting mechanisms, which is due to be published by the end of December 2021 following a six-month extension.

2.5. The Domestic Abuse Bill and the Migrant Victims Review

As the Domestic Abuse Bill made its way through parliament in 2020, widespread concerns were raised that migrant victims were left out of the protections and provisions of the Bill. Key amendments to address this issue were put forward by parliamentarians, including:

1. The extension of the DDVC to all victims with NRPF from 3 months to 6 months support;
2. The establishment of firewall between immigration enforcement and public services;
3. Establishing a non-discrimination clause in line with the Istanbul Convention.

In June 2020, the Migrant Victims of Domestic Abuse Review was published by the Home Office. From the evidence provided, the government concluded that the following was unclear: which groups of migrants are likely to be most in need of support; how well existing arrangements may address their needs; how long the group might need support for; and how they could be supported to move on from safe accommodation.

The Domestic Abuse Act passed in April 2021. However, all three of these amendments were rejected by the government. Two amendments were accepted which place the Home Office Review into data sharing between the police and immigration enforcement on a statutory footing, and for the introduction of a 'Code of Practice' on domestic abuse data sharing, which will be published following the conclusions of the data sharing review.

2.6. Support for Migrant Victims Pilot

At Second Reading of the Domestic Abuse Bill, the Minister for Safeguarding announced that the government would invite bids for grants from a £1.5 million pilot fund to cover the cost of support in a refuge or other safe accommodation for migrant victims who are unable to access public funds. The aim of the pilot is to provide the government with the necessary evidence of the gap in current support arrangements in order to put in place sustainable long-term provision.¹⁷

On 15 April 2021, it was announced that Southall Black Sisters and partner organisations were awarded funding for the Support for Migrant Victims scheme. The pilot will provide support to 300-500 migrant victims for up to 12 weeks with accommodation with and subsistence. Funding for wrap-around holistic services and therapeutic intervention such as counselling, as well as interpretation costs, children's costs, medical and travel costs is being provided additionally by the partner organisations. The pilot project is expected to run until Spring 2022, after which an evaluation of the project will be published to inform long-term decision making from the Home Office about the future provision of support to victims and survivors with insecure immigration status and NRPF.

In early 2021, the Domestic Abuse Commissioner commissioned the University of Suffolk to assess the evidence that the Home Office collected prior to June 2020 in their Migrant Victims Review.¹⁸ The aim of this research was to better understand the nature of the evidence available to the Home Office, consider what evidence is needed to inform future decision making, and share key learning for future evidence gathering. These findings are critical for informing the Domestic Abuse Commissioner's next stage of research to effectively build and address any gaps in the evidence base.

¹⁷ Minister Victoria Atkins, Third Reading DA Bill Domestic Abuse Bill – Monday 26 April 2021 – Hansard – UK Parliament

¹⁸ Adisa, Olumide and Allen, Katherine (June 2021), Migrant Victims of Domestic Abuse: A critical appraisal of evidence from the Home Office Review. University of Suffolk.



3. Untangling the Evidence

The Home Office's evidence base included organisational and service data, case studies of service users, and interview and survey data from service providers and users. It was assessed by University of Suffolk researchers through lenses of trustworthiness, value, relevance, and context.¹⁹ University of Suffolk then cross referenced the evidence base submitted to the Home Office Migrant Victims Review with the key findings from the Review, which were:

1. There was **insufficient evidence around which groups** of migrant victims who are currently excluded from the DDVC and DV Rule are in most need of support, and whether provisions that are already in place might be able to meet these needs.
2. There was **insufficient evidence around the duration of support** needed by migrant victims who are currently ineligible for the DDVC, and how they might be supported to move on from safe accommodation.
3. As a result of these identified gaps in the evidence, there was **insufficient information on the additional funding** needed and how/where this should be directed. The Home Office would therefore undertake a pilot scheme (Supporting Migrant Victims) to provide emergency support to migrant victims with NRPF, which would also enable evidence gathering around these questions.

3.1 Understanding the complexity: Key Findings from the University of Suffolk's Report

Cross referencing the findings of the Migrant Victims Review with the evidence submitted, University of Suffolk found the following:

1. **Certain types of evidence may have been given less weight in the Home Office's Migrant Victims Review, particularly case studies.** These evidence types contained data that may have in fact provided sufficient evidence on certain questions. The University of Suffolk report identified that case study and contextual evidence can afford insights about the complexities of victims' journeys that cannot be discerned in quantitative, large-scale data.
2. **The Home Office's Migrant Victims Review identified categories of 'dependent' and 'self-supporting' victims, as fixed and stable, which researchers concluded did not reflect the nuance of victims' lives.** Contextual evidence demonstrates that many victims of domestic abuse experience economic²⁰ and 'bureaucratic' abuse which can leave them vulnerable to destitution, including those who were economically active and/or self-supporting prior to entering a relationship with the perpetrator.

¹⁹ For further information about how these terms were used, see: Adisa, Olumide and Allen, Katherine (June 2021), *Migrant Victims of Domestic Abuse: A critical appraisal of evidence from the Home Office Review*. University of Suffolk.

²⁰ *Surviving Economic Abuse (2020) Final Evaluation of the Economic Justice Project*. London: Surviving Economic Abuse

3. Researchers identified evidence which highlights why asylum seekers and victims of trafficking may require flexible or interim support beyond current statutory provision.

Evidence submitted to the Home Office's Migrant Victims Review reflected the complexity of asylum and trafficking cases, and the need for interim support from the first point of contact with a service while they access legal advice and pursue more stable routes to support.

4. Researchers identified that support from a 'by and for' domestic abuse organisation was preferred in some cases, particularly where victims of gender-based violence might be better suited accessing more specialised and gender-specific support. This need for gender-, trauma-, and culturally--informed support, as well as specialist 'by and for' services for certain groups, is reflected in wider government policy such as the VAWG Commissioning Toolkit,²¹ the VAWG Strategy, and Part 4 of the Domestic Abuse Act.

3.2 Learning for future government reviews

The research identified lessons for future reviews conducted by the government. These were:

- 1. Developing and publishing a clear Terms of Reference:** This was identified as a crucial tool to provide guidance to contributors on the type of evidence that will be given more weight over others, and to explain the rationale for selecting some evidence over others.
- 2. Greater stakeholder involvement in identifying gaps:** Stakeholders involved in the consultation process should be given sufficient time to address any ambiguities identified by the Government from the evidence submitted.
- 3. Transparency and ongoing engagement with stakeholders:** this was identified as important

in mitigating any potential perception of bias or misreading evidence where interpretations diverge.

4. A Rapid Evidence Assessment: To address gaps in contextual evidence, and to ensure a robust evidence gathering process, a Rapid Evidence Assessment (REA) should be undertaken to inform future government reviews. It is recommended that an REA be undertaken to inform the evaluation of the Migrant Victims Pilot which is currently underway.

It is also vital to ensure that a clear timetable is published, including information on next steps. While evidence for the Migrant Victims Pilot is gathered, the Home Office should publish a clear timetable for the final evaluation and implementation of policy recommendations following the pilot. This is particularly important as any gap in provision pending decision-making once the pilot comes to an end will result in a decline in support for migrant victims and survivors of domestic abuse.

3.3. The evidence gaps: what next?

Based on findings from the University of Suffolk report, the Domestic Abuse Commissioner has identified that the following evidence would help inform future decision making:

1. The number of victims and survivors of domestic abuse in need of support;
2. The costs of providing that support;
3. The cost benefit of providing that support.

As a result of these findings, the Domestic Abuse Commissioner will commission research to address these gaps in Autumn 2021, to be published in Summer 2022 ahead of the publication of the evaluation of the Support for Migrant Victims Pilot.

²¹ Home Office (2018), Violence Against Women and Girls Services: Supporting Local Commissioning. Available at: [VAWG commissioning toolkit \(publishing.service.gov.uk\)](https://publishing.service.gov.uk) (Accessed 24 Sept 2021)



4. Lost in the Maze

mapping pathways and barriers to support

This section of the report explores pathways and barriers to support for migrant victims and survivors with insecure immigration status, both in terms of the legal eligibility for support, and the practical issues that arise on the ground. It draws upon findings of independent research which the Domestic Abuse Commissioner commissioned the Angelou Centre to undertake in 2021.

4.1. Legal pathways and barriers to support

It is well established that the NRPF condition creates barriers to accessing support and accommodation for victims and survivors of domestic abuse with insecure immigration status.²² Victims and survivors with NRPF cannot access Housing Benefit which is used to fund most refuge bed spaces and other forms of safe accommodation for people fleeing domestic abuse. According to Women's Aid, only 4.0% of all vacancies posted on Routes to Support in 2019-20 could consider women who had NRPF.²³ Evidence from Women's Aid's No Woman Turned Away project also found that over a quarter of the

women refused access to a refuge space had NRPF, and many had to sleep rough, sofa surf or even return to the perpetrator while they waited for help.²⁴

Navigating and understanding the range of immigration statuses and support options available for people with insecure immigration status in the UK, and the conditions and eligibility for support attached to each, can be complex. Some victims and survivors of domestic abuse have eligibility to certain avenues to support dependent on their status, such as those on spousal visas who can access support via the DDVC. However, two thirds (67%) of the women with NRPF supported by Women's Aid Federation of England's No Woman Turned Away Project in 2016 weren't eligible for support via the DDVC because they were not on spousal visas.²⁵ The table below has been produced by the Angelou Centre and adapted for this report in order to break down the avenues to support and the experiences of victims and survivors of domestic abuse with different immigration statuses.²⁶

²² Joint Domestic Abuse sector recommendations for the Domestic Abuse Bill (2019) Joint Domestic Abuse sector recommendations for the Domestic Abuse Bill. [Joint Recommendations for the Domestic Abuse Bill.pdf \(safelives.org.uk\)](https://safelives.org.uk)

²³ Birchall, J., McCarthy, L., Samuel, M., Davidge, S., (2021), *The Annual Audit 2021*. Bristol: Women's Aid Federation England

²⁴ Smith, K., Miles, C., (2017) *Nowhere to Turn: Findings from the First Year of the No Woman Turned Away Project*. Bristol: Women's Aid Federation England.

²⁵ *ibid*

²⁶ A full table is included in the appendix to the independent report by the Angelou Centre. *The Angelou Centre (2021), Hinterland of Marginality*. Newcastle Upon Tyne. The Angelou Centre

Immigration Status	Eligibility for Support
<p>1. No form of leave to enter or leave to remain (e.g. an individual that has overstayed their visa or is undocumented).</p>	<p>NRPF under Section 115 of the Immigration Act: prohibited from accessing all forms of support, including access to work, social housing, renting accommodation, health care and opening bank accounts.</p> <p>Prohibited from access to housing under Part VII of the Housing Act.</p> <p>Excluded from some commissioned (non-housing related) advocacy or support services.</p> <p>Migrants with children are entitled to accommodation and other forms of support from their local authority under Section 17 of the Children Act.</p>
<p>2. Visitor Visa</p>	<p>Individuals with visitor visas have NRPF and are prohibited from working.</p> <p>Migrants with children are entitled to accommodation and other forms of support from their local authority under Section 17 of the Children Act.</p>
<p>3. Student Visa</p>	<p>Individuals with student visas have NRPF and their right to work is dependent on the course and the hours of paid employment.</p>
<p>4. Work Visa</p>	<p>Individuals with work visas have NRPF. An individual is only granted this visa if they can speak, read, write, and understand English, and their employer has been approved by the Home Office.</p>
<p>5. Five and ten-year family route</p>	<p>Individuals with leave to remain granted under family or private life rules have NRPF, with the right to work.</p>
<p>6. Asylum Seeker</p>	<p>Under section 95 of the Immigration and Asylum Act 1999, a person seeking asylum can be provided with Home Office housing and financial support.</p>
<p>7. Refused Asylum Seeker</p>	<p>A refused asylum seeker (appeal rights are exhausted) has NRPF but may be able to apply for Section 4 support under the Immigration and Asylum Act 1999, which includes accommodation and a pre-paid ASPEN card.</p>
<p>8. Dependent Partner Visa's (e.g. spouse visas)</p>	<p>An individual on a partner visa may apply for ILR (and therefore recourse to public funds) under the Domestic Violence Rule if they entered the UK as the spouse, civil partner or unmarried partner of a British Citizen or with ILR, but whose relationship has broken down due to domestic violence.</p>
<p>10. EU Settlement Scheme: Settled Status</p>	<p>EEA citizens who have lived in the UK for five years or more (and have been granted settled status) are eligible for public funds if they are habitually resident in the UK.</p>
<p>11. EU Settlement Scheme: Pre-Settled Status</p>	<p>EEA citizens who have lived in the UK for less than five years will need to be qualifying right to reside to be eligible for public funds.</p>

“I told him and his family I wanted to leave, and they told me if I did, I would starve because of my immigration status. That I have no rights in the UK. He kept throwing my card [visa] at me and telling me to read what it says at the back, that I can’t get support.”



4.2 Barriers for male and gender non-binary victims and survivors

While the findings of this report will reflect the experiences of all victims, it is worth noting that male and gender non-binary victims and survivors also have particular experiences which should not go unrecognised. Examples of barriers to support include being unable to recognise their experience as domestic abuse due to low cultural visibility; gendered feelings of shame surrounding the abuse, particularly if sex or gender-identity has been targeted as part of the abuse; not having access to specialist services or not knowing where to go for their needs; concerns about judgement and poor treatment in service provision; and a belief that their disclosure will not be taken seriously. For those who also have an insecure immigration status, these barriers are further compounded by the threat of deportation and the fear of destitution, social exclusion, or even persecution, should they return. Further research into the experiences of male and marginalised migrant victims and survivors, including Deaf and disabled migrant victims and survivors, is needed.

4.3. Immigration abuse

Existing literature, as well as research by the Angelou Centre which included interviews with domestic abuse services, statutory agencies, and survivors themselves, has shown that perpetrators of domestic abuse often use a victim's insecure immigration status to exert further power and control over them. The Home Office 2015 Statutory Guidance Framework for Controlling or Coercive Behaviour in an Intimate Family Relationship states that: "Those subject to immigration control may face additional barriers when attempting to escape domestic abuse. These circumstances may make them more reluctant to come forward and report abuse. Such circumstances may also be exploited by perpetrators to exert control over victims, for example, by threatening to inform immigration authorities, or to no longer support their stay."

Victims and survivors of domestic abuse are also made to face a more precarious immigration status in the context of coercive control – for example if a perpetrator controls a victim's access to their documents, or brings a victim to the UK on the false assurance that their status will be regularised when they arrive. In turn, the precarity that insecure immigration status creates can trap victims and survivors in abusive relationships due to the limited options available to enable them to

escape. Without recourse to public funds, many victims and survivors are unable to flee domestic abuse to safe accommodation and are often dependent on the perpetrator financially. In turn, perpetrators often use the fear of immigration enforcement to threaten victims and survivors and prevent them from disclosing abuse: according to Imkaan, 92% of migrant victims and survivors have reported threats of deportation from the perpetrator.

Victims and survivors have also cited that their fear of deportation and the transnational risks they faced meant that they lived in fear everyday:

“I did not report to the police because I feared being deported with my children. I could barely tolerate the abuse but couldn't dare going to the police”

Insecure immigration status not only increases the likelihood of experiencing domestic abuse, but heightens risk for victims and survivors, often because of the prolonged period that victims are trapped with the perpetrator. This is compounded by higher rates of destitution, trauma, and poor mental and physical health among this group.

In their research for the Domestic Abuse Commissioner, the Angelou Centre concluded that this form of coercive and controlling behaviour should be more formally defined as and understood to be a pattern of immigration abuse, and identified a significant gap in the policy and practice response to victims experiencing this form of abuse. It is important to highlight that immigration abuse is not a new form of domestic abuse, and it is inextricable from the context of coercive control which perpetrators exert over their victims. We recognise that there is not a unified consensus on the use of immigration abuse as a term, and there is a diversity of opinion within the specialist 'by and for' sector on this. However, it is the view of the Domestic Abuse Commissioner that identifying and naming this particular form of coercive and controlling behaviour is vital in ensuring that national and local policy makers and frontline practitioners are equipped to identify and respond appropriately to victims and survivors.



Immigration Abuse

Immigration abuse is a form of perpetration that uses the 'insecure', 'uncertain' or 'unknown' immigration status of an individual (or their dependents) to threaten, coerce, exploit and/or subjugate them (or their dependents) as part of a pattern of control and/or abuse and violence.

Immigration abuse sits within the definition of economic abuse and/or coercive control, as outlined in the Domestic Abuse Act. Immigration abuse may result in psychological and emotional harm and can extend to other forms of physical and sexual violence when it is used as a primary threat or way to exert control over the victim. Immigration abuse is unique in the way that it is exacerbated by existent immigration legislation, policy, and public sector exclusion. An individual's level of vulnerability is compounded by a perception or threat of immigration enforcement, and the authority that these powers hold. Often what underlies the victim's fear is the possibility of destitution, detention, arrest, removal from the UK against the victim's will or the further harm that comes as a consequence of being removed from the country. Victims may also be fearful of losing their ability to support (financially or otherwise) those they care for or to be removed from those that are dependent on them.

Understanding and defining immigration abuse

Key to promoting this understanding and awareness of immigration abuse is having agreed and understood definitions across national and local policy, guidance, and practice. As part of their independently commissioned research, the Domestic Abuse Commissioner asked the Angelou Centre to provide a suggested definition of Immigration Abuse based on their own experience, as well as interviews with specialist domestic abuse services, statutory agencies and other frontline professionals working with survivors of immigration abuse. The definition is provided in this chapter, alongside key examples of the ways in which immigration abuse is perpetrated.

We recommend that this definition and examples be integrated into national and local domestic abuse and VAWG policies and guidance, including the Domestic Abuse Act statutory guidance, and the Statutory Guidance Framework for controlling or coercive behaviour in an intimate or family relationship.

Key examples of immigration abuse used by perpetrator/s:

- Falsifying a victim's immigration status and/or purposefully bringing a person into the UK with an incorrect visa to ensure they remain vulnerable to immigration enforcement, and without options for regularisation.
- Withholding key immigration documents, including their passport, so that a victim is unable to ascertain what rights they may have.
- Withholding accurate information from a dependent, for example, when their visa lapses.
- Purposefully mismanaging a victim's immigration status and/or application, so they become overstayers and/or without valid status. This might involve purposefully missing a deadline to renew a dependent's visa.
- Deliberately using the immigration system to control and threaten a migrant victim-survivor. For example, actually and/or threatening to report their insecure status to the Home Office and subsequent detention and/or deportation.

- Providing misinformation or mistruths to a victim-survivor about their rights or to professionals involved in working with the victim-survivor. For example, falsely stating that the victim-survivor has NRPF when this is not the case. This is regularly compounded by agencies failing to complete accurate assessments around NRPF.
- Subjecting a victim-survivor to honour based violence/abuse within a transnational context. For example, ensuring that a victim-survivor is at high risk of honour-based violence in their country of origin, and subsequently using the threat of deportation and the likelihood of additional harm as a tool to control.

Responding to immigration abuse and safeguarding survivors

The heightened risk faced by victims and survivors with insecure immigration status is not always identified in local safeguarding protocols.

In their research for the Domestic Abuse Commissioner, the Angelou Centre conducted desktop-based research of local authority VAWG strategies which found that none of the 12 local authorities²⁷ included the risk of immigration abuse or considered the need for a related assessment of needs beyond whether a presenting victim/survivor had recourse to public funds. This indicates the need for guidance from national government on immigration abuse to help local areas improve their response and ensure immigration abuse is recognised in relevant policy and strategy. Guidance should be supported by toolkits and training on immigration abuse and NRPF, to equip frontline professionals – to respond appropriately.

Not only is immigration abuse often not identified, but even where it is, the level of risk faced by victims and survivors with insecure immigration status is often underestimated.²⁸ In comparing data with six northern agencies, the Angelou Centre found that over 80% of people who were originally identified as standard or medium risk and considered to have NRPF were reassessed by specialist 'by and for' services as 'high risk', and over 40% had to be referred to MARAC according to local safeguarding protocols. One agency told the Angelou Centre that they had received three cases in one month of women at high risk of severe violence who were known to at least three safeguarding agencies including police

and adult social care, yet none of the cases had been referred to MARAC. This also varies considerably geographically – evidence revealed that the percentage of weekly cases being seen at MARAC that included victims with uncertain immigration status who were experiencing immigration abuse fluctuated from 5-10% in some northern local authorities to on occasion over 30% in some London boroughs. Even accounting for demographic differences across the country, this disparity is considerable.

Immigration status is included in the standard national RIC-DASH forms that are used by IDVAs and other safeguarding agencies.²⁹ However, all of the specialist 'by and for' VAWG services interviewed by the Angelou Centre additionally had their own comprehensive assessment systems which included assessments to ascertain whether a victim-survivor had been subject to immigration abuse. It is vital that frontline professionals across statutory and non-statutory services are equipped to appropriately identify risk among victims and survivors with insecure immigration status.

Immigration abuse: a hidden barrier to support and protection

For victims and survivors of domestic abuse, immigration abuse often creates a fear of engagement with public services and the police, as well as schools, employers, and other agencies. This is too often validated by services that interrogate victims about their status, operate informal or formal data-sharing arrangements with immigration enforcement, and even threaten victims with enforcement action. The Angelou Centre highlighted in their research for the Domestic Abuse Commissioner that one of the key signifiers that someone is experiencing immigration abuse is the inability of victims and survivors to explain their immigration status or be able to access their personal documentation. This may be because their papers are being held or have been destroyed by the perpetrator, or because the fear created by the immigration abuse they experience means they are afraid to talk about their status with statutory agencies. However, many agencies determine this lack of documentation or knowledge about their status as evidence that a victim is undocumented and therefore not eligible for support, which can lead to survivors being turned away from support which they may in fact be eligible for.

²⁷ All 12 local authorities were from the North East of England, Yorkshire and the Humber, North West of England, and the South East of England. All were from areas where the Angelou had already conducted interviews with specialist services.

²⁸ Safelives (2021) *Guidance for Maracs on sharing of information in relation to victims who may have insecure immigration status*. Bristol: Safelives.

²⁹ Although they differ from locality to locality in their format, of the 12 local authority areas looked at, the majority of questions remained the same. National College of Policing's version differs from IDVA and DV sector RIC-DASH and have less questions. The latest amendments to the police risk assessments may include the removal of HBV and SV. https://whatworks.college.police.uk/Research/Documents/DA_risk_assessment_pilot.pdf

The following quote from a survivor of domestic abuse interviewed by the Angelou Centre highlights the importance of greater awareness and understanding about immigration abuse among frontline professionals:

“I didn’t know he was using my immigration status to abuse and manipulate me until I started getting support from you (Specialist Service). I had spoken with social services, the police and my doctor and no one had ever questioned his behaviour or thought it was wrong that he kept my immigration papers locked away.”³⁰

Data sharing between public services and immigration enforcement

Public services – from police to social services – can share information about a victim or survivor with insecure immigration status with the Home Office, which could result in immigration enforcement.³¹ This can undermine trust in the police and public services, deter victims with an insecure immigration status from coming forward for support, and allow perpetrators to go unpunished. Among migrant victims and survivors interviewed by the Latin American Women’s Rights Service (LAWRS), more than half feared that they would not be believed by the police because of their immigration status (54%) and more than half felt that the police or the Home Office would support the perpetrator over them (52%).³²

While legislation such as the Data Protection Act and the Immigration Act indicates that information about a person’s immigration status can be shared for the purpose of crime prevention, one of the main reasons staff in public services share

information with immigration enforcement is for the perceived purpose of safeguarding a victim. Specialist ‘by and for’ services interviewed by the Angelou Centre stated that they have had to intervene in safeguarding meetings, including child protection conferences, when professionals suggested that they seek clarification about an individual’s immigration status from the Home Office. Data sharing in this capacity can put the victim or survivor at risk of immigration enforcement, which, even in the form of a letter from the Home Office, can compound the experience of immigration abuse victims and survivors face. This in turn pushes victims and survivors further away from support due to a fear that they will face immigration enforcement if they come forward to services.

Although the HMICFRS super-complaint and Home Office Review into data sharing both focus on police activity in relation to data sharing, specialist ‘by and for’ services have expressed concerns about the use of data sharing among wider public services, with Children and Adult Social Care in some local authorities sharing data or considering sharing data as routine practice.

Evidence requirements to access support

As this report has highlighted, victims and survivors with insecure immigration status who are experiencing immigration abuse are often unable to source vital documentation, which might have been hidden or destroyed by the perpetrator or left behind when they fled domestic abuse. This can create further barriers to accessing support in practice, particularly where statutory services require high levels of evidence to provide certain types of support. For example, returning UK citizens, non-EEA citizens who are eligible for public funds, and EEA citizens must prove they are habitually resident in order to access Universal Credit. Documentary evidence is usually expected, which may include proof a child is attending school or a tenancy agreement. Claimants will also need to prove that they have lived in the country for a certain amount of time, which may be evidenced through bank statements or travel tickets. Yet for victims and survivors experiencing immigration abuse, this evidence is unlikely to be available.

Evidence from the Angelou Centre also highlighted how there are numerous barriers to EEA National victims and survivors attempting to regularise their status through the EU Settlement Scheme. As a result of coercive control, the report identified that many victims and survivors with insecure

³⁰ Victim/Survivor of domestic abuse with insecure immigration status interviewed by the Angelou Centre. The Angelou Centre (2021), *Hinterland of Marginality*. Newcastle Upon Tyne: The Angelou Centre

³¹ Bradley, G. M. (2019), *Care Don’t Share*. London: Liberty.

³² McIlwaine, C., Granada, L., Valenzuela-Oblitas, I. (2019), *The Right to be Believed*. London: Kings College London, Latin American Women’s Rights Service.

A woman wearing a black headscarf and a long, flowing pink dress is walking away from the camera on a sandy beach. The background shows a calm sea and a clear sky. The woman is wearing blue jeans and brown boots. The overall mood is contemplative and serene.

Zara's story

Zara (pseudonym) self-referred into a specialist service as a high-risk victim of domestic and sexual violence. Zara is a Black and minoritised woman who had been in the UK for one year but had not applied for pre settled status via the EU Settlement scheme. She could not evidence economic activity and her partner, the perpetrator, would not allow Zara to work. As a result, she was unable to access Universal Credit and was left destitute and without recourse to public funds. She did not have a fixed address and was sofa surfing with multiple friends and extended family members (many of whom were complicit in the abuse she was subject to). Within multi-agency contexts, many professionals, including statutory agencies such as the police and social services, described Zara as being 'difficult' to work with as she was 'dishonest' and 'oppositional' to support. They advised that Zara would not show them her ID so she could not be supported to apply via the scheme. Once Zara was allocated an advocate from the specialist service, she quickly disclosed that she had been trafficked into the UK and had experienced high levels of sexual violence. Her passport and all other forms of identification had been taken away from her. Zara expressed her reluctance in telling professionals involved for fear that she would be criminalised - it was for this reason that Zara did not apply for settled status, knowing that without ID she would be unable to do so. The response she received from professionals acted as a direct barrier to support and posed a further risk to her safety.

Victim/Survivor of domestic abuse with insecure immigration status interviewed by the Angelou Centre. The Angelou Centre (2021), Hinterland of Marginality, Newcastle Upon Tyne: The Angelou Centre

immigration status have never heard of the EU settlement scheme when they first access support from a specialist service. The settlement scheme is also largely tech based, with applications and supporting evidence being submitted online or via smart phone apps. The research highlighted that families who are EEA Nationals have recently presented at organisations with increased levels of socio-economic deprivation. As a result, many survivors suffer from extreme levels of both social and digital inequality. In addition to this, to apply for settled or pre-settled status, a valid passport or form of identification is required, which, as identified above, can be a key barrier for victims and survivors experiencing immigration abuse. Alongside the need for a greater understanding of the impact of immigration abuse and a more tailored and flexible approach, these examples highlight the importance of specialist support to enable victims and survivors to safely access what documents they have and identify their options.

4.4. Lack of awareness among agencies of the pathways available to victims and survivors

The report by the Angelou Centre commissioned by the Domestic Abuse Commissioner identified that statutory and non-statutory agencies often do not have a clear knowledge about the differences between types of immigration status, immigration routes and rights to legal advocacy and support. The Angelou Centre undertook a desk-based comparison of 12 local authority areas and found that none had an NRPF strategy or an agreed pathway for this group. This reflects evidence from 2020 that more than 40 percent of local authority websites did not contain any information at all about NRPF.³³ This is despite the Home Office's National Statement of Expectations setting out that all local areas should set out strategies and services that "respond to the needs of diverse groups including...those with insecure immigration status."

As a result of this lack of awareness, many victims and survivors of domestic abuse face delays and barriers in accessing the appropriate support. Evidence from the Angelou Centre showed that 70% of the 234 victims and survivors referred by statutory agencies and generic domestic abuse services as 'NRPF' to their VAWG services and Helpline in 2020-21 should in fact have access to either benefits or should have been offered pathways that enabled them to access public

funding. In their research for the Domestic Abuse Commissioner, the Angelou Centre described many of these cases as 'revolving door cases' which involved repeat crisis calls to statutory agencies such as the police and adult social care, indicating that a greater awareness about routes to support for victims and survivors would reduce burdens on public services and enable victims and survivors to access greater stability. Of the 70% that had been incorrectly referred as having NRPF, 100% were identified as having experienced immigration abuse, which also supports recommendations in this report for a shared definition of Immigration Abuse to promote greater understanding. The majority also spoke English as a second language, and 50% of the women had migrated to the UK in the last 24 months. This indicates that issues such as a need for an interpreter, or a lack of understanding of UK systems due to having recently migrated, can create a barrier to appropriate assessment and support.

4.5. Poor implementation of entitlements and pathways to support for victims and survivors

Section 17 of the Children Act

One of the primary routes to support for people with NRPF who have children is Section 17 of the Children Act 1989, which places a duty on local authorities to safeguard and promote the welfare of children in need in their area. This statutory duty includes the provision of support such as accommodation and financial assistance to destitute children, together with their families. However, evidence suggests that Section 17 is not always adhered to: the Children's Society has reported that 6 in 10 families who try to access Section 17 support from a local authority are refused.³⁴ Similarly, all 12 of the specialist Black and minoritised VAWG services consulted by the Angelou Centre in their DAC-Commissioned research stated that they regularly observed Local Authorities failing to uphold the duty. Often the limited capacity of these services can be spent advocating to local authorities, with services reporting that they regularly submit legal challenges to local authorities who do not adhere to Section 17. In two local authorities, specialist services had spent considerable time informally training social workers on the rights of children under the Children's Act.

³³ Dickson, E., Jolly, A., Morgan, B., Qureshi, F., Sojka, B., & Stamp, D. (2020). Research report: Local Authority Responses to people with NRPF during the pandemic. 10.13140/RG.2.2.35815.88486/1.

³⁴ Dexter, Z., Capron, L., Gregg, L., (2016) *Making Life Impossible*. London: The Children's Society.



Ms GS's Story

Ms GS came to the UK from Latin America after her partner convinced her that he could regularise her status and that of their child on arrival. Once in the country, he refused to make an immigration application for them and after 6 months Ms GS and her child became overstayers. Over the following months, her perpetrator exerted multiple forms of abuse against Ms GS and her child, including physical, emotional, financial, and economic abuse. Because of her status, Ms GS was entirely financially dependent on the perpetrator, and on some occasions, he would withhold money for food and Ms GS and her child were prevented from eating. The perpetrator threatened Ms GS with separation from her child and repeatedly told her that if she informed the police she would not be believed and would be deported. Ms GS was too afraid to report abuse to the police and her mental health deteriorated considerably.

Ms GS self-referred to a specialist 'by and for' service, where her caseworker immediately sought initial immigration advice confirming that Ms GS and her child had the potential to regularise their status. With the support of her advocate to access an interpreter, Ms GS decided to report her perpetrator to the police. After a couple of days, Ms GS' caseworker was informed that the police shared Ms GS's details with Border Force and that Immigration Enforcement would contact Ms GS for an application without providing any detailed information. Despite the increased vulnerability of Ms GS and her child, no action was taken against their perpetrator over the following months.

A specialist caseworker also referred Ms GS's case to the local Children Services, raising concerns about the child's safety due to being a victim of domestic abuse. The response from social services was to state that they did not have a duty to support Ms GS and her child because of Ms GS's status, failing to comply with their duty under section 17 of the Children Act. The social worker also told Ms GS that she had to seek a voluntary return immediately and gave her an ultimatum of three days before they would report her to the Home Office. They also notified Ms GS that if they became homeless, Social Services would remove the child to foster care. This situation highly distressed Ms GS, who felt this confirmed the perpetrator's threats that she would not be supported and would face removal and separation from her child because of her status.

Case study provided by the Latin American Women's Rights Service

The Care Act

In England, underpinning the 2014 Care Act, is the wellbeing duty section 1, whereby a local authority making a decision in relation to a person's care must explain how it has had regard for each of the aspects of wellbeing listed at section 1(2). Local authorities should provide support, regardless of immigration status, if it is established that there is a genuine care need that does not arise solely from destitution, for example, where there are community care needs, migrants with serious health problems or family cases. However, in practice, the specialist Black and minoritised VAWG services interviewed by the Angelou Centre said that they regularly observed that single adults with NRPF were left without any protection and safety. Adult social care support was identified as patchy, with high levels of disparity in the support provided

4.6 Systemic problems within available pathways to support and protection

Police powers

“I reported the abuse to the police, knowing there was a risk that they would share my data with the Home Office for immigration purposes. Despite professional determinations that I am at ‘high risk of serious harm or homicide,’ the police failed to investigate my case properly or take meaningful measures to protect me.

Instead, officers suggested that I return to my country of origin”³⁵

Police powers such as Domestic Violence Protection Notices and Domestic Violence Protection Orders seek to protect victims and survivors from domestic abuse while enabling them to remain in their homes, for example by evicting the perpetrator or preventing the perpetrator from coming within a certain distance of the victim's home. The Centre for Women's Justice's recent super-complaint however outlines systemic failures of the police to fully utilise these powers.³⁶ Police often state that they do not have the capacity and are under-resourced to issue these orders. While this creates challenges for all victims and survivors seeking to escape domestic abuse, it is particularly concerning for victims with NRPF as they have no universal access to alternative routes to safety via safe accommodation such as refuge. Police powers to enable them to stay in their home are often their only means of immediate protection and safety. In their research specialist VAWG services told the Angelou Centre that the failure to exert powers to protect victim-survivors with NRPF are seen to be 'normal and acceptable' by the police.

The National Referral Mechanism

Evidence from the Angelou Centre's report commissioned by the Domestic Abuse Commissioner, as well as other existing reports,³⁷ have highlighted that the Home Office mechanism for identifying Victims of Trafficking via the National Referral Mechanism (NRM) is not an appropriate mechanism for survivors of sexual and domestic abuse. The 2019 CEDAW Committee has highlighted in particular that the NRM has a poor track record of implementation: “the Committee remains concerned that many victims of trafficking and modern forms of slavery remain unidentified and that the support provided to victims is inadequate, putting victims at risk of homelessness, destitution and further exploitation.”³⁸ Hibiscus Initiatives has also highlighted a lack of safe houses for victims of trafficking, with just 581 safe houses available for 2,251 victims in 2018/19, of which only 183 were women-only spaces for some 1,237 women referred for support.³⁹ Concerns have also been raised by specialist organisations that British

³⁵ Victim/Survivor of domestic abuse with insecure immigration status interviewed by the Angelou Centre. The Angelou Centre (2021), *Hinterland of Marginality*. Newcastle Upon Tyne: The Angelou Centre

³⁶ Ofer, N., (2019), *Police Failure To Use Protection Measures In Cases Involving Violence Against Women and Girls*. London: Centre for Women's Justice.

³⁷ Southall Black Sisters (2020), *DA Bill: Appropriate Model of Protection for Migrant Survivors of Domestic Abuse* Accessed online here: <https://southallblackisters.org.uk/news/da-bill-appropriate-model-of-protection-for-migrant-survivors-of-domestic-abuse/>

³⁸ UN. *Committee on the Elimination of Discrimination against Women (72nd sess.: 2019: Geneva)*

³⁹ Hibiscus Initiatives (2020), *Closed Doors Summary Report: Inequalities and Injustices in appropriate and secure housing provision for female victims of trafficking who are seeking asylum*. London: Hibiscus Initiatives.



victims are prioritised over non-UK nationals: in 2019 the NRM recognised 416 British people as trafficking victims out of 501 referrals and 65 out of 144 of EU referrals. However, only 17% of the 1,192 people from outside of the EU referred as suspected trafficking victims were recognised as such.⁴⁰

The Asylum System

The Joint Committee on Human Rights has stated that women in the asylum system “face a culture of disbelief and double discrimination as asylum seekers and women” and the Home Affairs Select Committee has reported that women are less likely than men to receive a correct initial decision on their asylum claim.⁴¹ This is also reflected in research conducted by the Angelou Centre, which heard from specialist Black and minoritised VAWG organisations that they have experienced numerous problems with decisions on women’s claims for asylum. Organisations reported that they have seen the Home Office disbelieving accounts of rape on the basis that the victim or survivor delayed in reporting it – failing to take into account wider contexts and the impact of trauma.

Evidence suggests that a number of women seeking asylum being detained are victim and survivors of violence including immigration abuse.⁴² Over 2,000 women seeking asylum are detained every year, with the majority being victim-survivors of rape and sexual violence including; FGM, sexual exploitation, prostitution and sex trafficking.⁴³

There is a deep level of concern from specialist services about the retraumatising impact of detention on women fleeing from violence and abuse. Research by Women for Refugee Women found that 85% of women interviewed said their mental health had deteriorated while they were detained.⁴⁴ As one survivor interviewed by the Angelou Centre stated:

“When I was picked up and put in [the detention centre] it was like being trafficked again. I thought I was going to be raped when I travelled in that van and was put in a prison. I didn’t know that my solicitor had not put in my asylum claim properly but I was blamed and punished for his failure.”⁴⁵

40 After Exploitation (2020), *Analysis: Trafficking decisions on non-EU nationals 'nearly five times more likely' to be rejected than British claims*. London: After Exploitation.

41 Human Rights Joint Committee (2015), *Sixth Report: Violence against women and girls*. London: Human Rights Joint Committee.

42 Freedom From Torture (2019), *Lessons Not Learned*. London: Freedom from Torture.

43 Women For Refugee Women (2019), *Women asylum seekers and immigration detention: Frequently Asked Questions*. London: Women for Refugee Women.

44 Lousley, G., Cope, S., (2017), *We Are Still Here*. London: Women for Refugee Women

45 Victim/Survivor of domestic abuse with insecure immigration status interviewed by the Angelou Centre.

4.7 Upcoming challenges

New Immigration rules for people sleeping rough

In December 2020, the Home Office introduced an amendment to the immigration rules, HC813, which allows for a person to be refused stay in the UK and potentially deported if they are found to be sleeping rough. Under these new rules, permission to stay in the UK may be refused or cancelled 'where the decision maker is satisfied that a person has been sleeping rough in the UK and has repeatedly refused offers of suitable support and has engaged in persistent anti-social behaviour.' The Domestic Abuse Commissioner is concerned about the impact on victims and survivors with insecure immigration status who may be sleeping rough as a result of fleeing domestic abuse. As victims and survivors with NRPF may be unable to access refuges and other forms of safe accommodation, they are likely to be considered as refusing 'suitable support'. In particular, victims and survivors with insecure immigration status may refuse accommodation offers on the basis that they are not culturally appropriate and are mixed gendered, therefore increasing the risk of further violence. Victims and survivors who have experienced complex trauma, including being threatened by perpetrators with deportation and imprisonment, may also be more likely to be perceived by professionals as displaying 'anti-social behaviour'. It is vital that suitable gender-specific, trauma-informed holistic services are offered to victims and survivors of domestic abuse who are sleeping rough. Part 4 of the Domestic Abuse Act must be monitored to ensure that the service offer meets the definition of 'safe accommodation' outlined in the statutory guidance. Funding at a local level is vital to ensure that this accommodation can be made available to victims with NRPF who are unable to access housing benefit.

New Plan for Asylum

In May 2021 the Queen's Speech announced a 'firm but fair' New Plan for immigration and asylum.⁴⁶ Concerns have been raised that the New Plan could significantly limit safe routes to asylum in the UK, such as the family visa route which is predominantly accessed by women and children. Measures outlined in the New Plan could create additional barriers for victims of domestic abuse who are seeking asylum, including the proposed

temporary status which would require victims and survivors to periodically demonstrate their need for safety, and the proposed 'one-stop' process which relies significantly on evidence for protection being presented at the point of application – rather than evidence presented at a later date when victims and survivors feel safe enough to disclose their experiences.

The UK points-based system

Research has indicated the ways that the introduction of a points-based system has disproportionately impacted on women with insecure immigration status including victims and survivors of domestic abuse. Much of the work that migrant women undertake in the UK (such as cleaning and care roles) is considered to be 'low skilled', for example, women account for 73% of the workforce in the cleaning industry in the UK,⁴⁷ and migrants make up 68% of that workforce.⁴⁸ In addition, English language requirements create a further barrier for this group: a minimum of 75% of all service users across the 12 specialist 'by and for' services which the Angelou Centre spoke to for their research had language support needs, 95% of women referred to the Angelou Centre were not in work or education at their point of access to the organisation and many women had been subject to severe coercive control, restricting their access to education and ability to be socially or economically independent. With these victims and survivors less likely to be able to access secure routes via the points-based system, it is likely that we will see more undocumented victims and survivors facing precarity and insecurity as a result.

It is well established that victims and survivors with protected characteristics, such as Black and minoritised victims and victims with insecure immigration status, are best served by specialist 'by and for' services. As the Government's VAWG Commissioning Framework highlights, "investment in BME-led specialist organisations has been shown to deliver significant financial savings as well as a range of social benefits and outcomes for service users".⁴⁹ The Home Office's draft statutory guidance framework for the Domestic Abuse Act also asserts that "professionals should be aware that they can refer victims with insecure immigration status to specialist 'by-and-for' ethnic minority and migrant organisations as best practice. These organisations can provide holistic wraparound support and safeguard for migrant victims."⁵⁰

The Angelou Centre (2021), *Hinterland of Marginality*. Newcastle Upon Tyne: The Angelou Centre

46 Gov.UK (2021), *Queen's Speech 2021*. London: Gov.UK.

47 British Cleaning Council (2017). *Industry Trends Report*. Northampton: British Cleaning Council.

48 de la Silva, N., Granada, L., Modern, D., (2019), *The Unheard Workforce*. London: Latin American Women's Rights Service.

49 Home Office (2016), *Violence Against Women and Girls: Supporting Local Commissioning*. London: Home Office.

50 Home Office (2021), *Domestic abuse: draft statutory guidance framework*. London: Home Office.



5. Specialist services

providing support to victims and survivors

with insecure immigration status

These services are often the only place that victims with NRPF can turn to, with many providing refuge and other forms of accommodation-based support to victims with NRPF through non-statutory funding. The specialist led 'by and for' Black and minoritised VAWG organisations who spoke to the Angelou Centre in their research for the Domestic Abuse Commissioner stated that migrant women, including those with NRPF, had consistently made up over 65% of their referrals, for three of the 12 organisations consulted it was over 80%.


Initial findings from the Domestic Abuse Commissioner's mapping work further supports the unique role that 'by and for' organisations provide to victims with NRPF. The majority of 'by and for' services for Black and minoritised victims and survivors who responded to the service provider survey stated that they provided specialist support to migrant victims or victims with NRPF and were considerably more likely to say that they provided this support than other organisations providing domestic abuse services. At the same time, 'by and for' services were far less likely to be in receipt of statutory funding than other organisations.

Specialist 'by and for' services have developed, in consultation with victims and survivors, wrap around holistic support and intersectional advocacy to meet the distinct intersectional needs of Black and minoritised women and children who have experienced violence and abuse, including victims and survivors with insecure immigration status. The Angelou Centre provided an overview of the support provided by these specialist 'by and for' services, including among all specialist organisations interviewed for their research commissioned by the Domestic Abuse Commissioner. The services are summarised below:

- **Intersectional Advocacy:** multi-lingual, trauma-informed, intersectional advocacy support that

is often longer term and routinely challenges discrimination at institutional levels. This includes expertise in identifying and responding to harmful practices and immigration abuse, contributing to robust assessments of contextual risk, and ensuring migrant victim-survivors are provided with independent and specialist immigration advice.

- **Therapeutic Support:** Delivery of appropriate individual and group therapeutic services that often include an innate expertise of religious, cultural and community differences within a human rights framework. This support includes the employment of multi-lingual Black and minoritised therapists who have an embedded understanding of the distinct imposed barriers Black and minoritised victim-survivors experience when accessing mental health support as well as VAWG.
- **Legal Assistance:** The specialist Black and minoritised led by and for VAWG sector regularly funds legal support for victim-survivors when required. Other resourcing includes acting as a McKenzie friend in court, supporting with DIY injunctions or supporting women to produce legal paperwork including witness statements and Scott Schedules. Specialist services will often provide this support in collaboration with legal charities and pro-bono legal advocacy.
- **Refuge Accommodation:** This provision includes specialist support for women and children with NRPF, providing accommodation and financial assistance whilst their immigration status is regularised. When women and children leave refuge provision within the sector, they continue to be provided with intensive move on support. Many of these refuges are providing this support without adequate funding or support and with the constant threat of closure.



“The only organisations that are set up to support migrant women are specialist ‘by and for’ services.”

*Second tier professional interviewed by the Angelou Centre.
The Angelou Centre (2021), Hinterland of Marginality.
Newcastle Upon Tyne: The Angelou Centre*

- **Multi-Sectoral Training & Capacity Building:** Specialist VAWG services are increasingly being called upon to provide training, advice, guidance, and capacity building support to multi-sectoral agencies. This is often done and requested without a commitment to funding these services. All the specialist organisations included in this report were the primary referral service for advice and guidance around NRPF issues in their local areas. Many organisations were listed by local authorities to provide this support despite not receiving any local authority funding.
- **Welfare Groups:** Which work to meet the socio-economic needs of victims and survivors, particularly those with NRPF, such as through culturally appropriate welfare banks, meals on wheels, and technology banks.
- **Parenting Support & Children’s Advocacy:** Examples include KIDVA (Child Advocacy) provisions and recovery parenting programmes. This is particularly important in the context of escalating numbers of children that are being removed from migrant mothers and carers on the grounds of them having NRPF, as well as frequent rejection of section 17 support. In addition, many specialist services provide on-site multi-lingual creche services to enable mothers to engage with services.
- **Training and Development & Inclusion Activities:** As community-based organisations, many services deliver and provide training and employability support including accredited training to women who have NRPF.
- **Women’s Voices & Survivor Networks:** Specialist Black and minoritised VAWG organisations continue to centralise the lived experiences of Black and minoritised victim-survivors through regular steering groups, consultations, evaluations, one to one advocacy support, social networks, and expressive sessions.

5.1 Challenges: funding

These specialist services are small, limited in number and capacity, and often face significant funding precarity. Evidence from Women’s Aid suggests that there are just 37 dedicated domestic abuse services for Black and minoritized women in England.⁵¹ As one local authority social care

professional highlighted in an interview with the Angelou Centre:

“There are not enough resources in terms of refuges for migrant women. [...] Sometimes even if a refuge will take a migrant woman, they are not able to provide culturally appropriate support. I would like to see a more diverse work force in the North East who can not only speak the same language but are culturally sensitive to the often-complex needs of migrant women.”

These services are also less likely to be commissioned by local authorities, PCCs and other local commissioners: a 2016 report from Imkaan reported that in the space of a year, 50% of Black and minoritised women’s specialist refuges were forced to close or were taken over by a larger provider due to lack of funding, while others continue to operate without any local government support.⁵² Women’s Aid research also suggests non-commissioned services ran 57.5% of all refuge spaces in specialist ‘by and for’ services, compared to the overall 18.5% of all refuge spaces.⁵³ Research by Comic Relief also found several key barriers to accessing funding for specialist ‘by and for’ services. These included partnership and power dynamics at the local level, challenges in communicating value in competitive tendering processes, an overemphasis on project- and innovation-focused funding and a bias against smaller and less established organisations

⁵¹ Birchall, J., McCarthy, L., Samuel, M., Davidge, S., (2021), *The Annual Audit 2021*. Bristol: Women’s Aid Federation England

⁵² Imkaan (2016). *Capital Losses*. London: Imkaan.

⁵³ Samuel, M. (2021), *Fragile Funding Landscape*. Bristol: Women’s Aid Federation England.



because of complex application processes and lack of support to complete these.⁵⁴

Early findings from the Domestic Abuse Commissioner's national mapping work supports these assessments, finding that 'by and for' services were far less likely to be in receipt of statutory funding than other organisations who provide domestic abuse services.

Over the course of the pandemic, welcome emergency funding was provided by national government for community-based services, national helplines, and emergency accommodation for those fleeing domestic abuse. However, the pandemic and surge in demand for services has further exposed the vulnerability of the sector with regards to funding, with many services, who have been relying on piecemeal funding, struggling to cope with the increased number of survivors requiring support. Independent research on the impact of Covid-19, found that 75% of Imkaan members entered the pandemic with less than three months reserves. In interviews with the Angelou Centre for their independent research commissioned by DAC, only two out of 12 specialist 'by and for' services stated that they had received additional Covid-19 crisis funding from their local authority, despite the widespread acknowledgement of Covid-19's disproportionate impact on Black and minoritised communities.

5.2 Challenges: local decision making and multi-agency meetings

Evidence from specialist 'by and for' services interviewed by the Angelou Centre in their research for the Domestic Abuse Commissioner also highlights that in many areas, they are often not included in local decision making and multi-agency meetings. Of the nine non-London based specialist organisations the Angelou Centre spoke to, seven stated that they were not invited to attend any local authority based strategic decision-making meetings (such as Safeguarding, MARAC or Serious Case Reviews) even when the meetings were specifically about women and children from Black and minoritised communities. None were involved in the public sector Covid-19 Crisis planning that took place at the onset of the pandemic in their local authorities and regions.⁵⁵ All 12 specialist 'by and for' organisations interviewed by the Angelou Centre had set up self-funded welfare responses to support Black and minoritized migrant women during the pandemic, including foodbanks, hygiene banks, meals on wheels and additional access to tech, indicating the benefit to local authorities and their communities of including these services in local planning and decision making.

⁵⁴ Adisa, O., Allen, K., Kumari, M., Weir, R., Bond, E., (2020) *Mapping the VAWG funding ecosystem in England and Wales*. Suffolk: University of Suffolk

⁵⁵ Across the 12 local authorities and regions in England and Wales, all their websites referenced planning meetings, or Covid-19 Crisis response strategies on their websites or/and in their public sector mail outs to communities.



6. Building pathways to accommodation and support

This report demonstrates the need for additional funding to support victims and survivors of domestic abuse with NRPf who are unable to access accommodation and support via established pathways. The Commissioner is calling for the Home Office to create a clear and universal pathway of support to victims and survivors with insecure immigration status, to be established and sustained in the long-term following the conclusion of the Migrant Victims Pilot. To support this, the Commissioner will commission research to provide an estimate of the number of victims and survivors of domestic abuse with NRPf nationally, as well as the cost of providing support to all those that need it, and the cost benefit of this intervention, including the anticipated reduced demand on wider statutory services. The Home Office should also publish a clear timetable for the final evaluation and implementation of policy recommendations following the pilot, given that any gap in policy will result in a decline in support for migrant survivors of domestic abuse after the completion of the pilot.

Local authority funding: accommodation and subsistence

In the short term, while this sustainable pathway is established, funding should be made available at a local level so that victims and survivors of domestic abuse with NRPf across every locality can access safe accommodation. This funding recommendation was strongly supported in a recent roundtable hosted by Centre for Social Justice, which brought together a number of representatives from the specialist ‘by and for’ domestic abuse sector as well as the Domestic Abuse Commissioner.

This funding should cover the cost of rent within safe accommodation, and a stipend for each victim/survivor. Southall Black Sisters estimates that approximately 2,420 victims and survivors of domestic abuse with NRPf each year not currently eligible for support via the DDVC are in need of support.⁵⁶ According to the Home Office, the average DDVC monthly benefit claim is estimated at £857.68.⁵⁷ Covering housing benefit and stipend for a 3-month period to those 2,420 victims a year would therefore lead to an estimated additional national cost of around £18.7m over three years.

This should be accompanied by clear guidance to local authorities that specifies that, where support is available, victims and survivors should be signposted to specialist by and for services in their area. There should also be dedicated funding allocated to cover legal advice so that victims and survivors can be supported to regularise their status.

Dedicated cross-government funding pot for specialist ‘by and for’ services

The Commissioner recommends that the Government creates a single dedicated cross-government funding stream for specialist ‘by and for’ organisations supporting victims and survivors with protected characteristics (including Black and minoritised, LGBTQ+ and Deaf and disabled survivors) as well as victims and survivors with insecure immigration status. This is essential in helping to meet the higher running costs incurred by these services which provide the most suitable and holistic support to survivors, ultimately helping to end domestic abuse for good, and enabling them to successfully rebuild their lives.

⁵⁶ Southall Black Sisters (2020), *Protection for All: The Domestic Abuse Bill and Migrant Women*. Middlesex: Southall Black Sisters.

⁵⁷ Oliver, R., Alexander, B., Roe, R., Wlasny, N., (2019), *The Economic and Social Costs of Domestic Abuse*. London: Home Office.

The Commissioner has worked closely with specialist by and for services to calculate the level of investment required to meet current levels of demand and expand capacity across the country to meet the needs of victims and survivors who face the highest levels of exclusion in England and Wales. We are calling for the Treasury to allocate no less than £262.9m over three years in the upcoming Spending Review to fund specialist 'by and for' services.⁵⁸ Within this, we estimate that £165.3m should be made available to specialist 'by and for' services for Black and minoritised survivors, including victims and survivors with insecure immigration status.

The Commissioner strongly recommends that this pot should be administered directly from national government straight to frontline services to ensure that these services are not disadvantaged by local commissioning structures which favour more generic providers. We would recommend that the funding pot is administered by the Ministry of Justice based on its extensive experience of commissioning victim support services: the Ministry of Justice should coordinate this work with relevant central government departments including the Home Office, the Department for Levelling Up, Housing and Communities and the Department for Health and Social Care.

⁵⁸ Please be aware that these figures are based on statistics from before the Covid-19 pandemic. Costs are being recalculated by specialist 'by and for' services in line with inflation and the impact of the pandemic on demand for support, complexity of need, and the nature of services and service delivery. A final figure will be provided in the report published on 18th October, and in the DAC Office submission to the Spending Review.





7. Conclusions and recommendations

This report builds and draws upon a wealth of evidence to examine the pathways and barriers to support and protection for victims and survivors of domestic abuse with insecure immigration status. It is clear from this evidence that alongside national restrictions on support, a range of issues at a regional, local, and individual level create further barriers for this already marginalised group. The evidence demonstrates a need for a clear and universal pathway to support for victims of domestic abuse with insecure immigration status. This report has paved the way for future research by the DAC Office to quantify the need for and cost of extending this support, which will commence in 2021 and we expect to publish in Summer 2022. This research, alongside existing evidence, should then underpin the development of a new universal pathway to support for victims and survivors of domestic abuse with NRPF.

The report highlights a need for greater understanding and implementation at a local and regional level of the rights and entitlements of victims and survivors with insecure immigration status. A lack of understanding of immigration abuse is also leading to additional barriers and increased risk for victims and survivors – and ongoing data sharing between public services and immigration enforcement is preventing many from coming forward in the first place. Furthermore, specialist ‘by and for’ services which provide the holistic tailored support to victims and survivors with insecure immigration status face continuing funding precarity and are often excluded from local decision making and commissioning processes.

The recommendations in this report are targeted at upcoming short and long-term policy changes. This includes immediate changes to be implemented through the upcoming Spending Review to address the shortfall in support for

victims with NRPF in the short term. This also includes recommendations for upcoming Home Office guidance and strategy on domestic abuse to improve awareness and understanding among policy makers and frontline professionals about the experiences of victims and survivors of immigration abuse. Additionally, this report has identified that better support and guidance for local areas on the routes to support for victims and survivors would reduce burdens on public services and enable victims and survivors to access greater stability in the long term. This should be supported by the introduction of a Firewall on data sharing between public services and the Home Office to address the fear of coming forward faced by victims and survivors with insecure status. Lastly, this report highlights recommendations for the Home Office’s Migrant Victims Review and learning to improve future evidence gathering from government.

It is often cited that the recently passed Domestic Abuse Act was a ‘missed opportunity’ for victims and survivors with insecure immigration status. The recommendations in this report make the case that the opportunity for change is still here. In the next year we will see the fruition of key commitments made by Government throughout the passage of the Domestic Abuse Act, such as the Migrant Victims Pilot, the Code of Practice on data-sharing, and the Domestic Abuse Strategy.

The case is clear: the Government must use these opportunities to develop a long-term solution which establishes a clear and universal pathway to support and protection for all victims and survivors of domestic abuse with insecure immigration status. By doing so we can ensure that the legacy of the Domestic Abuse Act will be to extend the support and protection it brings to all those that need it.

Recommendations

In the Autumn Spending Review, the Government should provide:

1. £18.7 million over three years to be distributed across all UK local authorities to ensure that victims and survivors with NRPF can access safe accommodation⁵⁹ and subsistence. This should be accompanied by clear guidance to local authorities that specifies that, where support is available, victims and survivors should be signposted to specialist by and for services in their area;
2. Additional funding should also be provided for wrap-around holistic services and the additional cost of sourcing specialist legal immigration advice to enable victims and survivors of domestic abuse to regularise their immigration status;
3. £262.9m over three years to be allocated to a dedicated cross-department funding pot to fund specialist 'by and for' services for survivors with protected characteristics including to provide holistic wrap around support to migrant women with NRPF.

In upcoming strategies and future guidance, the Home Office should:

4. Introduce a working definition of Immigration Abuse into all domestic abuse strategy and guidance, including the Domestic Abuse Act Statutory Guidance, and the Controlling and Coercive Behaviour Guidance;
5. Commission the development of an NRPF and Immigration Abuse Toolkit (specific to VAWG) by specialist led 'by and for' VAWG organisation/s, to be made nationally available along with training and guidance;
6. Work with the Department for Levelling Up, Housing and Communities to equip local authorities with policy direction and guidance to support the development of Regional NRPF Strategy Forums to address gaps in service provision, referral pathways and support for victim-survivors.

The Home Office's data-sharing review and Code of Practice should:

7. Establish a firewall between the police and the Home Office, alongside safe reporting mechanisms and funded pathways to support and legal advice;

8. This should be extended to all statutory services and partnerships through an amendment to the Victims Bill in 2022.

To inform decision making following the Support for Migrant Victims pilot, the Home Office should:

9. Develop a long-term solution with the purpose of ensuring that support and protection is extended to all victims of domestic abuse, regardless of their immigration status on the conclusion of the Support for Migrant Victims (SMV) Pilot;
10. Publish a clear timetable for the final evaluation and implementation of policy recommendations following the pilot, given that any gap in policy will result in a decline in support for migrant survivors of domestic abuse after the completion of the SMV pilot;
11. Implement robust evaluation and evidence-gathering procedures over the course of the SMV pilot to establish the costs of accommodating and supporting migrant victims who are not currently eligible for the DDVC. This should include:
12. Drawing upon this report's findings as well as future DAC research to ensure that decision making is focused on meeting new information gaps. Given the extent of written evidence gathered through the Home Office's Migrant Victims Review and other evidence gathering for the Domestic Abuse Act, future work should build on this evidence base rather than duplicating it;
13. Undertaking an independent Rapid Evidence Assessment (REA) to inform the evaluation and conclusions of the pilot to address concerns regarding transparency and selective bias.

Future Government reviews and evaluations, including the Support for Migrant Victims pilot should:

14. Include a published Terms of Reference, technical appendix on methodology and explanation of the selection of certain types of evidence and weight assigned to the type of evidence provided for transparency;
15. Create proactive engagement plans with evidence contributors and the Domestic Abuse Commissioner throughout the duration of the project or review;
16. Include a Rapid Evidence Assessment to support their rigour.

⁵⁹ As defined in the draft statutory guidance to Part 4 of the Domestic Abuse Act: Department for Levelling Up, Housing and Communities (2021), *Delivery of Support to Victims of Domestic Abuse, including Children, in Domestic Abuse Safe Accommodation Services: statutory guidance for local authorities across England. Draft for consultation*. London: Department for Levelling Up, Housing and Communities

Appendix: Terminology

<p>Insecure immigration status</p>	<p>This report refers to victims and survivors of domestic abuse with insecure immigration status, by which we mean someone whose status is temporary or precarious for a number of reasons: the person’s stay is limited; they are awaiting a decision on permanent settlement; they are dependent on their relationship with a settled partner, spouse or family member; they are undocumented or without legal rights to stay.</p>
<p>NRPF</p>	<p>A person will have no recourse to public funds when they are ‘subject to immigration control’, as defined at section 115 of the Immigration and Asylum Act 1999. A person who is subject to immigration control cannot claim public funds (benefits and housing assistance) unless an exception applies. When a person has leave to enter or remain that is subject to the NRPF condition, the term ‘no public funds’ will be stated on their residence permit, entry clearance vignette, or biometric residence permit (BRP).</p>
<p>Victims and survivors of domestic abuse</p>	<p>We use “victims and survivors” to encapsulate both the legal framing of people who experience violence (“victim”) and to account for the individual preferences of those who have experienced domestic abuse. For example, survivor is the preferred term of some as it has empowering connotations, whereas others prefer the universal term victim.</p>
<p>VAWG</p>	<p>In this report, VAWG refers to the definition that Government adopted from the United Nations Declaration (1993) on the elimination of violence against women to guide activity across all government departments: “Any act of gender-based violence that results in, or is likely to result in physical, sexual, psychological harm or suffering to women including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.” According to the Declaration, violence against women is rooted in the historically unequal power relations between women and men. It also explains that violence against women is “one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.”</p>
<p>Specialist ‘by and for’ services</p>	<p>Specialist ‘by and for’ services are organisations that are designed and delivered by and for people who are minoritised (including race, disability, sexual orientation, transgender identity, religion, or age). These services will be rooted in the communities that they serve and may include wrap-around holistic recovery and support that address a victim / survivor’s full range of needs, beyond purely domestic abuse support. This report refers predominantly to specialist ‘by and for’ services for Black and minoritised victims and survivors including victims and survivors with insecure immigration status.</p>
<p>Black and minoritised</p>	<p>These terms consider a structurally intersectional approach to the naming and referring to communities that experience racism and marginalisation based upon (perceptions of) race and ethnicity, or they are communities that self-define in a myriad of ways outside of categories of ‘whiteness’. Terminology to denote this is contentious, but we have chosen Black and minoritised rather than widely critiqued acronyms (BME, BAME, BAMER etc) as it is the preferred term of the domestic abuse sector to acknowledge diversity and to refrain from cultural and racial profiling. We acknowledge that this language is complex and important and that the use of these terms may not be preferred in years to come.</p>
<p>DDVC</p>	<p>The Destitution Domestic Violence Concession gives victims and survivors of domestic abuse with insecure immigration status the following 3 months temporary leave as well as the right to access limited state benefits and temporary housing while their applications for indefinite leave under the DV Rule are considered. The DDVC applies only to those who are destitute, which it defines as having no access to funds or being reliant on a third party to pay for essential living costs, such as basic accommodation and food.</p>

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