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Domestic abuse in a new immigration landscape: the challenges facing migrant victim-survivors of domestic abuse

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The City Law School

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Domestic abuse in a new immigration landscape: the challenges facing migrant victim-survivors of domestic abuse

Ivanka Karaivanova and Dr Adrienne Yong*
Jasbindar Bhatoa and Jessye Berkowitz-Werner†

Abstract

This policy paper summarises important discussions at the conference on ‘Domestic abuse in a new immigration landscape: the challenges facing migrant victim-survivors of domestic abuse’, organised by Dr Adrienne Yong, Senior Lecturer in Law at City St George’s, University of London, on 16 April 2024. The conference was supported by City’s Violence and Society Centre and funded by City, University of London’s Research Impact Fund, and the Society of Legal Scholars (SLS) Research Activities Fund.

The conference aimed to draw attention to the legal issues faced by migrant women at risk of or experiencing domestic abuse. It sought to educate the public on current problems in the law facing migrant victim-survivors in England & Wales. The second practice-oriented panel focused on the work of by-and-for organisations, including campaigning for migrant victim-survivors’ rights.

A roundtable of invited participants followed the conference, as the first step in gathering interest in establishing a community of practice, a membership of interested parties of professionals and academics that are committed to seeking better protection of migrant victim-survivors of domestic abuse in England & Wales in this new immigration landscape.

The policy paper below summarises the main legal, practical and social issues that the panel speakers discussed during the first part of the conference.

Keywords: domestic abuse, violence against women and girls, immigration law, No Recourse to Public Funds.

* The City Law School, City St. George’s, University of London.

† Rights of Women.

Migrant victim-survivors, their rights and protection

Three leading scholars in the wide interdisciplinary field of migrant victim-survivors' rights and protection spoke about developments in the area.

Dr Olumide Adisa, University of Suffolk, City's Violence & Society Centre

Dr Adisa is a Senior Research Fellow at the Institute of Social Justice and Crime, University of Suffolk and Co-Investigator, VISION at City St George's, University of London. In 2019, she founded the Domestic Abuse Research Network for the East of England region, which is now represented by over 20 universities and 300 members. Her research and scholarly interest is cross-disciplinary (economics, sociology, social policy, and socio-legal) with a strong focus on access to justice, social justice and systems approaches. Her core specialisms are in systems thinking, complex systems approaches, applying economic and sociological methods in the fields of domestic abuse, social exclusion, health equity, and international development. Dr Adisa is currently researching systems research methodologies to uncover new ways for understanding and tackling domestic abuse. Ongoing work include researching systems change in relation to working with perpetrators in England and Wales; and editing a book collection on systems approaches to tackling domestic abuse and sexual violence (Palgrave 2024). She has completed several high impact, high profile complex research projects as a principal investigator and project lead, securing significant funding awards to undertake research and evaluations on domestic abuse and related areas, particularly for those on the margins.

Prof Sundari Anitha, University of Sheffield

Prof Anitha joined the Department of Sociological Studies at the University of Sheffield in 2024, having previously worked at the University of Lincoln, the University of Leeds and the University of Central Lancashire. Prof Anitha's research focuses on two areas across the disciplines of Sociology, Social Policy and Criminology: (i) the problem of violence against women and girls (VAWG) at the intersection of gender, race, border and migration in diverse contexts including the UK, US and India; domestic violence and abuse, including particular manifestations, such as dowry-related abuse, forced marriage, transnational forms of violence such as abandonment of wives and domestic servitude; sexual violence including everyday forms of sexual harassment in online and offline spaces; gender-based violence in university communities; and (ii) the intersection of gender, race and ethnicity in employment relations; agency, solidarity and industrial action by migrant workers; and trade union representation of migrant workers. Prof Anitha's research draws upon qualitative research methods, including life history methods

Dr Catherine Briddick, University of Oxford

Dr Briddick is the Andrew W Mellon Associate Professor of International Human Rights and Refugee Law and a fellow of St Antony's College, University of Oxford. She is a scholar of human rights and refugee law who draws on feminist approaches to international law and legal theorising on intersectionality to analyse protection, discrimination, and the

relationships between them. Her research has been published in leading peer reviewed journals and books, including *Social & Legal Studies*, *ICLQ*, the *International Journal of Discrimination and the Law* & the *Oxford Handbook of International Refugee Law* (Costello, Foster, and McAdam (eds), OUP 2021). Before coming to academia Dr Briddick represented individuals before courts and tribunals and then delivered and managed legal advice services in the not-for-profit sector. Dr Briddick is also a Research Associate of the Refugee Law Initiative and an Associate Fellow of the Higher Education Academy.

Dr Olumide Adisa shared some of her findings following an extensive empirical project that involved working with both victim-survivors and practitioners conducted over a period of three years.

→ Dr Adisa's research is published as *Olumide Adisa, Joana Ferreira, Margaret Hill, Lisa Pack, 'Promoting Better Outcomes for Migrant Victim-Survivors Through Community-Based Systems Interactions and Levers of Change' in Olumide Adisa and Emma Bond (eds), Tackling Domestic Abuse and Sexual Violence: A Systems Approach (Palgrave 2024)*

Centring Otherness with Migrant Women Affected by Domestic Abuse (Palgrave Studies in Otherness and Communication, forthcoming)

Project Safety Net+ and Anchor+

Dr Adisa led a project funded by the Government to support migrant victim-survivors in the East of England. Evaluations were completed in 2018-20 and 2020-21, which involved an economic cost-benefit analysis (as requested by the Government).

CASE STUDY "Julia"

Julia came to the UK with her husband from Lithuania with her two children. She had experienced and was experiencing domestic abuse in her relationship. It escalated once she was in the UK. One night she decided to flee with her children, and sought local housing support. However, she was unable to find any after it was realised that she was subject to No Recourse to Public Funds (NRPF).¹

¹ A person will have no recourse to public funds when they are 'subject to immigration control'. A person who is subject to immigration control cannot claim public funds (benefits and housing assistance), unless an exception applies. See No Recourse for Public Funds Network, <<https://www.nrpfnetwork.org.uk/information-and-resources/rights-and-entitlements/immigration-status-and-entitlements/who-has-no-recourse-to-public-funds>> accessed 31 August 2024.

This story galvanised action in terms of Project Safety Net+, **as it revealed a clear gap in the system as recognised by the East of England authorities**. Project Safety Net+ provided three main forms of support, namely, a bi-lingual community-based adviser service, short-term emergency accommodation for up to a fortnight and a “specialist options” advice service (an alternative term for immigration advice, which the funder did not want used).

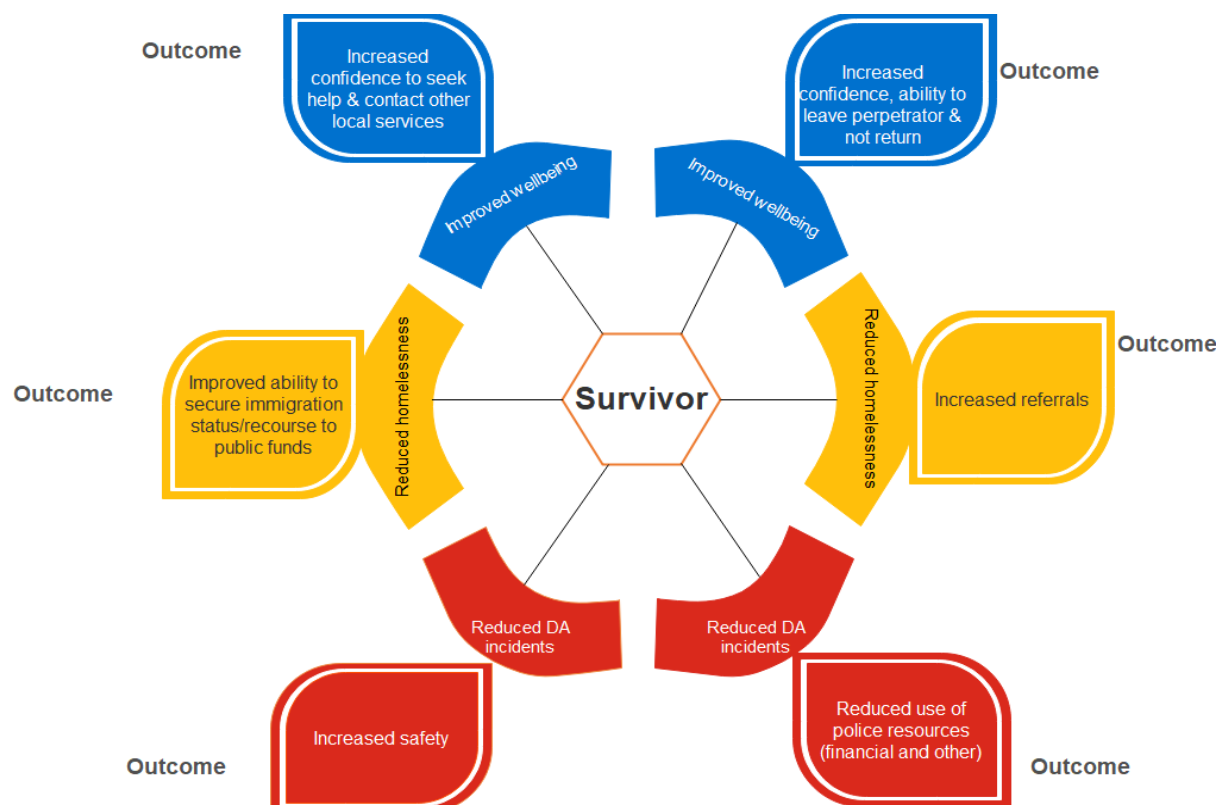


Figure 1 Intended outcomes and impacts

Source: Olumide Adisa, ‘A critical systems approach to improving outcomes for migrant victims/survivors of domestic abuse’ (16 April 2024) Presentation, City Law School, City, University of London, p 4.

A systems approach to improve systems of support

Dr Adisa broke down what a system approach in this area would look like in three simple steps. Firstly, we must **explore** the potential of systems thinking so that we can move away from episodic systems change and move towards sustained change. Secondly, we need to **identify** the multi-level system blockages in order then thirdly, to **propose** recommendations for an equitable and coordinated response that requires work at a national level and valuing community work.

Dr Adisa deliberately chooses to co-author and collaborate with practitioners in her research, which is widely published and formed the basis of her contributions in this policy paper.²

² See e.g. Olumide Adisa and others, ‘Responding to Harmful Practices against Women and Girls in London: the potential of a data-driven and intersectional approach’ (2021) University of Suffolk and Standing Together Against

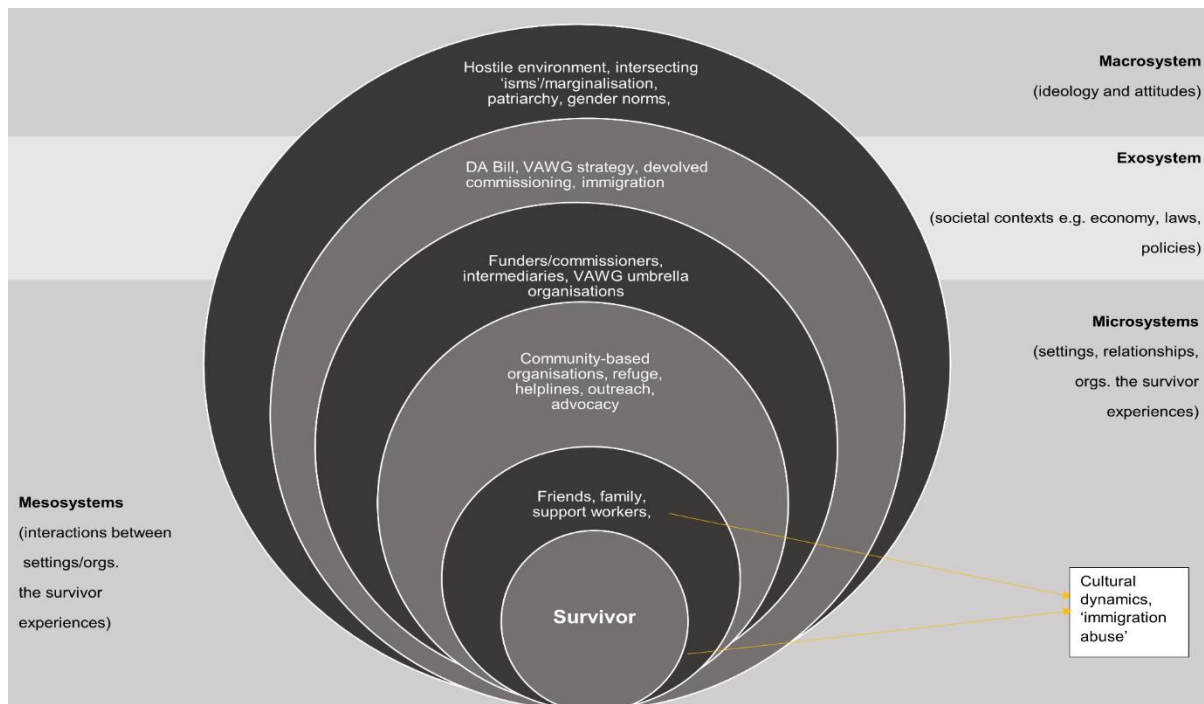


Figure 2. Nested system of support for migrant victims-survivors (Based on Bronfenbrenner [1979])

Source: Olumide Adisa, Joana Ferreira, Margaret Hill, Lisa Pack, 'Promoting Better Outcomes for Migrant Victim-Survivors Through Community-Based Systems Interactions and Levers of Change' in Olumide Adisa and Emma Bond (eds), *Tackling Domestic Abuse and Sexual Violence: A Systems Approach* (Palgrave 2024) 55; Based on Urie Bronfenbrenner, *The ecology of human development* (Harvard University Press 1979).

The above figure represents the way that systems enable and disable migrant victim-survivors, and it shows how we need to identify interactions and complexities in the system otherwise we will be promoting a siloed approach. This systems approach represents a different way of dealing with a long-existing problem.

Types of systems

There is no universal definition of a **system** but it helps to think about it as actors and elements all interconnected, sharing a common purpose.³ In terms of the **migrant victim-survivor**, it can be understood in the following ways:

- **Mesosystems** – interactions between the migrant victim-survivor and domestic abuse organisations, which does not always directly involve the migrant victim-survivor themselves.

Domestic Abuse Paper; Olumide Adisa and others, 'Describing patterns of known domestic abuse among different ethnic groups' (2022) 12 *Frontiers in psychology*; Olumide Adisa, Megan Hermolle, and Fiona Ellis, 'Denial, disbelief & delays: examining the costs on the NHS of delayed Child Sexual Abuse disclosures in England and Wales' (2023) Project Report. Survivors in Transition, Suffolk, UK.

³ See Ross Arnold and Jan Wade, 'A Definition of Systems Thinking: A Systems Approach' (2015) 44 *Procedia Computer Science* 669; Meadows, D. H. *Thinking in systems: A primer* (Chelsea Green Publishing, 2008).

- **Microsystems** – the world of the migrant victim-survivor themselves, including family, friends, support workers, community organisations.
- **Macrosystems** – wider settings as the hostile environment, patriarchy, societal gender norms and other “-isms” like racism and sexism, and all the relevant intersections.
- **Exosystems** – societal context including laws, policy, legislation, necro-politics.

Uncovering interdependence to craft practical solutions

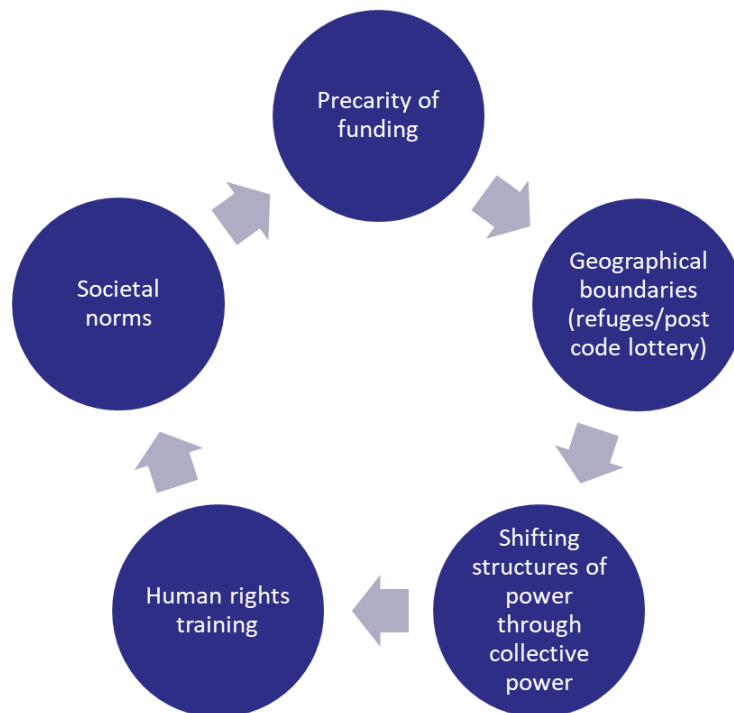


Figure 3. Future considerations - Uncovering more interdependencies to craft practical solutions

Source: Olumide Adisa, 'A critical systems approach to improving outcomes for migrant victims/survivors of domestic abuse' (16 April 2024) Presentation, City Law School, City, University of London, p 11.

Professor Sundari Anitha provided an overview of her experience and findings while conducting interviews with women victims of domestic abuse in India on the newly recognised **transnational marriage abandonment** route.

For a number of years, Professor Anitha has been observing changes in the nature and forms of abuse. In her previous research from 2007,⁴ she reiterated that **immigration status was not just a barrier** in terms of those seeking to *leave* domestic violence but, in reality, **it shaped and re-balanced the gender power hierarchies that exist in a relationship and further exacerbated them**. Immigration status has thus become **a form of abuse and control itself**,

⁴ See Sundari Anitha, 'Neither Safety nor Justice: The UK Government Response to Domestic Violence against Immigrant Women' (2008) 30(3) Journal of Social Welfare and Family Law 189.

perpetrated (largely) by men who are secure in the knowledge that the State is behind them in these violations.

‘Disappearing’ migrant victim-survivors

While talking to organisations that provided help to women victims of domestic violence, Professor Anitha further spotted that women who contacted these organisations in the past had been ‘disappearing’ after seeking help. Partners claimed that their spouse had left and gone back to their country of origin. **The fact of crossing the national border “home” meant these women immediately lost their protection, making them even more vulnerable.**

Research conducted between 2013 to 2016 on the impact of this phenomenon later became known as **transnational marriage abandonments**. The work focused on women who had returned to India. Professor Anitha revealed vivid, real life examples of how these mechanisms of coercive control and deception function. In her work with victims in India, she was able to delineate some specific patterns.

→ EXAMPLE 1

A migrant woman comes to the UK (or indeed, other countries in the Global North with hostile environments) and immediately faces violence and abuse in the marriage. She is thrown out of the home or flees her relationship following domestic abuse. However, if she manages to leave an abuser, a migrant victim-survivor may not realise what access to services exist, so the only option presented to them is to return back to their country of origin.

CASE STUDY

A woman divorcee who had lived and been in India her whole life took up an opportunity to marry a man based in the Midlands, after which she moved to the UK. She discovered upon arrival that her father-in-law had already arranged for her to start a work on her second day in the UK, in a factory, where she did 10 hour shifts for 6 days a week. Her husband was never at home and she suspected that he was not being faithful, and that he only married her to please his family. Her husband had complained to his mother that she, his wife, did not seem to like him, and the parents then started to pressure her. One day, after having drunk some milk that her mother-in-law gave her, she awoke with bruises all over her stomach and breasts, and after asking her husband what happened, it turned out she had been raped by him – which the family had colluded in. One day, at work, she contacted a distant relative and told them what happened, and they helped her escape the relationship and return to India.

➔ EXAMPLE 2

A woman comes to the UK to marry, and the relationship turns violent and abusive. After some time, the husband will suggest they return home (on the auspices of a holiday, for example) and as soon as they arrive back in their countries of origin, the husband finds some way of leaving the woman there. This often happens after visa expiration, and these women are thus left divorced and abandoned.

CASE STUDY

A woman had come to the UK and was subject to violence and abuse, but resisted and protested against this, spurring the husband's behaviour to improve so much that she believed that the marriage would work. During a holiday home to India, she was convinced to stay back a few months. Upon attempting to return to the UK, she was denied entry as she could not prove a subsisting relationship. Remembering her husband had given her some papers to take before he left, she realised these were the signed divorce papers – which was how she found out about her divorce.

The route to recognising transnational marriage abandonment

Borders were being used in favour of the abuser by way of circumventing the protections women have before crossing them. As soon as someone crosses the border, they lose rights. **Transnational marriage abandonment is now a form of domestic violence in and of itself.** Working with Southall Black Sisters, immigration and family lawyers to change the law, Professor Anitha campaigned for this new route to be introduced as a **form of domestic violence**.

In 2017, transnational marriage abandonment was introduced into the definition of domestic abuse by the UK family courts. If a woman was stranded outside the UK, however, the protections under the existing law in England & Wales did not apply to them. Being unable to access support simply because you are a woman abandoned outside the UK was discriminatory. The Home Office had to act on it, and a new immigration route for transnational marriage abandonment came into being at the start of 2024.⁵

⁵ See Home Office, UK Government, 'Appendix Victim of Domestic Abuse' (2024) <<https://assets.publishing.service.gov.uk/media/660eba8f63b7f8001fde18ba/Appendix+Victim+of+Domestic+Abuse.pdf>> accessed 31 August 2024; See also Rights of Women, 'Transnational Marriage Abandonment, Domestic Abuse and Migrant Women' (Event Recording, 2024) <<https://www.rightsofwomen.org.uk/for-professionals/training-and-events/resources-and-recordings/>> accessed 31 August 2024;

Dr Catherine Briddick critiqued the British immigration rules and drew on international human rights law, including that emanating from the Council of Europe, to explain how migrant women's rights could be protected.

Dr Briddick highlighted the **importance of having holistic and integrated services around violence**, and taking an **intersectional approach** to the discrimination that women experience. She shared some of her encounters as a practitioner who worked with migrant women and victims of domestic abuse.

→ Dr Briddick's research will be published in her forthcoming book *'Arguing Discrimination in Migration Law: Violence Against Women and Regimes of Exception'* (OUP, 2025).

CASE STUDY

A migrant victim-survivor was a partner of skilled migrant labourer who regularly raped her and demanded that she pay him a sizable portion of the money she earned. They had two children (one of them with a learning disability). She sought legal advice on the 'domestic violence rule', and wanted to know whether she could regularise her status in the UK and continue to remain and provide for her children. For a variety of legal and practical reasons, it seemed that migrant victim-survivors could better protect their children in the UK than in their country of origin. Dr Briddick had to advise her that although there was a domestic violence rule that enabled some women to separate from their partner and remain in the UK, she was not eligible for it, because the migration status she held was not one of those provided in the rule.

The domestic violence rule offers the promise of settlement and right to live in the UK, but, in reality, only delivers that to a very narrow list of people. Dr Briddick drew on a wealth of research to discuss the problems that migrant women faced when made dependent for their migration status, and all the rights that flow from it, on people who are violent towards them:

*"He threatened me to call the police to get me back to Iraq and he wouldn't give me the visa or citizenship here. He threatened me with not continuing the process."*⁶

*"They know I don't have paper now. They can exploit me. I have to work long and earn less money. They shouted at me if they are not happy. They know I won't say anything. I can do nothing now because I lost my paper."*⁷

⁶ 'Amira', a migrant partner quoted in Halliki Voolma, "I Must Be Silent Because of Residency": Barriers to Escaping Domestic Violence in the Context of Insecure Immigration Status in England and Sweden' (2018) 24 Violence Against Women 1830, 1843.

⁷ An overseas domestic worker quoted in Joyce Jiang, *A Special Vulnerability: Migrant Domestic Workers Enslaved by The Non-Renewable Overseas Domestic Worker Visa in the UK* (Report for The Voice of Domestic Workers, London, 2019) 10.

Dr Briddick argued that **immigration law indirectly discriminates against women**. It does that by giving them statuses which are **precarious, conditional, dependent and to which only few rights are attached**. On the surface, the rules in place appear to be gender-neutral when they are not.

Recent changes to the law

As vulnerability increases, rights decrease. At the domestic level, under the recent **Migrant Victims of Domestic Abuse Concession (MVDAC)**, those eligible for the concession are only a small proportion of those who experience domestic violence. For some victims of domestic violence, seeking support under the MVDAC may, in practice, accelerate their loss of status and (involuntary) departure from the UK.

There have been a series of legal challenges on the grounds of discrimination and the scope of the domestic violence rule and its forerunner concession in light of this. For example:

R (AM) v SSHD (2022) EWHC 2591

The first case concerned judicial review of a situation of transnational marriage abandonment, which was successful on discrimination law grounds. However, it was not on the basis of sex but on the basis of geographical location – somebody outside of the UK was disadvantaged because their rights differed, versus the rights of someone inside the UK who had experienced violence. Such a differential treatment was held to be unjustifiable because there was no reason for it. The rules never, as the court concluded, determined the question of women who are outside the jurisdiction. Therefore, because the differential treatment could not be justified, the challenge was successful.

There are a number of other groups of migrants that are not subject to the domestic violence rule, and have also sought to use discrimination law to challenge both the rule and the concession.

R (on the application of SWP) v SSHD (2023) EWCA Civ 439

This case concerned a partner of a skilled migrant, who experienced sexual violence and claimed discrimination on the grounds of migration status. Interestingly, the legal advocate tried to say that experiences of violence, when put in the context of migration control, are different. The central discrimination argument made in this case concerned migration status. The Court of Appeal upheld SWP's exclusion from the concession, proving true the threats her husband had made. The difference of treatment between SWP and other migrant victims of domestic violence, whether on a route to settlement or not, was rejected. A wide margin of appreciation was to be afforded in cases such as these, which involve economic or polycentric issues.

These cases cumulatively disclose a lack of clarity on the relationship between violence against women and the concession and rule's ambit.

Currently, the domestic violence rule and the concessions still only cover an incredibly small proportion of those who were subjected to what Dr Briddick describes as '**compound disadvantage**'.

Suggested solutions

Dr Briddick suggests that perhaps an alternative approach could be through the **utilisation of the rules of the recently ratified Istanbul Convention**.⁸ The Convention deals with both domestic violence and violence against women and represents a holistic response to violence by having chapters on policy, prevention, prosecution and protection, including a dedicated chapter on migration.

The first important element is the **broad definition of a 'victim'** who, according to Article 3, is 'any person' who is subject to 'violence against women' 'and' 'domestic violence'. Moreover, Article 4(3) **prohibits discrimination on any ground**, including migrant and refugee status. It thus suggests that as soon as someone obtains an immigration status, they cannot be denied the rights and protections that the Istanbul Convention provides.

The Convention was finally ratified by the UK in 2022, however, with a reservation of Article 59 which imposes two distinct obligations to **grant permission to remain** to migrant victim-survivors where they depend on someone for their rights to remain, and the relationship has broken down. Against this backdrop, the way forward for the UK is **bringing rules into compliance and removing the Article 59 reservation**.

It is important that voices are heard when they raise the question of unlawful discrimination, an obligation that the UK has chosen to assume but may now be breaching. These voices will offer the prospect of making further changes to both the rules and the concession that will benefit a number of individuals facing domestic violence and violence against women.

⁸ Council of Europe, Convention on preventing and combating violence against women and domestic violence (2011), also known as "the Istanbul Convention".

Putting it into practice – campaigning for migrant victim-survivors' rights

Representatives from leading by-and-for organisations on migrant victim-survivors rights' – Southall Black Sisters (SBS) and Latin American Women's Rights Service (LAWRS) – were invited to speak about their practical work in the field of campaigning for migrant victim-survivors' rights. The session was chaired by Jasbindar Bhatia, Senior Legal Officer at Rights of Women (ROW).

Asmita Sood, Southall Black Sisters

Ms Sood is the Policy, Campaigns and Partnerships Manager at Southall Black Sisters (SBS). SBS, founded in 1979, is a grassroots 'by and for' service providing holistic, wraparound support to women from Black, migrant and minoritised backgrounds escaping VAWG and honour-based abuse. Prior to joining SBS, Ms Sood worked as Programmes Manager at the gynaecological cancer charity the Eve Appeal leading a national gynaecological health education programme for 5-13 year olds with the greatest barriers to healthcare access. She also founded the Talking Research podcast aimed at making gender-based violence research accessible to non-academic audiences.

Maria Alvarez, Latin American Women's Rights Service

Ms Alvarez works as an Interim Policy and Communications Coordinator on VAWG at Latin American Women's Rights Service (LAWRS). LAWRS is a human rights, feminist organisation run 'by and for' Latin American migrant women living in the UK which was founded in 1983. They support women who are exposed to violations of their fundamental human rights, facing violence against women and girls, exploitation in low-paid sectors, trafficking, or enduring severe poverty and deprivation. Ms Alvarez also worked as an English teacher in Senegal and completed an internship at IIEP-UNESCO where she worked as a Research and Development Intern. There, she assisted in gathering information regarding community and parent engagement, as well as evaluating Latin American education priorities.

Asmita Sood started with a short introduction of the organisation. Founded in 1979, 'by and for' Black, minoritised and migrant women's organisation addressing violence against women and girls (VAWG), SBS' aim is to empower Black, minoritised and migrant women and girls to assert their human rights to freedom, equality and justice by leading independent, autonomous lives, free from VAWG.

Hostile environment

Institutionalised in 2012 by Theresa May to target migrants with insecure immigration status and those who cannot show the right paperwork, the term '**Hostile Environment**' refers to all

policies which make life difficult for migrants living in the UK – treating them as less deserving of dignity and humanity than British citizens.

It is aimed at **discouraging** undocumented migrants to use **fundamental services** including the NHS, police, to make it illegal to work and rent accommodation. It also includes **data sharing** between public sector organisations, for instance, police data sharing with Immigration Enforcement, which can lead to deportation.

No Recourse to Public Funds (NRPF)

Statistics show that currently **2.58 million people** in the UK have NRPF.⁹

NRPF affects migrants on short-term visas and with undocumented status. Women with such status are, in reality, **ineligible** to claim most benefits, such as council housing and secondary health care and are unable to enter a women's refuge. This makes women and their children vulnerable to **homelessness** and **exploitation** and they can be locked in new dangerous situations or driven back to abusive relationships.

Migrant survivors of abuse face a **stark choice between domestic abuse and deportation and destitution**: firstly, because of their insecure immigration status and the NRPF requirement, and secondly, because of the lack of safe reporting mechanisms when reporting abuse or seeking help from the police. In the latter case, these women are under the fear of being deported as a result of data sharing with Immigration Enforcement.

As a result, NRPF makes women three times more likely to be subjected to VAWG than the wider population of women.

SBS campaigns

The **Support for Migrant Victims (SMV)** pilot, which began in April 2021, is delivered by SBS in a UK-wide partnership. The SMV pilot **pays towards victim's rent and subsistence for a period of up to 12 weeks** to enable them to escape abuse and access legal advice to regularise their status. In the first year, the pilot assisted about **400 victims** and their children, while in year two, **530 women** accessed the fund.

Istanbul Convention and its shortcomings

In July 2022, the Government ratified the **Istanbul Convention**, but placed a **reservation on Article 59, which gives residency rights to migrant women who face abuse from a spouse or**

⁹ See Mihnea V. Cuibus and Mariña Fernández-Reino, 'Deprivation and the no recourse to public funds (NRPF) condition' (*The Migration Observatory*, 15 November 2023) <<https://migrationobservatory.ox.ac.uk/resources/briefings/deprivation-and-the-no-recourse-to-public-funds-nrpf-condition/>> accessed 31 August 2024.

partner. It stated the reservation was a temporary measure while they evaluate the SMV pilot scheme, after which they will reconsider the matter.

However, the pilot's evaluation assesses **the impact of support to victims, not the impact of providing status.** While the ratification is welcomed, the reservation unfairly restricts the rights of migrant women to safety currently available to non-migrant women.

In conclusion, SBS' experience show that victims of domestic abuse need both the right to settlement and public funds in order to come forward and be safe.

Maria Alvarez presented the work, vision and mission of LAWRS, a 'by and for' feminist organisation founded in 1983, supporting the practical and strategic needs of migrant women exposed to intersectional discrimination on the basis of gender, race and migration status, and to violations of their fundamental human rights.

Step Up Migrant Women (SUMV) campaign

SUMW highlights and recognises the **intersectional experiences** of migrant women and the specific barriers they face, often marked by discrimination linked to race, language, immigration status, income, sexuality, disability, and others.

Its **aims** are, first, to secure **safe reporting mechanisms** and work to separate crime reporting and access to vital support services from immigration control. Secondly, it strives to bring together diverse voices from Black and minoritised women and migrant organisations to **challenge the barriers faced by migrant women** with insecure status as victim / survivors of violence or exploitation. Thirdly, the campaign's goal is to **increase the participation and empowerment of migrant** women through involvement in research, consultation and advocacy and campaign activities.

Insecure immigration status is often a tool of control used by perpetrators to abuse their partners and threaten them with deportation. This situation puts migrant women in a vulnerable position: they fear the abuser and also fear asking for help. The perpetrator is advantaged by the fact that the victim-survivor often doesn't have any or very little understanding of immigration law and policy and how Government departments and systems operate.

The current **lack** of safe-reporting mechanisms creates a **barrier** for migrant women **to flee violence** and gives **greater impunity to perpetrators.** Imkaan's 'Vital Statistics Report'¹⁰ shows

¹⁰ See Imkaan, 'Vital Statistics Report' (2012)
<<https://static1.squarespace.com/static/5f7d9f4addc689717e6ea200/t/61e6a6236285992a0aca6f0c/1642505778651/2012+-Imkaan+-Vital+Statistics+Two+%28Low+res%29.pdf>> accessed 30 June 2024.

that 92% of migrant women have reported threats of deportation from the perpetrator. SUMW's 'The Right to be Believed Report'¹¹ further illustrates similar statistics with almost 6 in 10 women having received threats of deportation from abusers.

Safe reporting mechanisms

The establishment of safe reporting mechanisms forms an **essential step forward to improve crime reporting** both in the interest of the public and community safety, as well as greater access to justice for victims. The government should be outspoken about its zero tolerance to gender-based violence and modern slavery and send clear messages by deterring perpetrators and exploiters who weaponise their victims' insecure immigration status. They should not be able to hide behind 'hostile environment' policies and use them to exert abuse, which often involves making the victim undocumented (e.g. by taking passports away or controlling home office applications).

SUMW lobbies the Government and works to change the negative narrative in the media, to help protect women that have been made vulnerable from the structural inequalities and the hostile environment from abuse and violence, and fights for their human rights, while their immigration status is uncertain.

'The Right to Be Believed' Report

The Report is a key resource that evidences **the need for establishing safe reporting mechanisms**. It is a unique research piece solely focusing on the harms of victims' data-sharing with Immigration Enforcement. **Key barriers** to reporting crimes to the police experienced by migrant women include:

- ➔ the fear of not being believed because of their insecure immigration status;
- ➔ the fear of the perpetrator;
- ➔ the fear of deportation;
- ➔ the fear of losing their children;
- ➔ the lack of information, as well as
- ➔ language and cultural challenges.

It also lists the **negative experiences** victims face when they report abuse to the police. Research showed that nearly **half of those who reported the abuse were denied support from the police**. Furthermore, **over a third** of them were **not believed** by the police and **2 in 3** migrant women felt that they **would not be believed**. **More than half were convinced that the police would side with the perpetrator**. The most commonly cited factor preventing them

¹¹ See Cathy McIlwaine, Lucila Granada, and Illary Valenzuela-Oblitas, 'The Right to Be Believed Report' (*Step Up Migrant Women*, May 2019) <<https://stepupmigrantwomen.org/wp-content/uploads/2019/05/the-right-to-be-believed-key-findings-final-1.pdf>> accessed 30 June 2024.

from reporting was fear of deportation. The ‘hostile environment’ is being used by perpetrators to keep victims trapped.

Firewall implementation campaign

The Equality and Human Rights Commission also **recommended that the UK government put an end to data sharing** for the purposes of immigration enforcement to strengthen protections for migrant victim-survivors to ensure compliance with the Istanbul Convention.¹²

At the end of 2020, the first super-complaint investigation report was published,¹³ which concluded that **data-sharing arrangements significantly harm not only victims of crime but also the public interest**, as crimes are not reported and therefore remain unpunished. The report also confirmed that in domestic abuse cases, data-sharing with Immigration Enforcement **does not constitute safeguarding**.

Reporting migrant victims of crime to the Home Office is usually justified in the name of safeguarding and tough immigration control, but this ‘hostile environment’ policy puts fundamental human rights at risk. The current ‘hostile environment’ policy in practice in the UK represents a threat to migrant women with insecure immigration status victims of crime, as their details are often shared for immigration control purposes.

Victims and Prisoners’ Bill

Following and lobbying the progress of the Domestic Abuse Bill between 2018 and 2021 was the first time LAWRS ventured into influencing legislation. They have now lobbied to amend the Domestic Abuse Bill, the Nationality and Borders Bill, and the Victims and Prisoners Bill to introduce the firewall. The work to amend the Victims and Prisoners Bill continues to enshrine the rights and entitlements of victims of crime.

In March 2023, the Victims and Prisoners Bill was introduced in Parliament. According to its explanatory notes, the Bill seeks to improve victims’ experiences and access to support and justice. Nevertheless, after its progress through the House of Commons, victims with insecure immigration status continue to be excluded from the reach of this piece of legislation.

CASE STUDY

Very recent and striking findings showed that the Police Service of Northern Ireland (PSNI) reported around 40 people to the Home Office every day, including 29 victims and witnesses of crime. This is a far greater volume of data-sharing than it had been

¹² Cross-party Parliamentarians and Independent Commissioners such as the Domestic Abuse Commissioner, the former Victims Commissioner and the London Victims Commissioner have supported this recommendation.

¹³ See further, ‘Police super-complaints’ (UK Government, n.d.)

<<https://www.gov.uk/government/collections/police-super-complaints>> accessed 30 June 2024.

previously reported and validates what community organisations like LAWRS have been seeing at the frontline. Yet, PSNI previously told several organisations, including migrant groups, that it did not pass on information, in accordance with its own guidelines. Nonetheless, the PSNI review found that it was the force's practice to share information on all non-UK nationals who encountered police, even if they were a victim or witness of crime. This makes victim-survivors of domestic abuse scared to report to the police and creates a mistrust in their services.

About the Authors



The City Law School at City St George's, University of London is one of London's major law schools at the forefront of legal education for 170 years. Dr **Adrienne Yong** is a Senior Lecturer in Law there. Her research interests are in EU citizenship, immigration law and human rights of marginalised groups from a intersectional feminist perspective.

Dr Yong's recent research primarily focuses on the intersectional impact of gender and immigrant status on women's rights. She has considered the effect of the UK's withdrawal from the EU and how the EU Settlement Scheme disproportionately affects vulnerable immigrant women. Dr Yong continues to examine how the new immigration landscape affects vulnerable women at risk of or experiencing violence against women and girls. Her work on the latter is supported by her research assistant Ms **Ivanka Karaivanova**.

Founded in 1975, [Rights of Women](#) are the only charity dedicated to providing frontline legal advice to women experiencing all forms of violence against women and girls in England and Wales. Rights of Women work to ensure that, during some of the most difficult times in their lives, women do not have to face the complex and confusing legal system alone.



They empower women to make informed choices where they come into contact with the criminal, family, employment or immigration and asylum legal systems so they can live free from violence. Their small team of advice line staff and volunteers support over 3000 women each year, and their website provides impartial expert information to 500,000 visitors annually. They also campaign for greater access to justice and safety for all women, through the law. Ms **Jasbindar Bhatia** is a qualified solicitor who co-manages and delivers ROW's immigration and asylum law services. Ms **Jessye Berkowitz-Werner** is Communications Manager at ROW.