

Campaign to Abolish No recourse to public funds

Where is the humanity?

Every year, hundreds of black and migrant women face domestic violence from their husbands and families in the UK. For many, their insecure immigration status renders them extremely vulnerable to abusive partners who exploit their position by subjecting them to often extreme forms of violence, imprisonment and domestic servitude, usually with impunity. Many abusers know that these women cannot report them to the authorities for fear of being sent back to their countries of origin where, as a divorced or separated women, they are likely to face persecution from the state and society.

Case example:

On 1 March 2006, Kent Police contacted Southall Black Sisters about an Asian woman who had been subject to violence and who did not have secure immigration status. She came to the UK under a 2 year probationary visa as the spouse of a British national. The police did not want to return her to her marital home to face what they described as 'certain death'. They had no where else to place her. All attempts to find her a place to live, including in women's refuges, had been unsuccessful because she could not claim benefits to pay her rent or living expenses. In desperation, the police stated that they were minded to contact the Home Office to have her detained as she had no other alternative place to live

No recourse to public funds

In 2002, following immense pressure, the government introduced the 'domestic violence rule' in immigration law, which states that if a person married or living with a settled partner can provide specific evidence to demonstrate that she/he is a victim of domestic violence and meet other conditions, she/he can remain in the UK indefinitely. For a significant number of women, the existence of the 'no recourse to public funds' requirement in immigration and welfare law, prevents them from making use of the domestic violence rule as they cannot access safe housing or benefits to escape domestic violence. As a result, they are faced with a stark choice-leave and face destitution or stay and risk their lives!!!

The 'no recourse' requirement bars anyone entering the UK on the basis of marriage from relying on public housing or benefits until their immigration position is regularised. This forces women into positions of economic dependency on the settled spouse or partner. The result is sheer desperation on the part of the individual and their advisors.

Apart from concerns about women who experience violence within a marriage, we are also concerned about the many domestic workers and trafficked women who are also trapped in violent relationships because they have nowhere to go and no means of

support. The desperation of many women forces them to rely on religious institutions or strangers for support. This can expose them to further violence and harassment.

The 'no recourse' requirement has an inhumane impact on children too. Many local authorities are refusing to assist abused and destitute women and/or interpreting their duty to protect children extremely narrowly. Often the response is to take the children but not the mother into care or offer to pay for a flight back home to their countries of origin, irrespective of the conditions or harm they will face in that country. Disturbingly, standards of protection for children in the wider society are not being applied in cases where parents have insecure status.

Double Standards

The scant resources available to abused women in the wider society are not available to women subject to the 'no recourse' requirement. Women's refuges often turn such women away because they cannot afford to lose out on rental income and do not have the funds to provide for living costs. Instead they are forced to 'maintain the integrity of the immigration system' by denying essential protection and support. The result is a subversion of the very principles upon which refuges are based.

No refuge or any other voluntary and charitable organisation should be put in a position in which they are made to discriminate between the 'deserving' and 'undeserving' when women and children's lives are at stake.

Double standards prevail in relation to the UK's policies on domestic violence. In the government's 2006 National Delivery Plan on domestic violence, there is no mention of any commitment to address the human rights violations perpetrated by abusive sponsors and compounded by the state.

Women's organisations and other key front line services have become frustrated by the government's failure to end the discriminatory practice and to make good its promise to offer all women protection from domestic violence. The lack of protection for abused women with no settled status should not and must not be tolerated. Enough is enough.

Case example:

Ms F came to the UK from Pakistan in 2004 on a spousal visa. Her husband and in-laws subjected her to a catalogue of extreme physical and sexual violence. She was repeatedly raped and on one occasion forced to drink her husband's urine. She was isolated and not allowed to make or receive any calls or visitors. She was constantly threatened with deportation if she told anyone about her experiences. In desperation, Ms F attempted suicide by drinking bleach. She was eventually helped to escape by a distant relative who took her to Southall but then left her to wander the streets.

Case example:

Ms A came to the UK from India on a spousal visa. Her husband subjected her to repeated physical and sexual violence. She was often beaten with a hockey stick and threatened with a gun. She was told that she would be killed if she dared report the violence to anyone. Eventually whilst pregnant, she managed to escape and report the abuse to the police. A statement was taken but as she had nowhere to stay, the police

asked their interpreter to let her stay with him. Ms A tried to seek help from social services but they said there was nothing they could do for her. She eventually decided to terminate her pregnancy due to lack of support, homelessness and destitution.

WHAT THE CAMPAIGN IS CALLING FOR?

This campaign brings together key women's organisations (see below) to highlight the devastating impact of 'no recourse to public funds' on the lives of minority women without secure immigration status and who are subject to domestic violence in the context of the marriage, employment and trafficking.

Supporting organisations:
Amnesty International UK
Greater London Domestic Violence Project
Imkaan
Kalayaan
Newham Asian Women's Project
Poppy Project (Eaves Housing for Women)
Refuge
Soroptimist International (Rugby)
Southall Black Sisters
Women's Aid (England)
Women's Resource Centre

We call on the government to end the double standards in its approach to domestic violence, allowing some women the right to seek protection but not others. Alternative sources of long term funding must be found. Southall Black Sisters has proposed that costs are retrieved from perpetrators as a means of holding them accountable.

We call on the government to:

- Abolish the 'no recourse' requirement for abused women who have insecure status.
- Provide a special fund pending long term solutions, financed out of the Victim Fund and other sources to enable all women to have living expenses and have access to refuges and local authority accommodation pending a final decision on applications to remain in the UK.
- Fast track applications to remain in the UK (process within 2 months) where there is prima facie evidence of domestic violence.
- Reform the Domestic Violence Rule so that all types of evidence of domestic violence is accepted.
- Extend the domestic violence rule to all abused women with an insecure immigration status and introduce similar protection for trafficked women subjected to sexual and economic abuse and to overseas domestic workers experiencing violence from employers.
- Provide adequate levels of legal aid so that there is access to good quality legal advice and assistance.