



## **Immigration Bill 2015**

### **Briefing for House of Commons Reporting Stage**

Rights of Women<sup>1</sup> has very significant concerns about the impact of provisions of the Immigration Bill on migrant women affected by violence and attempting to secure safety in the UK.

We are concerned that in an attempt to reduce net migration the Government is not giving sufficient regard to the impact the Bill's provisions on this vulnerable group of women. We are concerned that the Bill is also at odds with the Government's commitment to address violence against *all* women and girls set out in 'A call to end Violence against Women and Girls' and its subsequent action plans. The Government has expressly included migrant and asylum-seeking women at risk of violence in this commitment.

We urge Members to consider the impact of the Immigration Bill on migrant and asylum-seeking women affected by violence, to consider further amendments to the Bill which will secure the safety of this vulnerable group of women and to raise their concerns in Parliament.

#### **Part 1, section 8: offence of illegal working**

Criminalising those working illegally and seizing their earnings will leave vulnerable migrant and asylum-seeking women open to further exploitation and violence and exacerbate destitution.

Whilst not condoning criminal acts we would point out that the majority of migrants working illegally do so simply to survive and to avoid falling into destitution. Women experiencing violence or who have been trafficked may be forced into illegal working by their perpetrators.

#### **Part 2, section 13 and 14: offence of leasing premises and eviction**

We are deeply concerned that the right to rent scheme will place already vulnerable migrant women who have experienced violence at further risk of harm from a scheme which will create additional barriers to accessing private rented accommodation.

The Joint Council for the Welfare of Immigrants (JCWI), in their independent evaluation<sup>2</sup> of the scheme reported that 42 % of landlords are less likely to rent to

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<sup>1</sup> For more information about Rights of Women visit [www.rightsofwomen.org.uk](http://www.rightsofwomen.org.uk)

<sup>2</sup> *No Passport Equals No Home*, JCWI 2015 –[www.jcwi.org.uk](http://www.jcwi.org.uk)

those who do not hold a British passport. 65% of landlords are unlikely to consider renting to those individuals unable to provide documents immediately. 65% of landlords have not read or fully understood the Codes of Practice on preventing illegal working and the Codes on Preventing Discrimination.

The Prime Minister announced on 21 May 2015 that the right to rent scheme would be rolled out nationally despite the Government having previously agreed to fully evaluate any findings and outcomes of the pilot so that any lessons learned could be applied before a decision was made on a wider roll-out in 2015.

Although women's refuges are excluded from the right-to-rent scheme, we believe the Government has failed to consider adequately the consequences of the scheme on vulnerable migrant women and even in some cases women survivors of violence who have settled status or British nationality who are not able to access refuge services. Many women experiencing violence will have been deprived of access to important documents necessary to prove their right to rent and therefore these provisions will have a disproportionate effect on women fleeing abusive partners or other perpetrators regardless of their nationality.

For migrant women and children experiencing violence an inability to access accommodation could result in destitution, exploitation and trauma. It may result in women returning to abusive partners, being exploited by unscrupulous landlords and being placed in accommodation that is unfit for human habitation or overcrowded. These families may then become reliant on local authorities under section 17 and section 20 of the Children's Act 1989 or the Care Act 2014.

#### **Part 2, section 19: bank accounts**

Imposing further restrictions on the rights of migrants to hold bank accounts could pose further risks to vulnerable migrant women. Should they wish to make an application for public funds under the Destitution Domestic Violence Concession they may experience difficulties opening bank accounts. A bank account is required to access the important concession and other funds. This would leave them unable to effectively access this important route to benefits whilst they make their immigration applications. The challenges that migrant women experienced in opening bank accounts was highlighted in a report by Eaves for Housing, a women' support organisation in 2013.<sup>3</sup>

Rights of Women oppose any further restrictions on the ability of migrant women experiencing violence from accessing services. We therefore oppose the above provisions under part 2 of the bill. We would propose that at the very least women fleeing abusive relationships should be exempt from the provisions.

#### **Part 4, section 34: appeals within the UK**

The Bill's proposal to 'deport first and appeal later' risks breaching Articles 6 (right to a fair trial) and 8 (right to family life) of the ECHR. This is likely to have a disproportionate impact on migrants who have strong Article 8 claims to remain in the UK.

We have advised many women who have experienced domestic or sexual violence as dependents of persons on student or work visas (Tier 4 and 2). These women

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<sup>3</sup> *Destitution Domestic Violence Concession - Monitoring Research Report*, Eaves and Southall Black Sisters, 2013

have left their abusive partners and are not eligible to apply for settlement under the Immigration Rules. They are advised to make an application under the Immigration Rules either as a parent of a British child or child who has lived in the UK for seven years or under the private life provisions and are able to appeal if the application is refused. This process is made more difficult in the absence of legal aid for advice and representation but the appeal right provides important protection.

The new proposal risks breaking up families, forcing mothers to leave their children with Social Services or an abusive father, or alternatively resulting in the children being forced to leave behind a network of friends and family, abandoning their schools and communities and being forced to live in a country where in many instances they have no ties, no understanding of the language or culture. The current timeframe for the listing of appeals is around twelve months. We have been advised by several callers to our advice line that implementation of a positive decision can also take around six months. In this scenario a mother may be separated from her children for eighteen months.

The Government has failed to consider the full implications of this proposal and their duty under section 55 of the Borders Citizenship and Immigration Act 2009 and their obligations under the UN Convention on the Rights of the Child.

#### **Part 5, section 37: support for certain categories of migrant**

Abolishing support for failed asylum seekers risks causing breaches of an individual's human rights particularly Articles 3 (prohibition against torture and inhumane and degrading treatment) and 6 of the ECHR. These provisions are again likely to lead to homelessness and destitution. The Asylum Support Appeals Project (ASAP) in their briefing<sup>4</sup> on the Bill of 30 September 2015 states that 46% of the individuals they represent are women and children and they will be disproportionately affected by the removal of section 4 support.

We agree with the concerns raised by ILPA in their briefings<sup>5</sup> of 27 October 2015 dealing with access to services and appeal rights and agree with their proposed amendments. The harsh reality is that many of the vulnerable migrant women who have survived violence and abuse will not be eligible to access services and will not have the confidence to report abuse for fear of repercussions from their perpetrator and of being detained and removed by the Home Office.

We urge Members to consider the impact of the Immigration Bill on migrant and asylum-seeking women affected by violence, to consider further amendments to the Bill which will secure the safety of this vulnerable group of women and to raise their concerns in Parliament.

To discuss the issues raised in this briefing or for further information please contact Jas Bhatia, Senior Legal Officer on 020 7251 6575 or [jas@row.org.uk](mailto:jas@row.org.uk)

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<sup>4</sup> Asap Briefing – [www.services.parliament.uk/bills/2015-16](http://www.services.parliament.uk/bills/2015-16) and

<sup>5</sup> ILPA Briefings – [www.services.parliament.uk/bills/2015-16](http://www.services.parliament.uk/bills/2015-16)