

CAMPAIGN TO ABOLISH “NO RECOURSE TO PUBLIC FUNDS”

‘No Recourse to Public Funds’ – One Year On

This joint statement is made by the UK’s leading violence against women, women’s rights and human rights organisations, and immigration law practitioners.

At a time when the government has embarked on a nationwide consultation exercise to develop a national strategy on violence against women, we are alarmed at its continuing failure to protect women trapped in relationships with an abusive partner due to their insecure immigration status and the ‘no recourse to public funds’ requirement. The ‘no recourse’ problem is widely identified by service providers as one of the most pressing issues that they face and yet no effective measures are being taken to ensure that all women affected are adequately protected.

Violation of Fundamental Rights

Violence against women is a fundamental abuse of women’s human rights. It impacts on women’s right to life, to physical and mental integrity and the right to be free from torture and inhuman and degrading treatment.

Under international human rights obligations, including recommendations under CEDAW, the European Convention on Human Rights (Articles 2,3,8) States have a responsibility to act with due diligence, that is with due care and effort, to respect, protect and fulfil the rights of all women within their jurisdiction.

Access to safe accommodation and specialist support services is critical for women in crisis escaping violence. Timely access to safe refuge can make the difference between life and death.

The ‘no recourse to public funds’ requirement is keeping vulnerable women in intolerable danger, whilst placing unacceptable pressures on organisations that can no longer cope with the financial struggles of supporting women with no recourse to public funds. It is also unacceptable to expect organisations to have to subvert their ethos to protect all women and children.

The Government’s Response – Inadequate and Inhumane

A year ago, we welcomed the Government’s pledge to find a permanent solution. To date, whilst a proposal has been suggested, we feel it is inadequate and unacceptable. The Government intends to launch the proposal on 9 June 2009.

The proposal – to offer retrospective and conditional payment for up to 20 working days to cover accommodation and basic living costs for women who are successful in obtaining indefinite leave to remain under the Domestic Violence Rule in immigration law – will not, in our view, alleviate the significant problems that service users and service providers are currently facing.

Supporting women with no recourse is complex and time-consuming. Domestic Violence applications take considerable time to complete and process properly, and problems and delays arise primarily because of:

- women's lack of knowledge of their rights in immigration law,
- lack of legal aid representation, and
- lack of sufficient services where support (including essential emergency and long term housing) and advocacy is available.

In our experience, even if a woman is supported by a service provider, it is highly unlikely that her application for leave to remain in the UK will be accepted without the need to appeal – primarily because of a pervasive culture of refusal and disbelief within the immigration system.

The 20 day proposal will not solve the immediate or long-term needs of vulnerable women and children and service providers. Existing services providers and other support organisations are already struggling financially, and are now clearly indicating that they can no longer support women unless they can guarantee that adequate funding made in advance will be available. Without emergency accommodation and support, vulnerable women will be left unable to access the safety and support they desperately need.

Specialist black and minority organisations and refuges, in particular, are feeling the impact of increased referrals for support for women with no recourse to public funds, on top of increasing funding pressures.

For example, Refuge has been forced to reverse its previous policy of assisting women with no recourse to public funds. In March 2008, Refuge was supporting around 20 women with no recourse to public funds at a cost of over £200,000 per year. Faced with a growing deficit, Refuge is simply unable to continue funding women with no recourse to public funds from its reserves, although is continuing to provide support to those women and children who are funded via social services.

Many women's organisations have actually had to close due to lack of funding:

- 1 in 5 women's organisations in England have become inactive, probably due to lack of funding, in the last three years (*Not Just Bread but Roses Too: Women's Resource Centre, 2009*).

Further, there are very few specialised services providing support for women facing violence:

- 1 in 4 local authority areas have no specialised violence against women support services (*Map of Gaps: End Violence Against Women Coalition*) such as a Rape Crisis Centre, refuges and domestic violence outreach projects or services for ethnic minority women.

Why we believe the proposal will not work:

The Southall Black Sisters experience

In response to this untenable situation, Southall Black Sisters is operating a small emergency fund collected from charitable donations for women with no recourse to public funds. The experience of this fund is a powerful illustration of why the government's current proposal is not a viable response to the current crisis.

Since January 2009, SBS has offered a small grant to refuges for a maximum of 6 weeks for women with no recourse. Despite receiving more than 200 enquiries, only 17 refuges have made applications for the emergency funds. Most refuges are declining to make applications because they do not want to face evicting abused women once the funding comes to an end. Most feel that they have a duty of care to support women for as long as support is required, so would rather not take women in the first place, if long-term support cannot be guaranteed.

The alarming lack of take-up is now compelling SBS to consider changing its criteria for applications so that funds are available for a longer period although this will mean that fewer women will be helped.

If refuges are unable to provide accommodation and support for women for a period of 6 weeks in circumstances where payment is made in advance, it is clear that 20 working days retrospective payment will make no difference to refuges that need long term, guaranteed funding.

The Imkaan experience

In December 2008, Imkaan did a survey of 20 Black and Minority Ethnic and Refugee (BAMER) refuge providers across the UK. All of the agencies surveyed stated that not being able to adequately support women with NRPF featured in their top three organisational concerns.

More than half (62%) said they were seeing increasing numbers of referrals from women and children with NRPF who are being turned away from many organisations because of a lack of funds.

In the last year, Imkaan has received an average of two NRPF referrals per week, both from women who don't know where else to turn and from agencies that are unable to provide support and cannot find another agency that can. This is a really high number considering Imkaan is a second-tier organisation that does not have a help line or a refuge service.

In a review in 2009, of the 429 women with no recourse to public funds who had tried to access refuge space, only 9 were housed. We do not know what happened to the other 420 women.

A Permanent and Responsible Solution

In the face of such evidence, we view the current 20 day maximum proposal as woefully inadequate. It will leave vulnerable women trapped in unacceptable situations of violence and abuse, and will compound the financial burden on already overstretched organisations.

This is not a permanent solution. It will not help women in crisis and it is not what was promised. As such, we – the signatories to this statement – reject the current proposal.

We demand a serious and robust response. It is not beyond the reach of this Government to ensure that all abused women in crisis can access emergency, safe accommodation and refuge where and when and for as long as they need it.

The simple, compassionate and appropriate solution is to exempt women in crisis from the no recourse to public funds requirement. In the meantime, adequate funding is urgently needed to protect women with no recourse to public funds, and the organisations that provide critical support to them.

Signed by:

1. Amnesty International UK
2. Anti Trafficking Legal Project (ATLeP)
3. Apna Haq
4. Ashiana Network
5. Black Association of Women Step Out (BAWSO)
6. Brecknock Women's Aid
7. British Institute of Human Rights (BIHR)
8. Eaves Housing for Women
9. End Violence Against Women Coalition (EVAW)
10. FORWARD
11. Glyndwr Women's Aid
12. Greater London Domestic Violence Project (GLDVP)
13. Haven House Project
14. Hemat Gryffe
15. Imece
16. Imkaan
17. Immigration Law Practitioners Association (ILPA)
18. Iranian & Kurdish Women's Rights Organisation (IKWRO)
19. Joint Council for the Welfare of Immigrants (JCWI)
20. Kalayaan
21. Kiran Project
22. Llanelli Women's Aid
23. Migrant Rights Network
24. Million Women Rise
25. Neath Women's Aid
26. Newham Action Against Domestic Violence
27. Newham Asian Women's Project (NAWP)
28. Nia Project
29. Rape Crisis (England and Wales)
30. Refuge
31. Respect
32. Rights of Women
33. Scottish Women's Aid

34. Shakti Women's Aid
35. Solace Women's Aid
36. Southall Black Sisters
37. Stockport Women's Aid
38. Sufficient Grace for Women
39. The Joint Forum Women's Group
40. Torfaen Women's Aid
41. Wales Women's National Coalition
42. Welsh Women's Aid
43. Women's Aid Federation Northern Ireland
44. Women's Aid Federation of England (WAFE)
45. Women's Aid West Hertfordshire
46. Women's Resource Centre

8 Individuals have also signed up to the statement.

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