



Migrant Women and the Economy

A report from the UK Women's Budget Group

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Contents

| | | | |
|---|-----------|---|-----------|
| Migrant women and the Covid-19 crisis – a note | 3 | Part 3 – The Intersections of VAWG and Immigration | 33 |
| Executive Summary | 5 | Institutionalised dependency | 34 |
| Key Stats – Key Immigration Numbers | 6 | Destitution Domestic Violence Concession – a lifeline | 34 |
| Key Facts - Economic Challenges Migrant Women Face | 7 | Reporting VAWG to the police | 35 |
| Key Facts - VAWG and Immigration | 10 | Women with ‘no recourse’ and refuges | 36 |
| Recommendations | 11 | Asylum-seeking women and VAWG | 36 |
| Introduction | 13 | Case Studies | 37 |
| Part 1 – Women and the Immigration System | 15 | Conclusion – an immigration system with gendered impacts (that fosters women’s dependence) | 38 |
| Women as Workers | 16 | Recommendations | 39 |
| Women as Students | 17 | | |
| Women on Family and Dependant Visas | 17 | | |
| Women EEA nationals and Brexit | 18 | | |
| Asylum seekers and refugee women | 19 | | |
| Women with undocumented status | 20 | | |
| The new immigration system after Brexit | 20 | | |
| Part 2 – Economic Challenges For Migrant Women | 22 | | |
| Visa applications & the minimum income requirement | 23 | | |
| Social and cultural barriers | 24 | | |
| Work & study | 25 | | |
| Public Funds | 28 | | |
| Support for destitute migrants | 29 | | |
| Impact of NRPF on equality | 29 | | |
| Public Services | 30 | | |

Migrant women and the Covid-19 crisis – a note

Fieldwork for and write-up of this report were finished in March, before the extent of the coronavirus health and economic crises became apparent. Since then, the crisis has drawn public attention to many of the issues highlighted in this report.

We have seen how dependent our NHS, social care services, agriculture, food production and distribution are on the labour of migrant workers. We have seen tweets from migrant doctors treating Covid-19 patients, worried that if they contract the disease and die their families will have no right to remain in the UK. And we have seen MPs recognise that many of the people who would be excluded under the Government's proposed new immigration rules are actually key workers: supermarket cashiers, care workers, and hospital cleaners. MPs have also acknowledged how bad their pay and working conditions are.

We are seeing how immigration and social security policies aimed at creating a 'hostile environment' have exacerbated the impact of Covid-19 on all migrants, with particular impacts on migrant women:

- Most migrant women have no recourse to public funds, meaning that if they lose their jobs, hours or home they cannot claim benefits like Universal Credit, Housing Benefit or get homelessness support from their local authorities.
- Migrant victims/survivors of abuse who have no recourse to public funds cannot access women's refuges, as refuges are dependent on Housing Benefit for their bricks and mortar funding.
- Despite being overrepresented in frontline work like care, migrant women are paying for the NHS twice through the Immigration Health Surcharge and their taxes.
- Undocumented migrants may fear seeking treatment from the NHS due to links with immigration enforcement and fear of charging.
- Migrant women in detention centres are at high risk of contracting the virus without adequate staff, space for social distancing or healthcare.

The Government introduced some welcome measures to mitigate some of these impacts, including:

- Allowing asylum seekers and refugees with a change in their status to remain in their current state accommodation. This will spare up to 50,000 people from becoming homeless during this health crisis.
- Local authorities to house all rough sleepers and people in night shelters, including people with no recourse to public funds.
- Visas for NHS frontline staff expiring before October will be automatically extended for one year.

However, many migrant women, including those with insecure status or undocumented are still left with no protection.

The Covid-19 crisis has highlighted many pre-existing problems in the UK: the underfunding of public services, a social security system that doesn't help people when they need it most, the insecure working and pay conditions of many of our most essential workers. The problems with the rules of the current immigration system have never been starker.

We hope that when the crisis is over we can do things differently, based on values of care, community and mutual solidarity.

For a comprehensive analysis of the impact of Covid-19 on women's economic position see our report: [Crises Collide: Women and Covid-19](#).

Executive Summary

Women and men have different patterns of migration. These are a result of the gender norms that permeate our world and shape women and men's lives, their employment trajectories, their caring responsibilities, and their role in the family.

An immigration system designed without taking these differences into account will have distinct impacts on women and men.

Immigration rules make a difference to migrants' living conditions and experiences in the UK and so do public attitudes. Limits on who can work (in which jobs), the 'no recourse' policy and hostile attitudes to immigrants, fostered by strict and punitive rules from public authorities, make immigrant women highly vulnerable to exploitation in relationships, in the labour market, in private housing, and other social settings.

Women are more likely than men to be dependent on other immigrants. Many come to the UK to follow partners who have settled or who are British citizens, come to form a new marriage, or come as dependants of male refugees, workers or students. The rules around these types of visas – family visas – place women in a precarious situation of dependency: her immigration status and her income will more likely depend on a partner than would a man's.

Dependency in turn increases the likelihood of migrant women becoming victims of coercion, control or physical violence.

Any changes to the design of the immigration system need to be preceded by an equality impact assessment to ensure that women are not disadvantaged by immigration rules and conditionality and that their life patterns are fully taken into account when we think about immigration.

EXECUTIVE SUMMARY

INTRODUCTION

PART 1 – WOMEN AND THE IMMIGRATION SYSTEM

PART 2 – ECONOMIC CHALLENGES FOR MIGRANT WOMEN

PART 3 – THE INTERSECTIONS OF VAWG AND IMMIGRATION

CONCLUSION – AN IMMIGRATION SYSTEM WITH GENDERED IMPACTS (THAT FOSTERS WOMEN'S DEPENDENCE)

Key Stats¹ – Key Immigration Numbers

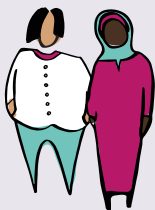
Family and dependant visas



Women are the vast majority of immigrants who are dependent on another person for their right to be in the UK:

Women are over two-thirds (68%) of migrants on family and dependant visas.

Work visas



20% of migrant women are in the UK on work visas

but women with all sorts of immigration statuses contribute to the workforce

Student visas



Over a third (36%) of migrant women are on student visas and they outnumber men on student visas

Asylum seekers and refugees

In 2019 **25%** of asylum applications were made by women



The proportion varies by nationality (from 8% Sudanese to 52% of Nigerian asylum seekers)

EEA nationals and Brexit



3.4 million EU nationals live in the UK half of whom are women

with concerns many will become undocumented after the EU Settlement Scheme deadline.

¹ Source: Migration Observatory analysis of data provided by Home Office, Table MJ_01 and underlying subsets

Key Facts - Economic Challenges Migrant Women Face

Financial cost of visas



Women earn less

so financially it is harder to secure their right to stay and to bring their loved ones under family visa rules.

High fees for visa application and renewal and a flat-rate minimum income requirement for family visas disadvantage women as well as Black and minority-ethnic (BME) people, disabled individuals and younger people. These groups face higher financial hurdles to secure their immigration status and to bring their loved ones under family visa rules.

Social and cultural barriers



Language barriers and unfamiliarity with the system makes it harder for migrant women to know their rights, seek support or navigate healthcare, bills or job hunting.

Many women face immense cultural pressure to remain within their marriage irrespective of abuse. In many minority communities, concepts like 'honour' and 'shame' serve to regulate and control women's sexuality and behaviours. Transgression is punished with ostracism, violence and even death. Many only seek help as a last resort once all attempts at reconciliation have failed.

A system that actively aims to create a 'hostile environment' for immigrants makes integration and engagement with authorities harder. Race intersects with immigration status and places immigrants but also BME British or settled citizens as targets of suspicion by public authorities, and harassment and hate crime by wider society.

Hostile Environment



In the 'hostile environment', migrants & BME British citizens become target of suspicion by public authorities & wider society
Reporting abuse and accessing support from authorities becomes harder

Work and pay

Many migrant women work in key but low-paid and low-skilled sectors*

Migrants are **16%** of social care workforce.



*cleaning, domestic work, social care, hospitality

Caring responsibilities can be a big hurdle for many migrant women to access employment because some lack a social network that could help, and their access to subsidised formal childcare is limited.

Migrant men's employment rate (83%) is higher than UK-born men (79%). For women the inverse is true, with the employment rate of migrant women lower (66%) than that for UK-born women (72%). This is the result of the economic challenges described in this section combined with the different immigration routes that women and men take into the UK and the social and gender norms of different communities.

There are wide disparities in employment rate for women from different regions, with migrant women from the EU employed at a higher rate than UK-born women.

Of those that are employed, fewer migrant women overall work part-time than UK-born women but again there are wide variations by country of birth, ranging from 26% to 54% of total working women.

No recourse to public funds



Many migrant women depend on **partners for income**

Due to

- No Recourse to Public Funds
- Labour market barriers
- Restricted access to free childcare

Most migrants cannot access public funds under the 'no recourse to public funds' (NRPf) condition. This includes most benefits, social housing and most childcare. NRPf leaves many women on family and dependant visas financially and economically dependent on their partners and facing destitution if the relationship breaks down.

Many women with NRPf facing financial hardship are employed and trying to support themselves through work but are in insecure low-paid jobs like cleaning and care.

Local authorities have a statutory duty to support destitute women with children as part of their safeguarding responsibilities (Section 17 of the Children Act 1989). However, migrant women and children are regularly denied this support and need to be supported to access this.

Restricted access to public services

Migrant women have limited or no access to public services

- No access to social housing or homelessness support
- Limited access to free childcare hours



The new healthcare surcharge takes the total costs of visa application and renewal to unsustainable levels to many immigrants. If undocumented, women are liable to pay for their healthcare (hospital) treatment, which includes pregnancy-related care and can amount to several thousands of pounds. New mothers are saddled with unpayable debts that have a severe impact on their health. These debts limit women's future immigration status.

Many migrant women can only access free childcare for 15 hours a week if they have three- or four-year-olds, posing a serious barrier to migrant women earning a living through paid work.

Migrant women with NRPF cannot access social housing. Housing support is only available for destitute children or women asylum seekers. Undocumented women face detention and removal if their landlord (who has a legal duty to check their immigration status) reports them to the Home Office.

Key Facts - VAWG and Immigration



Immigration status can be used by abusers as a tool of coercion and control

Threats to report to Home Office make it difficult for migrant women to leave abusive relationships

The Domestic Violence Rule (DV Rule) provides migrant women on family visas with a route to apply for indefinite leave to remain when their relationship breaks down due to domestic violence.

The Destitution Domestic Violence (DDV) Concession gives women on family visas three months of access to limited state benefits and temporary housing whilst their applications for indefinite leave under the DV Rule are considered. However, this does not extend to migrant women on most types of visas, who often remain trapped in abuse.

Most refuges can't accept women with NRPF as they depend on Housing Benefit to fund their services leaving women with NRPF limited housing options. Many migrant women are forced to return to their abuser, depend on friends and acquaintances or find other means of survival – options which put migrant women at risk of further harm.

Many women who seek asylum have suffered some form of VAWG in their country of origin, in their journey or in the UK but stigma, cultural barriers and disbelief by authorities often prevent them from disclosing it and seeking support.

Recommendations

- **Assess the impact immigration policies have on equality**
- **Review the ‘no recourse’ policy**
- **Extend Destitution Domestic Violence Concession to protect and support ALL migrant women**



Immigration system design

Conduct an equality impact assessment on new immigration system proposals

In order for the Government to fulfil its legal responsibilities under the Public Sector Equality Duty the proposals for re-designing a post-Brexit immigration system need to be assessed for their impact on equality.

Review visa application and renewal fees

Successive increases in visa fees are leaving many unable to apply for or renew visas, leaving them at risk of becoming undocumented. This has a disproportionate impact on women as women earn less and have greater barriers to work due to caring responsibilities and childcare restrictions.

Review the minimum income requirement

The minimum income requirement to bring a close relative to the UK has a disproportionate impact on women (and also BME, disabled and younger people) and their ability to reunite with loved ones. The MIR should be reviewed.

Economic autonomy

Lift restrictions on work for asylum seekers

The UK should lift the restrictions on work for asylum seekers to benefit the economy and reduce asylum seekers' financial hardship and vulnerability to exploitation.

Extend 30-hour free childcare to all children

Free good-quality childcare is crucial to ensure women can earn a living and be financially autonomous in the context of ‘no recourse’ and ensure children from deprived backgrounds can have the best start in life.

Review 'no recourse' and abolish it for victims of VAWG

The 'no recourse to public funds' policy has a disproportionate impact on women and other protected characteristic groups like disabled and BME people. A comprehensive equality impact assessment should be carried out. 'No recourse' should be abolished for women and children subjected to gender-based violence.

Well-being & safety

Social housing available to those who need it

Social housing and homelessness support from local authorities should be available to everyone who need it regardless of immigration status.

Maternity care should be exempt from charging

Pregnancy and maternity care is essential healthcare with enormous repercussions for women's and children's health and well-being. Charging for it is discriminatory since only women are liable for payment.

Extend the DV Rule and DDV Concession to all migrant women victims of VAWG

Extend eligibility under the DV Rule and the Destitution Domestic Violence Concession to protect all abused women with insecure immigration status. Extend the time frame for the DDVC from three to six months.

Ensure victims can safely report a crime and are supported

The police should prioritise protection of migrant women victims of violence over immigration enforcement to ensure victims' human rights are respected.

End the policy of dispersal for women seeking asylum subjected to VAWG

Asylum-seeking women should not be accommodated away from their social networks of support if it is safe to do so.

End detention of migrant women in immigration removal centres

Immigration detention is too often degrading, harmful, costly and pointless. A time limit of 28 days should be introduced and alternative ways to detention should be explored by the government in collaboration with the voluntary sector.

Adequately fund specialist BME and migrant women's organisations

Specialist 'for and by' BME women's services are best placed to support the most marginalised women and should be sustainably funded to be able to provide cultural- and language-appropriate services.

Introduction

This is a Women's Budget Group report on the economic challenges that immigrant women face in the UK. It looks at the different categories of immigration and the intersections between these and personal characteristics that result in specific challenges for specific groups of women.

14% of the UK population (or 9.3 million people) was born abroad.² Far from being an exceptional situation, a thriving migrant population has been a constant throughout UK's history and an active and enriching element to it. From Roman times through to the Huguenots in the 17th Century, Jewish refugees, refugees after the Second World War, the 'Windrush' generation and people from former British colonies, and more recently Europeans under the EU freedom of movement, migrants have always contributed to the fabric of British society, economy and culture.

Legal restrictions on immigration and the conditions attached to different types of visas are crucial to understand migrant women's economic experiences in the UK. We recognise that migrant women are not a homogeneous group. Their personal characteristics such as race, disability, age, pregnancy and maternity, as well as their socio-economic status all affect the way they experience life in the UK. The category they are assigned within the immigration system – as workers, students, asylum seekers, dependants, EU nationals – or whether they fall outside its rules – and are therefore deemed 'undocumented' or 'illegal' – is also absolutely crucial in determining their options and circumstances in the UK.

An asylum-seeking woman is barred from working in the UK, while a woman on a spouse visa is dependent on her partner for her immigration status, a woman dependant of a foreign student cannot access funds if she suffers domestic abuse, a British woman cannot bring her husband and child to live with her in the UK if she earns the minimum wage, and an undocumented woman is going to be charged for giving birth in the NHS.

A recent pattern of ever more legal restrictions culminated in Theresa May's intention of creating a 'hostile environment' for undocumented immigrants from 2012. This included stricter visa criteria and increased application costs, punitive measures for migrants with no papers and, perhaps most insidious of all, the prioritisation of immigration checks over essential service provision like police immigration reporting, renters' immigration checks and healthcare charging.

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² The Migration Observatory (Oct 2019) Migrants in the UK: An Overview (<http://bit.ly/2Gh2eXv>)

A system that explicitly fosters a ‘hostile environment’ for undocumented immigrants creates problems for all immigrants and also to BME people, as minority ethnicities become a proxy for immigrants. It seeps into all social interactions and legitimises hostility and suspicion, turning landlords, employers and healthcare practitioners into border enforcers. The recent devastating impact of the hostile environment on thousands of people from the ‘Windrush’ generation, despite their legal settlement in the UK for decades, poses serious concerns for the future of millions of EU nationals once freedom of movement ceases to apply in the UK.

Women are more likely than men to be dependent on other immigrants. Many women come to the UK to follow partners who have settled or who are British citizens, to form a new marriage, or as dependants of male refugees, foreign workers or students. The rules around these types of visas – family and dependant visas – place women in a precarious situation of dependency: her immigration status and her income will more likely depend on a partner than men’s.

We structured the report this way: first we look at how the immigration system divides women into categories and attaches specific conditions to each of these statuses (*Part 1 – Women and the Immigration System*). These will have implications on women’s capacity to support themselves, to have access to housing and healthcare, and to secure a decent standard of living for themselves and their families (*Part 2 – The Economic Challenges for Migrant Women*). The immigration categories also have crucial implications for power relations within families and women’s ability to live free from violence and abuse (*Part 3 – The Intersections of VAWG and Immigration*).

This report is part of the Coventry Women’s Partnership, a collaboration with five specialist organisations in the West Midlands city who support women in vulnerable circumstances, including BME and migrant women. The partnership includes FWT - Foleshill Women’s Training, Coventry Haven Women’s Aid, Kairos, Central England Law Centre, and Coventry Rape and Sexual Abuse Centre (CRASAC).

In addition to our partner organisations, we would like to thank the Joint Council for the Welfare of Migrants (JCWI), the Latin American Women’s Rights Service (LAWRS), Maternity Action, the Runnymede Trust, Southall Black Sisters and the individual experts interviewed for this report for giving their time, sharing their knowledge on migrant women’s experiences, and supporting needs for this research.

Definition of migrant

There is no legal definition of migrant or immigrant in UK law and the use of the term ‘migrant’ in public discourse is extremely loose. Migrants may be defined by foreign citizenship, foreign birth or by their intention to settle for the long term. There is however a distinction between ‘Persons Subject to Immigration Control’, who need permission to enter or remain in the UK, and those ‘Not Subject to Immigration Control’. EU nationals before December 2020 are not subject to immigration control but they are often described as migrants. In this report we use the terms ‘migrant’ and ‘immigrant’ interchangeably and to encompass everyone who is or was a foreign national at some point in their journey into/in the UK. This includes women on all types of visas, EEA nationals, refugees, asylum seekers and undocumented women. For an in-depth discussion about terminology and data on immigration see the Migration Observatory’s website page [‘Who Counts as a Migrant?’](#).

Part 1 – Women and the Immigration System

Women and men have different patterns of migration. These different patterns are a result of the gender norms that permeate our world and that to some extent shape women's and men's lives, their employment trajectories, their caring responsibilities, and their role in the family. In this section we analyse Home Office and Labour Force Survey data to tease out the specific patterns of immigration of women into the UK and learn which types of visa women most commonly hold and the conditions attached to each.

Conditions of stay, such as permission to work, access to public funds, access to integration mechanisms such as ESOL classes, the routes into settlement, and the visa application fees vary significantly between the different categories of immigrants. These are defined by the Home Office and are in constant change.

It is important to note that despite this categorisation, many women's migrant journeys are fluid and they may have different immigration statuses, including periods as undocumented migrants, over time, facing different challenges at each stage.

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Table 1. Adults with valid leave to remain other than ILR or Citizenship at the end of 2016, for those issued visas from 2004 onwards, by visa category and gender

| Type of visa | Women | Men | Total |
|----------------------------|----------------|----------------|------------------|
| Work | 118,755 | 167,100 | 285,855 |
| <i>Tier 1 (closed)</i> | <i>7,755</i> | <i>15,033</i> | <i>22,788</i> |
| <i>Tier 2</i> | <i>50,278</i> | <i>109,743</i> | <i>160,021</i> |
| <i>Tier 5</i> | <i>35,624</i> | <i>26,255</i> | <i>61,879</i> |
| <i>non-PBS & Other</i> | <i>25,098</i> | <i>16,069</i> | <i>41,167</i> |
| Study | 211,193 | 195,639 | 406,832 |
| Family | 181,091 | 95,950 | 277,041 |
| Dependants | 82,930 | 26,687 | 109,617 |
| | 593,969 | 485,376 | 1,079,345 |

Source: Migration Observatory analysis of data provided by Home Office, Table MJ_01 and underlying subsets. Note: Excludes children (everyone under 18). Excludes a small number of cases where gender is not recorded as male or female. Excludes people who did not enter on a work, study, family, dependant visa or EEA family permit, e.g. as asylum seekers. Family category includes those joining or accompanying a UK citizen or settled person, and - from 2012 - people with limited leave as a refugee or person with humanitarian protection.

Women as Workers

Work visas are currently the second most common type of visas for migrants in the UK (after study visas), making up a quarter (26%) of all visas.³ Work visas account for only a fifth (20%) of total of visas for women and a third (34%) of total of visas for men.⁴

In 2009 the UK government implemented a Points-Based System for immigration, which prioritises English proficiency, higher salaries (threshold of £30,000 for most jobs) and jobs in shortage sectors including nursing, social workers, architects, IT professionals and engineers. This system is now being reviewed to account for end of movement for EEA citizens after the Brexit transition period is over.

Within the PBS there are two main types of work visas: Tier 2 for general workers, and Tier 5 for temporary workers. General workers are the most common category (56% of all work visas), which is the case for women too (42% of all female work visas). Separately, women make up the majority of people on temporary worker visas (58%).⁵

A number of work visas are granted outside the Points-Based System, including domestic workers in private households, a profession which is often low-paid and sometimes with exploitative working conditions. Women are the majority of people with non-PBS and other work visas (61%).⁶ Since 2012 domestic worker visas are tied to one employer and there is evidence that these ‘tied’ visas have facilitated the exploitation and abuse of migrant workers, increased the risk of physical abuse, underpayment, and led to the confiscation of passports.⁷

Work visas are temporary in nature and attached to the job for which the person was sponsored. Immigrants on work visas can bring their close relatives (including partner/spouse and children) on dependant visas. People on work visas can take up studies and a second job, provided these don’t interfere with the job they were sponsored to do. Immigrants on work visas cannot access public funds such as social housing, most benefits and limited government-funded childcare, and have

³ This excludes Indefinite Leave to Remain, commonly known as ‘settlement’, and asylum seekers, refugees and other people with humanitarian protection.

⁴ Source: Migration Observatory analysis of data provided by Home Office, Table MJ_01 and underlying subsets.

⁵ Ibid.

⁶ Ibid.

⁷ Human Rights Watch (2014) Hidden Away: Abuse against Migrant Domestic Workers in the UK (<https://bit.ly/3dvsehd>)

to pay an annual health surcharge to access NHS secondary care (i.e. hospital treatment but A&E is free for everyone).

After five continuous years of residence under a Tier 2 visa, immigrants can usually apply for Indefinite Leave to Remain but only if they earn over £36,200.⁸ This poses problems for migrant women who want to settle in the UK, since women's wages are lower than those of men.

It is important to note that migrant women on all sorts of visas are part of the labour force, including women on student visas, women on family visas, refugees, EEA nationals and undocumented women working in the informal economy as carers, cleaners and other low-paid and precarious sectors.

Women as Students

Student visas are temporary visas that only cover the period of the course being done. There are restrictions in place on the number of hours a week a person on a student visa can work and the jobs they can work. Immigrant students cannot access public funds, a condition on their visas known as 'no recourse to public funds' (NRPF).⁹

Student visas are the largest category of visas issued by the Home Office: a total of 406,832 people had a student visa in 2016 (38% of all visas). Student visas

also make up over a third (36%) of all visas granted to women and women were the majority of student immigrants in 2016 (52%). Women with student visas are nearly double the number of women with work visas (211,193 compared to 118,755).¹⁰

Just like workers, students can apply to bring dependants with them to the UK. They need to prove that they have enough funds to finance their dependants for the duration of the course.

Women on Family and Dependant Visas

Visas for the purpose of bringing the family together in the UK are the second largest share of visas (386,658 or 36% of total).¹¹ Women are over two-thirds (68%) of immigrants with family and dependant visas. This is particularly pronounced for 'dependant' visas where women make up 76% of all visa holders. Family and dependant visas constitute 44% of all visas migrant women are on.¹²

There is an important distinction in family-related visas between 'family' visas: immigrants who come to live in the UK with family members who are UK citizens or settled residents, mostly via spouse or partner visas; and 'dependants': family members of immigrants who have permission to stay temporarily (for example on work or student visas).

8 2020 figure; some professions like nursing, paramedics, some secondary school teachers, etc are exempt.

9 There are exceptions for nationals of countries where the UK or EU has a reciprocal arrangement, who can claim certain benefits. More on these exceptions here: <https://bit.ly/2UOm30k> (p. 57)

10 Source: Migration Observatory analysis of data provided by Home Office, Table MJ_01 and underlying subsets.

11 Includes family and dependant visas.

12 Source: Migration Observatory analysis of data provided by Home Office, Table MJ_01 and underlying subsets.

This distinction has important implications for women who are victims of domestic violence: only women on the ‘family’ category (on spouse or partner visas) are eligible to apply for Indefinite Leave to Remain in the UK under the Domestic Violence rule (see Part 3).

Immigrants with family and dependant visas are allowed to work in most circumstances with a significant exception of dependants of students on short-term visas or which are below degree level.

People on family-related visas, either on spouse/partner or dependant visas, have no recourse to public funds and they have to pay an annual health surcharge to have access to secondary (i.e. hospital) treatment in the NHS.

Women EEA nationals and Brexit

Citizens from countries in the European Economic Area (EEA) are not subject to immigration control in the UK at present.¹³ Their conditions of stay are more favourable than immigrants from other parts of the world. This is due to change from December 2020 onwards, when the Brexit transition period is set to end.

At the moment, the right of EEA nationals to reside, work and study in the UK are governed by a set of EU rules under the umbrella of what is commonly known as ‘freedom of movement’ or ‘free movement’. This establishes that any EEA worker has the right to enter and reside in any EEA country and cannot be discriminated against when it comes to employment rights. The right to reside extends to the EEA workers’ family members.

Access to social security and other public services is generally possible provided that EEA nationals are ‘exercising their Treaty rights’. This usually means that the person is involved in the economic activity of the host country: as a worker or jobseeker, as a student or as a self-sufficient person. After five continuous years of exercising their Treaty rights, EEA migrants acquire permanent residence, which gives them an unrestricted right to reside in the UK.

These rights extend to their (close) family members irrespective of nationality. In certain cases, the primary carers of EEA-citizen children are also included in the scope of free movement, although their immigration status is more precarious because it is dependent on someone else’s right to reside (and usually ends when the child becomes

independent). Women, as they are more likely to be the primary carers of children, are the majority of people in this situation.

In March 2019 the UK Government implemented a registration system for EEA nationals called the EU Settlement Scheme. The goal is to register until June 2021 all estimated 3.4 million people from EEA countries living in the UK.¹⁴

Applicants receive either pre-settled or settled status (if fewer or more than five years of residence respectively). Settled status is equivalent to Indefinite Leave to Remain, which means having the same rights as British citizens, including permanent right to reside, access to public funds and services, and right to work and study. EEA citizens granted pre-settled status have restricted access to social security and will need to re-apply once they have lived for five years in the UK.

The EU Settlement Scheme is simpler to apply to than most visa pathways in the immigration system. It is free and the burden of proof of residence is lower and, in many cases, automatic, as the HMRC shares data with the Home Office for the purposes of application to the scheme. Moreover, the Home Office’s official stance regarding the EU Settlement Scheme applications is that they are ‘looking for reasons to grant status, not to refuse’.¹⁵ This seems to be backed by the data: of the more than 3.3 million applications received by March 2020, 3 million were concluded and only 300 had been refused, most on eligibility grounds.¹⁶

13 The current and changing immigration rules in this section affect citizens from the European Economic Area which include the European Union member states, Iceland, Liechtenstein and Norway. The same rules also apply to Switzerland nationals.

14 The Migration Observatory (30 Sep 2019) ‘EU Migration to and from the UK’ (<http://bit.ly/2SDpBBO>)

15 The Guardian (10 Oct 2019) ‘EU nationals lacking settled status could be deported, minister says’ (<http://bit.ly/2rFsQxv>)

16 Home Office (19 March 2020) EU Settlement Scheme Statistics, February 2020 (<https://bit.ly/3aVwvQu>)

41% of the total of applications were granted pre-settled status, which means a considerable number of people will need to reapply again once they have five years of continuous residence to be able to remain in the UK. There are still concerns about people falling through the gaps once the deadline is over and the risk of considerable numbers of EEA migrants becoming undocumented then.

In this, the EU Settlement Scheme may have a gendered impact. The system is designed to automatically check HMRC records as proof of

residence so applying as a worker is much easier. Women are more likely to be full-time carers or take time out of paid work to care for children or other dependants,¹⁷ and so they are less likely to have five continuous years of tax or social security contributions. Immigration status is a tool often used by perpetrators to control their victims¹⁸ and so there are concerns that women who are victims of domestic abuse will not have access to documents or might be barred from applying.¹⁹

Asylum seekers and refugee women

An asylum seeker is a person who fled their home country, formally asked the authorities in another country to recognise them as a refugee and is awaiting a decision on their claim. In the year ending September 2019, 34,354 people claimed asylum in the UK. In the same year, the UK granted protection to 19,480 people.²⁰ Asylum seekers make up 5% of all immigrants in the UK.

In 2019, 25% of asylum applications were made by women.²¹ But the proportion of women asylum seekers varies according to nationality. For some countries there are more women than men applying for asylum (the case for Nigeria) or a higher proportion than the average (the case for China, Albania and Vietnam). In contrast, for some countries, women make up a tiny minority of applicants (the case of Sudan and Bangladesh).²²

Only a third (33%) of asylum applications are granted refugee status at initial decision, and even though three-quarters of refused asylum seekers lodge an appeal, only one quarter of those appeals are allowed.²³

People seeking asylum who can prove that they are destitute are offered accommodation, usually to dispersal sites across the UK, and £5.39 of subsistence support per day. This is commonly called Section 95 (of the Immigration and Asylum Act 1999) support. In 2018 44,265 asylum seekers

were in receipt of Section 95 support. This support is hard to access by women either due to unawareness of the scheme or delays in decisions and payments.²⁴ Asylum seekers are barred from work while they await a decision on their application. They can access free healthcare.

Dispersal sites are particularly harmful for refugee and asylum-seeking women who have experienced VAWG and who are relocated away from any support networks they have built, including friends, family, support services and legal representatives – and frequently live below the poverty line in substandard and isolated conditions.

Asylum seekers whose application for protection is accepted are formally granted refugee status. Refugees have the same rights as British citizens including to work, to access public funds and to free healthcare. However, the transition period from asylum seeker to refugee is a difficult one for most people. This is because newly-granted refugees have a ‘grace period’ of only 28 days to learn how to navigate the UK’s complex welfare system, find accommodation and a job before their previous support ends. This is clearly not enough, particularly if we take into account that the wait period for Universal Credit’s first payment is five weeks. Refugees very often face financial hardship, homelessness and debt with their new status.²⁵

17 Women’s Budget Group (2018) *The Female Face of Poverty* (<http://bit.ly/2CRlx8N>)

18 Home Office (2015) *Controlling or Coercive Behaviour in an Intimate or Family Relationship Statutory Guidance Framework* (<http://bit.ly/36ObX30>) p. 7

19 Interview with Southall Black Sisters, 17 December 2019; *The Independent* (2 Nov 2019) ‘Why we need to talk about what Brexit means for survivors of domestic abuse’ (<http://bit.ly/2MFJncf>)

20 House of Commons Library (2019) *Asylum statistics* (<http://bit.ly/2F1NivA>)

21 Home Office (2019) *Immigration Statistics – Asylum and Resettlement - Applications, Initial decisions, and resettlement* (Sep 2019)

22 British Refugee Council (2019) *Asylum statistics Annual Trends: August 2019* (<http://bit.ly/2QzHD5p>) p. 10

23 House of Commons Library (2019) *Asylum statistics* (<http://bit.ly/2F1NivA>)

24 Women for Refugee Women (2020) *Will I ever be safe? Asylum seeking women made destitute in the UK* (<http://bit.ly/39vMnAL>) p. 19

25 Ibid.

The decision-making processes are fraught with difficulties that affect women and men equally, including delays and administrative problems and lack of legal aid funds for legal representation. There is evidence of widespread disbelief of women's stories and experiences of violence and a lack of advisors with expertise on gender issues.²⁶ Many asylum-seeking women have experienced sexual violence and other forms of violence against women and girls (VAWG)²⁷ and they need specialist support to cope and mitigate the impact of the trauma in their lives.

Asylum seekers who have their application refused are in a very precarious situation. The vast majority of women made destitute during their asylum journey are made so after their claim is refused.²⁸

In some cases they can apply to Section 4 support if they can prove that they are destitute and they can't go back to their home country on human rights grounds or because they can't travel for health reasons (this includes women in the late stages of pregnancy). But to access this women need to have access to high quality legal advice, a challenge due to severe cuts to legal aid in the area – only half had applied for it in a study by Women for Refugee Women.²⁹ A third of destitute asylum-seeking women are forced into unwanted relationships, which puts them at considerable risk of sexual and physical violence.³⁰ A quarter reported being exploited at work.³¹ Refused asylum seekers are also vulnerable to detention for purposes of immigration control and subject to removal.

Women with undocumented status

Undocumented migrants are some of the most vulnerable people in society. They are usually people with no legal right to stay in the UK, including those who overstayed their visas, who were refused asylum or people who were trafficked.

Undocumented immigrants are forced to live at the margins of society as they can't get a job, can't access public funds, housing or other services. Their only option is often to engage in the informal economy to earn a living and for that they are at a high risk of exploitation, both labour and sexual in the case of undocumented migrant women. Their undocumented status means they are at

constant risk of immigration detention and removal, including if reported by landlords, employers, police or healthcare staff.

People with no immigration status face exorbitant bills to access NHS hospitals and treatment. This is especially serious for pregnant women who are sometimes wrongly refused care or avoid treatment for fear of charges, and who will face huge debts with little chance of payment in a very vulnerable stage of life.³² Debts to the NHS are a barrier for people to regularise their status, as the Home Office will refuse to grant visa to anyone with an NHS debt over £500 with no repayment plan in place.

The new immigration system after Brexit

In February 2020 the Government announced its intention to redesign the immigration system from 2021 when freedom of movement for EU nationals ends. This includes lowering the salary threshold to £25,600 and maintaining the exemptions for occupations deemed in shortage of workers. However, this will encompass every person migrating to the UK, including EU/EEA citizens who currently are not subject to these rules.

The Government's proposals privilege occupations in which women are underrepresented and are likely to mean that migrant women will find it harder than migrant men to reach the 70-point threshold needed to obtain a work visa.

The Government's commitment to 'give top priority to those with the highest skills and the greatest talents: scientists, engineers, academics and other

26 Refugee Rights Europe (2019) Seeking Asylum: Women's Experiences of Home Office Decision Making, Destitution and Mental Health Issues (<http://bit.ly/2Que7hi>)

27 A report by Women for Refugee Women found that 85% of women detained at Yarl's Wood detention centre were survivors of sexual or other gender-based violence. Women for Refugee Women (2019) "From One Hell to Another" (<http://bit.ly/2tDegqY>)

28 Women for Refugee Women (2020) Will I ever be safe? Asylum seeking women made destitute in the UK (<http://bit.ly/39vMnAL>) p. 4

29 Ibid. p. 21

30 Ibid. p. 4

31 Ibid. p. 5

32 Maternity Action (2018) What Price Safe Motherhood? Charging for NHS Maternity Care in England and its Impact on Migrant Women (<http://bit.ly/2QyIQd4>)

highly-skilled workers' as well as STEM graduates, will have a gendered impact as a result of the extreme gender disparities in these occupations: for example just 12% of those working in engineering are women.³³

When it comes to qualifications, PhDs in STEM are worth double the number of transferable points as other PhDs. There are wide disparities in PhDs awarded to women and men in UK universities including Science and Engineering PhDs (40% awarded to women and 60% awarded to men) and even more for Maths and Computer Science where men are awarded 71% of PhDs compared with 21% for women.³⁴

The prioritisation of STEM not only disadvantages women, it also fails to acknowledge the extraordinary value and high-skilled work done by people (mainly women) in caring occupations such as nurses, midwives and care workers. Many of these occupations' starting salaries fall beneath the salary threshold or operate on zero-hours contracts or on a precarious basis.

For example, 24% of carers are on zero-hours contracts so it is nearly impossible to predict their annual salary.³⁵ For those working set hours average starting salaries fall between £16,000 and £19,500,³⁶ which is beneath the government's minimum transferable threshold. Although these jobs are low paid, they are not low skilled; and they are vital for the wellbeing of society and the economy.

There is an acknowledgement by the Government that 'NHS workers' – 77% of whom are women – ought to also be priority given the shortages in the service but this will not cover care workers including those in social care and childcare who do not work for the NHS.

Changes to the immigration system will therefore have an impact on women living in the UK too. The care system is reliant on labour from abroad³⁷ and stopping this will result in further service shortages which will see women leave the paid workplace to care. We are highly likely to experience labour shortage in crucial occupations such as social care, agriculture and food processing. In this context, it becomes even more crucial for there to be a proper recognition of these workers as essential to our economy and wages should be paid accordingly.

Another potential consequence of expanding the scope of immigration control is an increase in the number of people becoming undocumented in the UK who would formerly have had the same rights as British citizens and who are now at greater risk of exploitation. Given the particular circumstances of EEA women nationals, including more difficulty proving residence and what we know about immigration status being used as a control tool by abusive partners, migrant women may be disproportionately made undocumented.

33 STEM Women (2020) Percentages of women in STEM statistics (<http://bit.ly/37KquMY>)

34 Scientific American (2014) How Nations Fare in PhDs by Sex [Interactive] (<http://bit.ly/32cNx1M>)

35 Skills for Care (2019) The state of the adult social care sector and workforce in England – September 2019 (<http://bit.ly/31UeZsV>)

36 Ibid.

37 Migration Observatory (2011) Social Care for Older People and Demand for Migrant Workers (<http://bit.ly/37St9nX>)

Part 2 – Economic Challenges For Migrant Women

Immigration rules, including visa costs, eligibility for visas, conditions attached to each type of visa (such as work restrictions or no access to public funds) exacerbate the economic challenges for immigrants that might be expected from navigating an unfamiliar new system.

Women experience the immigration system in different ways and so their economic challenges are also different. For instance, women are over two-thirds of migrants on family and dependant visas, which means that because of the rules around no recourse and the conditionality of these visas on the relationship, women will be more likely to be financially and economically dependent on their partners, facing destitution if the relationship breaks down. This economic dependency is often compounded by unpaid care work migrant women undertake at home which make entering the labour market harder even if they are legally allowed to work.

No recourse to public funds prevents people applying for in-work benefits (tax credits and universal credit) which provide a safety net for other families on low incomes. Most destitute families with no recourse to public funds are in work but do not earn enough to support themselves.³⁸

The legal framework also serves to increase discrimination against migrants. Employers and landlords are obliged to check the immigration status of new employees or tenants. However, there is a risk that some will not want the hassle so will simply not rent to or employ anyone who ‘looks like a foreigner’. This affects not just immigrants but also BME UK citizens who may be assumed to be immigrants because of the colour of their skin. In March 2019 the High Court ruled that the ‘Right to Rent’ scheme, used to enforce landlords to check tenants’ right of residence, causes racial discrimination in the housing rental market.³⁹

EXECUTIVE SUMMARY

INTRODUCTION

PART 1 – WOMEN AND THE IMMIGRATION SYSTEM

PART 2 – ECONOMIC CHALLENGES FOR MIGRANT WOMEN

PART 3 – THE INTERSECTIONS OF VAWG AND IMMIGRATION

CONCLUSION – AN IMMIGRATION SYSTEM WITH GENDERED IMPACTS (THAT FOSTERS WOMEN’S DEPENDENCE)

38 The Unity Project (2019) Access Denied: The cost of the ‘no recourse to public funds’ policy (<http://bit.ly/2QjN8pK>) p. 31

39 JCWI (March 2019) Right to Rent Checks Declared Unlawful: What Next? (<https://bit.ly/2UjbmT8>)

Visa applications & the minimum income requirement

Applying for a visa has a considerable financial cost, in the hundreds or sometimes thousands of pounds. A general work visa costs between £555 to £704 for less than three years or between £409 to £464 for a shortage occupation. If the visa is for more than three years, the cost can go up to £1,408. Temporary workers pay £244 and students pay £348.

On top of these visa fees, since 2015 immigrants have had to pay a health surcharge per year to access the NHS (£400 for workers and £300 for students).⁴⁰ Asylum seekers, people on domestic violence concessions and victims of slavery or human trafficking are some of the groups exempt from the health surcharge.

When renewing a visa, these costs apply again. This means that the route to settlement (Indefinite Leave to Remain) can cost thousands of pounds for a migrant.

The same fees, including the health surcharge, also apply for each family member that comes to the UK to join their partner, spouse, parent or other close relative. So, for a family of four (a couple and two children), visa fees will cost several thousand pounds until they reach settlement, which usually takes five years but can take 10 in some cases.

Family visas are granted for 2.5 years and currently cost £1,033. It will therefore cost a person between £6,455 and £8,488 to settle their partner in the UK (including renewal visa application fees, annual health surcharges and application for Indefinite Leave to Remain). This does not include lawyers' fees which can be considerable in some cases.

Settled migrants or British citizens are bound by specific rules if they want to bring their close relatives into the UK. Beyond the cost of applying for a family visa, they have to prove they have the means to support their family members. This is called the 'minimum income requirement' (MIR). Currently, applicants need to prove they have an income of at least £18,600 a year to bring a partner, and an extra £3,800 for the first child and £2,400 for each additional child.⁴¹

As family visas have the 'no recourse to public funds' condition attached, the goal of the MIR is to ensure the family will not need to rely on public funds. However, a blanket minimum income requirement fails to take into account the fact that women on average earn less than men, have less in savings and have lower levels of wealth.⁴² The result is that British women or UK-settled women will find it harder to meet the financial requirements to bring their families over.

A third of workers in the UK don't earn the equivalent to the MIR for family visa purposes and roughly 43% don't earn the MIR to bring a partner and a child.⁴³ For women, the proportion of workers who don't earn the MIR is nearly half (47%) of total, while 57% don't earn enough to bring a partner and a child over.⁴⁴

These flat-rate fees are harder to meet by women because of their lower incomes. As a result, the immigration system presents at the onset a higher hurdle for women in applying for a visa as an immigrant into the UK and as a British citizen or settled person trying to bring close relatives into the UK.⁴⁵ Moreover, migrant women will be less likely to hit the £30,000 salary threshold that is required for a work visa, and the £36,200 salary required to apply for Indefinite Leave to Remain after five years. The same is true for BME people, disabled individuals and younger people, all of whom have lower levels of income than the population average.⁴⁶

40 Gov.uk (accessed 02 Jan 2020) 'NHS entitlements: migrant health guide' (<http://bit.ly/2FgxTaZ>)

41 Gov.uk (accessed 02 Jan 2020) 'Family visas: apply, extend or switch' (<http://bit.ly/2QIB5Zj>)

42 WBG (2018) The Female Face of Poverty: Examining the causes and consequences of economic deprivation for women (<http://bit.ly/2CRix8N>)

43 Own calculations based on ASHE 2019 Table 1 (October 2019 release)

44 Ibid.

45 Joint Council for the Welfare of Immigrants (2019) The Minimum Income Requirement and its Impact on Families

46 WBG and Runnymede Trust (2017) Intersecting Inequalities: The impact of austerity on Black and Minority Ethnic women in the UK (<http://bit.ly/2XpvcYl>) p. 12; WBG (2018) Disabled Women and Austerity (<http://bit.ly/2lfsOSS>); WBG and Young Women's Trust (forthcoming) Young Women and the Economy

Social and cultural barriers

Moving to another country, regardless of the reason and the background of the person migrating always brings a set of challenges in adaptation. There will be unfamiliarity with the new system, with how things like healthcare, housing, benefits, support, rights and the labour market work. Many women will be more vulnerable to situations of exploitation, wrongful practice or go without the support they need simply because they do not know what their rights are or where to get help.

But the challenges of arriving in a new place can be compounded for women who don't speak English, women from lower-income backgrounds, women with low-levels of education or digital literacy and women from communities from very different cultural backgrounds to the UK.

Language is a big barrier for many migrant women and a lack of English language skills will make all the other barriers like unfamiliarity with the system and what her rights are, lack of a social network, getting support, getting a job and high dependence on her partner all the more insurmountable. There have been cuts to the number of ESOL classes provided, more stringent eligibility rules and higher fees to attend in some cases, and these are having an impact on the integration of the most marginalised women in society.⁴⁷

'Language is the number one barrier; it hinders accessibility to other services including employment. It's becoming an ever bigger issue due to the digitalisation of the benefits system. Women with no English skills find it harder, especially if they don't have IT skills too.'

'We've seen women being sanctioned because they haven't logged into their portal every two weeks.'

Interview with FWT, 14 November 2019

Work outside of the home is one of the quickest and best ways to learn a new language because it forces newcomers to socialise and communicate regularly with other people. Many migrant women don't pick up English as quickly as men because they will be mostly at home caring for their children or other

relatives, with little chances of communicating in English.⁴⁸ This in turn will make it harder for them to get a job further down the line.

There are also challenges with the cultural norms of the host country, unfamiliarity with the new culture and the expectations on women, which sometimes clash with the gendered expectations and norms in her country of origin. This may range from what her role within the family should be, her role in society, the gendered rules around money and who should be in charge of the family's affairs. Women may not be aware that domestic abuse is a criminal offence, or of the options that are available to her.⁴⁹

'In many migrant communities it is the husband who is expected to navigate the system, take care of everything including bills, tenancy agreements, bank cards and accounts, benefit claims. This accentuates the woman's dependency on her partner.'

'There is not sufficient awareness from statutory workers and other staff from services like banks, etc to pay attention to these power dynamics and make sure women are given sufficient say in financial matters.'

Interview with CRASAC, 14 November 2019

Lacking an extended social network in the new country is also a big challenge for many immigrants, especially abused migrant women who are often ostracised from family and community. Again, this is compounded by other factors that are more common for some migrant women, such as limited English skills, a more domestic role, dependence on her partner and/or in-law family and gender normative restrictions on women frequenting public spaces.

The level of receptiveness and welcoming of the new country to immigrants can alleviate or exacerbate these social and cultural barriers. A system underpinned by a high-level political commitment to reduce the numbers of immigrants and which actively creates a 'hostile environment' for people with insecure immigration statuses (and so to all immigrants by default) will only make integration and engagement with authorities harder. Race

47 Interview with FWT - Foleshill Women's Training, 14 November 2019

48 Ibid.

49 Interview with Coventry Rape and Sexual Abuse Centre (CRASAC), 14 November 2019

is a characteristic that heavily intersects with immigration status and that places BME immigrants and also BME British citizens as targets of suspicion by public authorities, and harassment and hate crime by wider society, legitimised by a politically sanctioned ‘hostile environment’.⁵⁰

‘Latin-American women in the UK face many layers of disadvantage – on top of being a migrant, they will be women, and women of

colour. Many Latin-American women have EU passports but discrimination towards them has not stopped and we know that this is because race is playing a part on how people perceive them.’

Interview with Latin American Women’s Rights Service, 18 December 2019

Work & study

Getting into the labour market in a new country is often a challenge for new migrants. Two of the main reasons for this are lack of work experience in the UK and British employers’ reluctance to recognise qualifications obtained abroad. The lack of English language skills on arrival will also make job-hunting harder. The combination of the three results in many migrant women being underemployed. For example, it is not unusual to find migrant women with university degrees or other professional qualifications working as cleaners.⁵¹

The majority of workers on non-Points Based System work visas are women. This includes women who come to work as domestic workers in private households, a job characterised by low pay, long hours and a significant degree of dependence on the employer on not just wages but also lodging. Since 2012, migrant domestic workers have their visas tied to their employer, which has resulted in fewer workers disclosing cases of exploitation and abuse.⁵²

Low-paid and low-skilled sectors like cleaning, domestic work and hospitality have a disproportionate number of migrant women working in them; for instance, a quarter of workers in the cleaning sector are foreign-born.⁵³ These sectors are characterised by low pay, few opportunities for career advancement and precarious working conditions like zero-hours contracts,⁵⁴ self-employment and low levels of unionisation.⁵⁵ Labour exploitation is rife for migrant women in these sectors: some are paid

less than the minimum wage and are denied paid leave.⁵⁶ Unfamiliarity with the British labour market and unawareness of their rights as workers play a considerable part in migrants’ vulnerability to labour exploitation. This risk is exacerbated if they have an insecure immigration status or are undocumented.

These are also sectors marked by gendered hierarchies: although the majority of workers are women, managers will often be men. A frequent problem that migrant women face in these sectors is sexual harassment, exacerbated by their insecure immigration status and/or by financial deprivation. Migrant women will not know where to turn to for support and the existing specialist support organisations struggle with very limited funding and resources.⁵⁷

‘People don’t know what they don’t know. A lot of women are isolated, if they’ve been in the home and not being able to go out, or if they don’t speak English very well, they haven’t got access to information. Coming to FWT and other specialist women’s organisations helps them.’

Interview with FWT, 14 November 2019

Social care is another sector considerably reliant on migrant women labour. 83% of the social care workforce are women and 16% of all social care workers are non-British, double the rate in the wider

50 The Runnymede Trust (2015) Race and Immigration Report (<http://bit.ly/2tdercQ>)

51 Interview with Latin American Women’s Rights Service (LAWRS), 18 December 2019

52 Kalayaan (2016) Kalayaan briefing on the Government response to the independent review of the overseas domestic worker (ODW) visa (<https://bit.ly/3dqeZy2>)

53 British Cleaning Council (2017) Industry Trends Report (<http://bit.ly/35oxqOu>)

54 WBG (2019) Women, Employment and Earnings (<http://bit.ly/2Vr9VCW>)

55 Statista (2020) Trade union density: Proportion of employees that were members of a trade union in accommodation and food service activities in the United Kingdom from 1995 to 2018 (<http://bit.ly/2PjYvNt>)

56 Latin American Women’s Rights Service (2019) The Unheard Workforce: Experiences of Latin American migrant women in cleaning, hospitality and domestic work

57 Interview with LAWRS, 18 December 2019; WBG and Women’s Resource Centre (2018) Life-Changing & Life-Saving: Funding for the women’s sector (<http://bit.ly/2vf8l3j>)

population.⁵⁸ Migrants are concentrated in care worker roles (20%) and registered nurses (37%) and are found less frequent in managerial roles (11%).⁵⁹

Just as for UK-born women, (unpaid) caring responsibilities are a big hurdle for many migrant women to access employment. For many migrant women this is especially the case because they may lack a social network that could help with informal childcare, their access to subsidised formal childcare is limited (see ‘Public Services’ below), and in some cases culturally strong gender norms dictate that women are primarily responsible for caring for their children and other family members.

In Table 2 we can see the employment rates in the UK for migrant women and men from different world regions. Migrant men’s employment rate is higher than UK-born men, at 83% compared to 79%. For women the inverse is true, with the employment rate of migrant women lower (66%) than that for UK-born women (72%). This is the result of the economic challenges described in this section combined with the different gender-based immigration routes into the UK.

There are also wide disparities in employment rates for women from different regions, with migrant women from the EU and Sub-Saharan African women employed at a higher rate than UK-born women but Pakistani and South-Asian women employed at a rate of 36%.

Table 2. Employment rate by country of birth and gender, 2018

| Region/country of birth: | Women | | Men | |
|-----------------------------|---------------------|----------------------------|---------------------|----------------------------|
| | Employment rate (%) | Difference ppts to UK-born | Employment rate (%) | Difference ppts to UK-born |
| UK | 72 | | 79 | |
| EU-14 | 74 | +2 | 85 | +6 |
| EU-8, EU-2, EU Other | 79 | +7 | 91 | +12 |
| MENA & Central Asia | 38 | -34 | 68 | -11 |
| East & Southeast Asia | 62 | -10 | 71 | -8 |
| India | 66 | -6 | 89 | +10 |
| Pakistan & other South Asia | 36 | -36 | 82 | +3 |
| Sub-Saharan Africa | 68 | -4 | 80 | +1 |
| All foreign born | 66 | -6 | 83 | +4 |

Source: Calculations by the Migration Observatory, University of Oxford, based on the Labour Force Survey 2018 (<http://bit.ly/2SKTfor>)

For the migrant women and men in employment there are also different patterns of total hours worked. In Table 3 we can see the % of women and men working full-time and part-time by region of birth and how this differs across different world-region immigrant groups.

58 Skills for Care (2019) The State of the Adult Social Care Sector and Workforce in England (<http://bit.ly/31Uezsv>) p. 72

59 Ibid. p. 72-73

Table 3. Distribution of part-time and full-time UK-based workers by gender by country/region of birth, 2018

| Region/country of birth: | Women | | Men | |
|-----------------------------|---------------|---------------|---------------|---------------|
| | Part time (%) | Full time (%) | Part time (%) | Full time (%) |
| UK | 40 | 60 | 10 | 89 |
| EU-14 | 28 | 72 | 9 | 91 |
| EU-8, EU-2, EU Other | 26 | 74 | 6 | 94 |
| MENA & Central Asia | 54 | 46 | 27 | 73 |
| East & Southeast Asia | 36 | 64 | 14 | 86 |
| India | 29 | 72 | 7 | 93 |
| Pakistan & other South Asia | 52 | 48 | 23 | 77 |
| Sub-Saharan Africa | 38 | 62 | 13 | 87 |
| Other countries | 32 | 68 | 10 | 89 |
| All foreign born | 38 | 62 | 11 | 89 |

Source: Calculations by the Migration Observatory, University of Oxford, based on the Labour Force Survey 2018

Overall, slightly fewer migrant women (38%) work part-time than UK-born women (40%), although the percentage varies considerably across region/country of birth. Women who were born in EU countries and in India are much less likely to work part-time than any other group (28%, 26% and 29%), whereas over half of working women from the Middle East and North Africa (MENA) and Central Asia (54%), and from Pakistan and other South-Asian countries (52%) work part-time.

Men workers from certain regions, notably MENA and Central Asia and Pakistan and South Asia (excluding India) are also more likely to work part-time than UK-born men (27% and 23% compared to 10% respectively).

Part-time work is associated with lower earnings, not only because of fewer hours worked, but because part-time work pays less per hour on average than full-time work. Analysing proportion of part-time workers among immigrant groups is therefore important as it is associated with lower incomes, particularly since most migrants have no recourse to public funds and cannot supplement their earnings with benefits like Universal Credit.

It is important to note that these figures only capture data for people working in the formal economy.

Some groups of women are often unable to work, including pregnant women, disabled women and elderly women.⁶⁰ In some instances, these women face higher living costs, in particular disabled women. The ‘no recourse’ condition is even more damaging for these groups. For disabled women, ‘no recourse’ also means not being able to access most programmes designed to support disabled people to enter the labour market. Even though some working migrant women can access contributory benefits like Sick Pay and Statutory Maternity Pay, many pregnant women and women in the early stages of maternity will not have accrued sufficient years of contributions or sufficient consecutive weeks prior to maternity leave to be able to claim those benefits.⁶¹

Asylum-seeking women are barred from work, which means their economic and social potential is curtailed, and their financial autonomy severely restricted.

Obtaining new or further qualifications is also made difficult by the ‘no recourse’ condition, which bars migrant women from accessing scholarship schemes and student loans. This is also true for women with limited leave to remain (irrespective of ‘no recourse’ condition). This hinders their career progression and move to higher paid jobs with better working conditions. The difficulties

60 The Unity Project (2019) Access Denied: The cost of the ‘no recourse to public funds’ policy (<http://bit.ly/2QjN8pK>) p. 6

61 Ibid. p. 34

recognising foreign qualifications are also a barrier for many migrant women to access the correct level of study should they wish to pursue further education.

Public Funds

The ‘no recourse to public funds’ (NRPF) is a condition attached to most visas granted by the immigration system. It means that immigrants with a limited leave to remain will not have access to public funds,⁶² which include most social security benefits and student loans, and public services like social housing and homelessness assistance, and government-funded childcare (see next section).

The Home Office has calculated that 92% of people who were granted limited leave in 2014 on the ten-year route to settlement on family visas had ‘no recourse to public funds’.⁶³ Two-thirds (65%) of people on family visas are women so they are disproportionately affected by this policy.

Women with NRPF can access certain contributory benefits including Maternity Allowance, Statutory Sick pay or Jobseeker’s Allowance if they have been in employment and contributed long enough. However, many women will not qualify for these because they will be in low-paid and insecure jobs in the cleaning and care sector, where zero-hours contracts are widespread. Their options for earning a decent living are very limited and without any additional support from the social security system they can become trapped in unwanted and abusive relationships and environments (see Part 3).

The NRPF policy is designed to ‘prevent burdens on the taxpayer and promote integration’.⁶⁴ It is expected that those on any visa with limited leave to remain should support themselves exclusively through employment and not rely on public funds. However, research by the Unity Project has found that the majority of people who are destitute with NRPF are employed and trying to support themselves through work but are in insecure low-paid jobs like cleaning and in the care sector.⁶⁵ Many will be on zero-hours contracts with no guaranteed wage. The fact that they cannot access in-work means-tested benefits like Housing Benefit, Tax

Credits, Universal Credit and Council Tax Reduction exacerbates in-work poverty amongst low-income migrant families.

Migrants with no recourse cannot supplement their earnings with benefits like Universal Credit. However, many other people do: a third of people on Universal Credit are in work.⁶⁶

‘No recourse is a huge barrier to women’s integration because it’s a barrier for women to get a job. FWT receives lots of women referred from the job centre, who are allowed to work but have no recourse to public funds. But these women have minimal English and they aren’t eligible for ESOL classes – how are they going to improve their employment skills?’

Interview with FWT, 14 November 2019

NRPF reinforces the dependency of women on their husband/partner. This is particularly true of women who are the primary carers of children: the restrictions on access to childcare combined with strong gender roles in some cultures will make it hard for some migrant women to engage in paid work and have their own financial income.

62 Except refugees, those with humanitarian protection, family members of refugees and those who have applied to have ‘no recourse’ condition lifted.

63 This also includes people on a parent visa to someone settled in the UK. Home Office (2015) Policy Equality Statement (<http://bit.ly/2ST5lwe>)

64 HM Government’s 2019 NRPF policy guidance referenced on A Woolley (2019) Access Denied: The cost of the ‘no recourse to public funds’ policy (<http://bit.ly/2QjN8pK>) p. 31

65 The Unity Project (2019) Access Denied: The cost of the ‘no recourse to public funds’ policy (<http://bit.ly/2QjN8pK>) p. 31

66 DWP (13 Aug 2019) Universal Credit statistics: 29 April 2013 to 11 July 2019 (<https://bit.ly/2WJeSYM>)

Support for destitute migrants

There are some policies of support for migrants who find themselves destitute, although they are not easy to navigate and apply for.

The main one is targeted at poor children and their families. Section 17 of the Children Act 1989 places a duty on local authorities (LAs) to provide support in the form of housing and subsistence payment if needed to safeguard the welfare of a child in need, even if the family has no recourse to public funds. Most immigrants are entitled to apply to Section 17, except EEA nationals, most refused asylum seekers and undocumented immigrants. The majority of migrants benefitting from Section 17 are women as they tend to be the primary and sometimes sole carer of children and the 'no recourse' condition will often throw them into destitution. However, because Section 17 is out of the scope of legal aid, applying and challenging refusal decisions can be difficult, particularly because there are very few practitioners in this area.

Local authorities have a duty to report to the Home Office ineligible families who apply for Section 17 support. This puts undocumented people at risk of detention and/or removal.

Migrants who are seeking asylum in the UK have specific programmes of support if they are destitute, namely support from Section 95 and Section 4 of the Immigration and Asylum Act 1999.

Asylum seekers who are waiting for a decision and are destitute can apply for support under Section 95. This may include accommodation and money for essentials (£37.75 per week). They are usually dispersed out of London. Pregnant women about to give birth can apply for a £300 one-off maternity payment and £3 more per week. Those who have been granted refugee status however are not eligible for this support anymore and so they face a cut-off between asylum-seeking support and the grant of refugee status where they are expected to apply for mainstream benefits.

Asylum seekers who see their application refused and cannot go back to their country of origin on human rights grounds or for health reasons (including pregnant women) can apply for support under Section 4. Grantees get a card to buy essentials (£35.39 per week) and accommodation. The card bars refused asylum-seeking women to use the money for travel, most worryingly to medical appointments for pregnant women.⁶⁷

Impact of NRPF on equality

The NRPF policy has a disproportionate impact on women, low-income families, disabled people, pregnant women, and BME British children (who are children of migrants). Through statistical data and experiences of destitution, a report from a wide range of migrant support organisations, academics and legal practitioners found that these disproportionate impacts amount to indirect discrimination for people who share these protected characteristics.⁶⁸

Women are 85% of those applying to have their NRPF condition removed – nearly all are single mothers. The Unity Project found that 74% of all people in their case set were single mothers.⁶⁹ This shows the disproportionate impact of 'no recourse' on migrant single mothers who are at high risk of destitution caused by this policy.

'No recourse' indirectly discriminates against women on account of their sex because it limits their access to full-time employment due to curtailments to free childcare entitlements (including childcare element of tax credits and free childcare for two-year-olds).⁷⁰

Disabled people, pregnant (and early-maternity stage) women, and elderly people are often unable to work and in addition face higher living costs, which means the impact of NRPF on them is greater.

For disabled people, additional costs like travel, medication, etc mean that they are more severely affected by destitution because of their NRPF status. Additionally, immigrant disabled individuals are not able to access DWP's work-related programmes that

67 Women for Refugee Women (2020) Will I ever be safe? Asylum seeking women made destitute in the UK (<http://bit.ly/39vMnAL>) p. 21

68 The Unity Project (2019) Access Denied: The cost of the 'no recourse to public funds' policy (<http://bit.ly/2QjN8pK>)

69 Ibid. p. 6

70 Ibid. p. 6

support disabled people into employment⁷¹ so even less likely to be able to work than UK citizens who are disabled.

Public Services

Health and maternal care

The rules of access to health for immigrant women have changed significantly in recent years. Primary care (including GP appointments, dental care and eye health) and A&E (accident and emergency) are free and accessible to everyone regardless of immigration status. In 2015 the government introduced a health surcharge for everyone subject to immigration control. This is an annual fee of usually £400⁷² everyone applying for a visa needs to pay upfront to cover each year of their stay in the UK. It includes workers, students, their dependants and migrants on spousal/partner visas too.

The costs of applying or renewing a visa are now out of reach for many migrant individuals and especially families. An immigrant is now looking at over £8,000 for a period of 10 years until settlement (visa renewed every 2.5 years). For a family of four, it will cost over £8,000 every two and a half years to renew visas and pay health surcharges for all members, or £24,000 for the 10 years it usually takes until settlement. A system of fee waivers is in place, although it can be difficult to apply to without support.

Many women cannot afford the cost of visa renewal and are therefore at risk of becoming undocumented. According to Maternity Action, 'visa overstayers' are now a significant group of women who are undocumented.⁷³

Undocumented women – and pregnant women in particular – are a very vulnerable group to the practice of healthcare charging. These women are at the margins of society due to the fact that their stay in the UK is illegal by immigration rules: they cannot legally work, access any benefits or public services and they are at constant risk of detention and removal. Liability to pay for essential healthcare places them in an even more precarious situation.

Overseas visitors and undocumented women are charged for any pregnancy and maternity care they receive through the NHS. This type of care is considered 'urgent' and 'immediately necessary' by the Department of Health and therefore hospitals cannot deny treatment regardless of the woman being able to pay in advance. But women will still be charged afterwards and at a rate of 150% of the care's value.

Maternity Action has found evidence of discretionary charging practices and rules interpreted differently by different hospitals, including pregnant women being asked for payment upfront before being treated.⁷⁴ This is not surprising given the complexity of immigration rules. Immigration journeys are not linear and statuses change over time. It is not easy to assess whether a woman is liable for charging or not, or whether only for some parts of treatment, and a woman's status can change during pregnancy. Home Office rules are effectively demanding that healthcare administrative staff become specialists in the very complex and intricate rules of the immigration system and act as gatekeepers.

Even though some groups are exempt from hospital charging, like victims of domestic violence, victims of female genital mutilation and trafficked women, there is some discretion on how hospitals apply the rules and not all victims will be exempt from all types of treatment. The exemptions as they stand also show little understanding of barriers to disclosure and ability to provide evidence.⁷⁵

The impact on migrant women of these bills for ante-natal care and for giving birth is immense. The majority of women in Maternity Action's study were charged over £5,000 in fees. Women are notified of these substantial debts during a very vulnerable period of their lives, after they've just given birth and the debt collection process will have a severe impact on their physical and mental health, including high levels of anxiety, stress and

71 Ibid. p. 34

72 Students pay £300.

73 Interview with Maternity Action, 8 January 2020.

74 Maternity Action (2019) What Price Safe Motherhood? Charging for NHS Maternity Care in England and its Impact on Migrant Women (<http://bit.ly/2QyIQd4>) p. 42

75 Maternity Action (2019) A Vicious Circle: The relationship between NHS Charges for Maternity Care, Destitution, and Violence Against Women and Girls (<http://bit.ly/39Sw2Hd>) p. 2

fear for the future.⁷⁶ Most of the women will not be able to repay these debts as they are destitute, cannot access benefits and cannot legally work due to their undocumented status. Moreover, their debts to the NHS restrict their ability to regularise their immigration status and so women are caught in a vicious circle of precarity as they become stuck in immigration irregularity.

As Maternity Action's report stated,

*'It is clear that most of the women interviewed in this study will never be able to pay the sums demanded, and it is likely that the costs incurred in attempting recovery, will outweigh the actual costs incurred.'*⁷⁷

*'There are no beneficiaries in the cruel practice of sending out invoices for unfeasibly large payments to the most marginalised people.'*⁷⁸

Childcare

There is some childcare provision that is free and available to all children regardless of their parents' immigration statuses and their income. This is the standard 15 hours per week during term time (38 weeks per year) for three- and four-year-olds. Additional entitlements to childcare depend on the family's circumstances.

Asylum seekers receiving support from Section 95 or Section 4 can get 15 hours of free childcare for their two-year-old children. Otherwise, the free 15 hours a week for two-year-olds depend on parents receiving Universal Credit which means one of them has to be settled in the UK. The additional 15 hours for three- and four-year-olds only apply if one parent has settled status and both are employed for a minimum of hours earning the required minimum.

This means that only women on family visas can get the full 30-hour entitlement of childcare, as their partners will be settled or UK citizens. For families where both parents are on immigration visas, such as the case of a father on a work visa and the mother on a dependant visa, or if the mother is on a student visa, the standard 15 hours a week for older children apply.

These childcare restrictions pose serious barriers for migrant women to earn a living through paid work. Informal childcare is less of an option for some migrant women because they will sometimes lack a social network like parents or extended family in the UK who could look for their children. Often the only option for migrant mothers is to take jobs on a self-employed basis and limited hours like cleaning to ensure they can juggle caring for their children with earning an income. However, part-time work is less well-paid per hour than full-time job, has lower prospects of career progression and is often only found in precarious job roles, which compound migrant women's financial difficulties.

Housing

Migrant women with NRPF cannot access housing benefit nor homelessness assistance through their local council. This also means that immigrants cannot get social housing accommodation through their council's property register.

Dispersal sites are particularly harmful for asylum-seeking women who have experienced VAWG, who are relocated away from any support networks they have built, including friends, family, support services and legal representatives, and frequently live below the poverty line in substandard and isolated conditions.

Migrant women with children can get access to accommodation through Section 17 of the Children's Act 1989 that places a duty on local authorities to children in need (destitute children), regardless of their parents' immigration status. Destitute asylum seekers are also entitled to accommodation through Section 4 or Section 95 (see previous section on 'Public Funds'). In 2019 over 51,000 asylum seekers were in receipt of financial support from the government.⁷⁹ In practice however, and in the context of the austerity policies of the last decade that saw funding from central government to local authorities cut by half and in the absence of statutory guidance on NRPF, many families are denied support or offered support for temporary periods, before it is withdrawn.⁸⁰

76 Maternity Action (2019) What Price Safe Motherhood? Charging for NHS Maternity Care in England and its Impact on Migrant Women (<http://bit.ly/2QyIQd4>)

77 Ibid. p. 11

78 Ibid. p. 43

79 Refugee Council (2019) Top 10 facts from the latest statistics on refugees and people seeking asylum (<http://bit.ly/3bgarcx>) (accessed 07 Feb 2020)

80 Southall Black Sisters (2020) Protection for All: The Domestic Abuse Bill & Migrant Women – briefing paper 2 (<https://bit.ly/33Jszlu>)

Women with NRPF who have no children and who are not asylum seekers are in a very precarious situation when it comes to housing. If they have a family visa, the expectation of the Home Office is that their partners will provide for them. Women on family visas have no recourse to public funds and the obstacles to earning a living through the labour market were documented above. If the relationship breaks down, they become undocumented and finding a home becomes financially impossible and carries the risk of detention and/or removal. The 'Right to Rent' scheme introduced by Theresa May's Immigration Act 2014 when she was Home Secretary effectively turned private landlords and housing agents into border patrol guards by demanding they check immigration statuses of tenants or face heavy fines.⁸¹ Migrant women on work visas face similar issues if something goes wrong with their jobs.

Legal aid

Legal aid is available for asylum cases, immigration detention and victims of human trafficking but no longer for other areas of immigration. This leaves a large number of migrant women unprotected.

Migrant women can still apply for legal aid for non-immigration cases if their case falls within the scope of legal aid,⁸² including for domestic violence cases (see more in Part 3). Usually women have to have lived in the UK for a number of years before they are eligible. Nevertheless, it is very likely that their immigration status will be a part of the issue they are facing and they may need help with navigating the very complex immigration system.

For example, an application for Section 17 support, to protect children in need from destitution regardless of their parents' immigration status, does not come under legal aid. Migrant women can get support from specialist organisations to advocate on their behalf but women's frontline organisations, in particular BME specialist organisations, are increasingly stretched in their support capacity, having been badly hit by cuts to their funding in recent years.⁸³ This makes it very hard for a migrant mother with NRPF to access the only kind of financial support that may be available for her and her children.

With most immigration cases removed from the scope of legal aid since the LASPO⁸⁴ 2012 legislation, legal practitioners with expertise on the topic are becoming rarer.⁸⁵ Migrant women in desperate circumstances are at risk of exploitation from unscrupulous immigration advisors.⁸⁶

'How are we going to reduce inequality if we're making it harder for the most vulnerable people to access services?'

Interview with FWT, 14 November 2019

81 The Guardian (3 Mar 2019) 'The Guardian view on the hostile environment: the 'right to rent' and other wrongs' (<http://bit.ly/2T1gAm9>)

82 The areas of law in scope of legal aid include community care, actions against public authorities, mental health and mental capacity, judicial review, special educational needs, asylum claims, immigration detention, discrimination, housing when there is risk of homelessness, protection of children, family law for cases where there is domestic violence or child abuse, clinical negligence resulting in child becoming severely disabled during maternity care, welfare benefits where there has been an error of law.

83 Women's Budget Group and Women's Resource Centre (2018) Life-Changing and Life-Saving: Funding for Women's Sector (<http://bit.ly/2vf8l3j>)

84 Legal Aid, Sentencing and Punishment of Offenders Act 2012

85 Interview with Central England Law Centre, 31 October 2019; Interview with Southall Black Sisters, 17 December 2019

86 Interview with Southall Black Sisters, 17 December 2019

Part 3 – The Intersections of VAWG and Immigration

Immigration status is often used by perpetrators of abuse as a way to control and abuse their victims, something recognised not just by women’s organisations but also by the Home Office in their statutory guidance on the subject⁸⁷ and by the College of Policing.⁸⁸ Perpetrators exploit the circumstances of a conditional immigration status by threatening to report the victim to the authorities if she leaves or by no longer supporting her stay.

Leaving the UK is not always an option for women as they may be rejected by their families or face violent reprisals from their own family and communities in their country of origin.⁸⁹

EXECUTIVE SUMMARY

INTRODUCTION

PART 1 – WOMEN AND THE IMMIGRATION SYSTEM

PART 2 – ECONOMIC CHALLENGES FOR MIGRANT WOMEN

PART 3 – THE INTERSECTIONS OF VAWG AND IMMIGRATION

CONCLUSION – AN IMMIGRATION SYSTEM WITH GENDERED IMPACTS (THAT FOSTERS WOMEN’S DEPENDENCE)

87 Home Office (2015) Controlling or Coercive Behaviour in an Intimate or Family Relationship Statutory Guidance Framework (<http://bit.ly/36Obx30>) p. 7

88 College of Policing (30 Jan 2020) Major investigation and public protection: Understanding risk and vulnerability in the context of domestic abuse (<https://bit.ly/2UgC1Qz>)

89 Southall Black Sisters (2019) The Domestic Abuse Bill and Migrant Women: Fact Sheet by Southall Black Sisters

Institutionalised dependency

Women are more likely than men to be the dependents of other immigrants and they will more often come into the UK to follow partners who are settled or British citizens, come to form a new marriage, or come as dependants of male refugees, workers or students. This means that a woman's immigration status and, due to NRPF rules, income too, will be more likely than a man's to depend on a partner. Migrant women in these circumstances are particularly vulnerable to coercion, control and other types of domestic violence. If the relationship breaks down, women can slip into irregular immigration status and become destitute.

These conditions of material and legal dependence on their partners are exacerbated by strong patriarchal social norms in some communities with rigid gender roles for women and men, and by a lack of a wider social network in the UK that could provide women with external support. Very often, migrant women who suffer domestic or sexual violence don't know where to turn to for support. Cultural barriers around stigma of divorce and different cultural perspectives on domestic violence also prevent many women from leaving abusive relationships.⁹⁰

'Many migrant women face pressures from back home and own community here in the UK to conform, not bring dishonour to family, not be an outcast.'

Interview with Coventry Haven Women's Aid, 14 November 2019

Most migrant women who want to leave an abusive relationship, a woman who was abandoned by her partner or whose relationship has simply broken down is in a very precarious situation. She has no recourse to public funds and some public services, like housing and refuges, are barred to her. Women are pushed into exploitative relationships or survival sex, leaving them at risk of sexual violence and/or re-victimisation by their abuser.⁹¹

"As current rules are, spouse and dependant visas are a massive controlling power that the government is giving husbands."

Interview with Coventry Haven Women's Aid, 14 November 2019

Destitution Domestic Violence Concession – a lifeline

Migrant women face additional challenges when deciding to leave their abusive partners, not least because most of them are barred from accessing social security and housing support. They are also at risk of slipping into irregular immigration status if they are on a dependant or family visa.

The Domestic Violence Rule was introduced in 2002 to provide migrant women on family visas with a route to apply for indefinite leave to remain in circumstances where her relationship breaks down due to domestic violence. In 2012, after decades of campaigning by BME women's organisations, the DDV Concession was introduced, giving DV Rule applicants three months of temporary leave and the right to access limited state benefits and temporary housing whilst their application for indefinite leave under the DV Rule is considered.

The DDV Concession is a lifeline for many women and protects one of the largest groups of immigration: that of immigrant women on family visas. However, there are still a considerable number of victims of domestic abuse who can't access any support. Migrant women who are here as dependents of other migrant workers or students – most women on 'dependant visas' – cannot apply for the DDV Concession. If they leave their partner or husband due to the abuse, they face not just destitution but also illegal status, as their visa is dependent on the relationship with the perpetrator. 'No recourse' is again a huge challenge for women to rebuild their lives after surviving violence.

The three-month time limit of support is not enough for women with more complex immigration cases. Given the reduction in specialist BME services and the challenges in obtaining sound legally aided immigration advice and representation, this period

90 Interview with CRASAC, 14 November 2019; Interview with Coventry Haven Women's Aid, 14 November 2019

91 Southall Black Sisters (2020) Protection for All: The Domestic Abuse Bill & Migrant Women – briefing paper 2 (<https://bit.ly/33Jszlu>)

is not always sufficient time to enable women to get their documents in order and resettle. This is supported by evidence from Southall Black Sisters' evaluation of their No Recourse Fund, funded by the Tampon Tax.⁹²

It is crucial for women to find the right advice straightaway; often advisors prey on vulnerable women to extract money. It is paramount for women to establish their credibility with the Home Office from the start.

'There is a severe lack of lawyers who are experts on immigration and domestic abuse. Often fraudster advisors prey on vulnerable women to extract money. And getting access to correct

advice in a timely manner is crucial for women applying to DDV concessions to be successful because they need to establish their credibility with the Home Office right from the start.'

Interview with Southall Black Sisters, 17 December 2019

Access to support can also be a geographical lottery with some parts of the country covered by a strong network of specialist services (Coventry Women's Partnership, which includes the Central England Law Centre, is a very good example) while women in other areas might find it much harder to get the help they need to access the support put in place by the Government.

Reporting VAWG to the police

Undocumented women are the most vulnerable of all. It is not infrequent for women who suffered domestic abuse to become undocumented: their visas may have expired or they may have had their documents taken away through coercive control by the perpetrator as part of the abuse.⁹³ Benefits and most public services, including health treatment and refuges are out of reach.

Undocumented women are also vulnerable to multiple types of VAWG perpetrated by multiple partners and which is closely linked to their insecure immigration status.⁹⁴

In a survey with 50 migrant women who had experienced VAWG, the most commonly cited factor preventing women from reporting was fear of deportation,⁹⁵ a threat frequently used by perpetrators against them.

Reporting their abuse to the police is dangerous. There is no statutory guidance for police forces on how to deal with victims who come forward and who are immigrants. An investigation by Freedom of Information requests found that 60% of the police forces share information with the Home Office.⁹⁶ Victims are too often disbelieved or not offered support because of their immigration status.⁹⁷ Migrant women also risk facing detention and deportation upon reporting abuse.

The practice of data-sharing between the police and the Home Office is the subject of a campaign by LAWRS and a joint super-complaint between Southall Black Sisters and Liberty,⁹⁸ and a legal challenge against the Metropolitan police.⁹⁹

92 Ibid.

93 Interview with Southall Black Sisters, 17 December 2019

94 Latin American Women's Rights Service (2019) The Right to Be Believed: Migrant Women Facing Violence Against Women and Girls (VAWG) in the 'hostile immigration environment' in London

95 King's College London and Latin American Women's Rights Service (2019) The Right to Be Believed. p. 4

96 BBC (May 2018) FOIs by Natalie Bloomer, Samir Jeraj and Catrin Nye

97 Mayor of London's website (15 Aug 2018) 'Mayor calls to protect victims of serious crime with insecure status' (<http://bit.ly/39M0bix>)

98 SBS (18 Dec 2018) Press Release: First Police Super Complaint Lodged (<https://bit.ly/2JgeQzq>)

99 SBS (24 Oct 2019) 'Legal Challenge After Met Police Bid to Share Crime Victims' Data' (<https://bit.ly/2Uh2ptq>)

Women with ‘no recourse’ and refugees

The ‘no recourse to public funds’ condition of many migrant women poses a challenge for refugees. Refugees depend on Housing Benefit claimed by the women they shelter to fund their services so for most refugees it is financially impossible to house women with NRPF.

In 2017, monitoring data on refuge vacancies reported an average of only one space per region in England for a woman with NRPF.¹⁰⁰

‘Women with NRPF can face seemingly insurmountable barriers to accessing refuge and other services. Women with insecure immigration status who do find refuge spaces find fewer housing options and have to stay in refuge longer.’

Women’s Aid 2019 - Funding Specialist Support for Domestic Abuse Survivors (<http://bit.ly/2TfCuRc>)

Women fleeing domestic violence who have NRPF are legally entitled through Section 17 (Children’s Act 1989) to accommodation through their local authority if they have children and are destitute. In practice however, this is often difficult to access

if women are not given the right support. Single migrant women with NRPF have no support or access to social housing whatsoever. This means that women with ‘no recourse’ face serious challenges in getting permanent accommodation even if they can initially secure a refuge place. They simply have nowhere to move on to and they may become vulnerable to sexual exploitation for a roof over their heads or to further victimisation if they return to the perpetrator.¹⁰¹

Specialist refuges who are ‘by and for’ BME women are of crucial importance to support women who are victims of domestic abuse, sexual violence and other forms of VAWG like honour-based violence, forced marriage and female genital mutilation. They are culturally sensitive, led by women with lived experience of violence and best placed to reach women in their communities who are often isolated from mainstream services. But specialist refuges have disproportionately suffered cuts to funding since 2010¹⁰² and funders do not always understand the added value they bring and how crucial they are for the most marginalised women.¹⁰³

Asylum-seeking women and VAWG

Women who are seeking asylum often have suffered sexual violence and other forms of VAWG in the country they are fleeing from, during the journey or on arrival in the UK. 85% of women detained at Yarl’s Wood detention centre are survivors of sexual or other forms of VAWG.¹⁰⁴ Women for Refugee Women found that three-quarters of asylum-seeking women were victims of VAWG either by the state or by private individuals in their country of origin.¹⁰⁵ They will have trauma that can translate into mental health issues like anxiety or post-traumatic stress disorder (PTSD), physical problems related to the violence suffered and so asylum-seeking women will need specialist medical care and community-based support.¹⁰⁶

These women will sometimes carry a very heavy burden of shame, guilt and stigma that prevents them from seeking support or opening up with their loved ones.¹⁰⁷ Even though their experiences of violence may have supported an application for asylum in their own right, some women will avoid at all costs disclosing the violence they suffered due to the stigma attached and wait instead for their partner’s application to be approved and become a dependant if it is successful (see Case B).¹⁰⁸ As seen above, this entails considerable risks of financial and economic dependency due to the NRPF policy (not applicable to migrants who were granted refugee status) and less secure immigration status.

100 Women’s Aid (2019) Nowhere to Turn 2019 (<http://bit.ly/2tH0ALs>) p. 30

101 Maternity Action (2019) A Vicious Circle: The relationship between NHS Charges for Maternity Care, Destitution, and Violence Against Women and Girls (<http://bit.ly/39Sw2Hd>)

102 Imkaan (2016) Capital losses: The state of specialist BME ending violence against women and girls sector in London (<http://bit.ly/2N5Pwvs>)

103 WBG and Women’s Resource Centre (2018) Life-Changing and Life-Saving: Funding for the women’s sector (<http://bit.ly/2vf8l3j>) p. 12

104 Women for Refugee Women (2019) “From One Hell to Another” (<http://bit.ly/2tDegqY>)

105 Women for Refugee Women (2020) Will I ever be safe? Asylum-seeking women made destitute in the UK (<http://bit.ly/39vMnAL>) p. 4

106 Interview with Central England Law Centre, 31 October 2019; Interview with Coventry Rape and Sexual Abuse Centre (CRASAC), 14 November 2019; Refugee Council and Asylum Support Appeals Project (2018) Women seeking asylum: Safe from violence in the UK? (<http://bit.ly/2sv7zam>)

107 Interview with Central England Law Centre, 31 October 2019; Interview with Coventry Rape and Sexual Abuse Centre (CRASAC), 14 November 2019; Refugee Council and Asylum Support Appeals Project (2018) Women seeking asylum: Safe from violence in the UK? (<http://bit.ly/2sv7zam>) p. 25

108 Interview with Central England Law Centre, 31 October 2019

Case Studies

CASE A

A woman that came to FWT through the baby clinic. She has two small children, ill-mental health and she is destitute. She has the right to work but no recourse to public funds so she can't get access to the full childcare entitlement. She's vulnerably housed through goodwill in a connection through her faith church and vulnerable to exploitation as she's not paying rent so the offer can be withdrawn at any time. The Law Centre looked at her case and got the Home Office to remove her no recourse to public funds condition. She now has access to benefits and she's just been housed.

CASE B

CRASAC supported a refugee woman who had been raped in her home country but never told her husband. They were given a right to stay through her husband's refugee claim so she never told him or the state about what happened. But the trauma persisted and she tried to commit suicide. She had only told two people and her support worker at CRASAC about what happened.

Conclusion – an immigration system with gendered impacts (that fosters women’s dependence)

Women and men have different patterns of migration. These different patterns are a result of the gender norms that permeate our world and that to some extent shape women’s and men’s lives, their employment trajectories, their caring responsibilities, their role in the family.

An immigration system designed without taking these differences into account will have distinct impacts on women and men.

Every migrant is likely to experience social unsettlement due to moving to a new place, issues with a new culture, lack of a social supportive network and issues with language and unfamiliarity with a new state and societal system. Getting into and navigating the labour market and the educational systems can be difficult just because they are unfamiliar. These things are part of the experience of moving to another country. However, immigration rules and conditions make an absolute difference in migrants’ living conditions and experiences in the UK.

Take the immigration rules for dependants and migrants on family visas: they are materially and legally dependent on their partners for income and legal immigration status. This is because they cannot access public funds and their stay in the UK depends on the relationship with their partner.

Women are more likely to be the dependents of other immigrants than men and many migrant women will come into the UK to follow partners who have settled or who are British citizens, come to form a new marriage, or come as dependants of male refugees, workers or students. This places women in a precarious situation of dependency: her immigration status and income will more likely depend on a partner than men’s.

Dependency in turn increases the likelihood of migrant women becoming victims of coercion, control or physical violence.

Limits on who can work on what, the ‘no recourse’ policy and hostile attitudes to immigrants, fostered by strict and punitive rules from public authorities, place barriers on qualification recognition and recruitment and make migrant women highly vulnerable to exploitation in relationships, in the labour market, in private housing, and other social settings.

EXECUTIVE SUMMARY

INTRODUCTION

PART 1 – WOMEN AND THE IMMIGRATION SYSTEM

PART 2 – ECONOMIC CHALLENGES FOR MIGRANT WOMEN

PART 3 – THE INTERSECTIONS OF VAWG AND IMMIGRATION

CONCLUSION – AN IMMIGRATION SYSTEM WITH GENDERED IMPACTS (THAT FOSTERS WOMEN’S DEPENDENCE)

Health is a particular area of concern, with healthcare effectively excluding the most marginalised in society, including undocumented pregnant women, who face several thousands of pounds of unpayable debt for essential treatment like maternity care. Although her pregnancy is the consequence of the actions of two people, only the woman is liable for the costs it entails in terms of healthcare and only her immigration status is restricted if she's unable to pay it.

The immigration system is responsible for exacerbating barriers that immigrants face, creating new ones, including encouraging dependence and its consequences – but therefore it also has a role in alleviating all of these if it is reformed with those barriers in mind.

Recommendations

Immigration system design

Conduct an equality impact assessment on new immigration system proposals

As the Government is committed to end freedom of movement with EEA countries after December 2020, the immigration system will need to be revised. The Migration Advisory Committee published a report with recommendations on the future of the UK immigration system in which it stresses the paucity of data on migration and how that makes it difficult to design a fair system that serves employers, wider society and migrants. The report argues for sex-disaggregated data to be published regularly on visas and routes into settlement.¹⁰⁹ We welcome this recommendation and add that in order for the Government to fulfil its legal responsibilities under the Public Sector Equality Duty the proposals for re-designing a post-Brexit system need to be assessed for their impact on equality.

Review visa application and renewal fees

The high costs of applying and renewing a visa have a detrimental impact on family reunification and are leaving many at risk of becoming undocumented when their visa expires if they have no means to pay for a renewal. This has a disproportionate impact on women as women have lower incomes than men and barriers to work are higher for them due to caring responsibilities and childcare restrictions.

Review the minimum income requirement

Several studies have found that the minimum income requirement has a disproportionate impact on women (and also BME people, disabled people and younger people) which amounts to indirect discrimination. It should be reviewed.

109 Migration Advisory Committee (2020) A Points-Based System and Salary Thresholds for Immigration (<http://bit.ly/31eTStb>) p. 8

Economic autonomy

Lift restrictions on work for asylum seekers

The UK's current policy on work and asylum seekers is one of the strictest in the world and has attracted criticism from several voluntary organisations, trade unions and churches for over a decade. The length of time that asylum seekers must wait to be eligible for work should be reduced (currently at one year) and the restriction to work on Shortage Occupation list professions should also be lifted. This will benefit both the UK's economy and improve asylum seekers' integration and employment prospects in the longer term, while reducing their financial hardship and vulnerability to destitution and labour exploitation.

Extend 30-hour free childcare to all children

Caring responsibilities are a massive barrier for women to enter the labour market or increase their paid hours. The only option for many women is to take zero-hours contracts or similar precarious but flexible working arrangements that allow them to juggle raising children and earning a living. For others, formal childcare is prohibitively expensive and they cannot afford to work. This severely restricts women's financial autonomy present and future. Access to formal good-quality childcare, especially for children from low-income backgrounds, also improves young children's well-being, and their social and cognitive outcomes, giving them a good start in life.

Review the 'no recourse' policy and abolish it for victims of VAWG

The NRPF policy has a disproportionate impact on women, low-income families, disabled people, pregnant women, and BME British children. Through statistical data and experiences of destitution, a report from a wide range of migrant support organisations, academics and legal practitioners found that these disproportionate impacts amount to indirect discrimination for people who share these protected characteristics.¹¹⁰

'No recourse' indirectly discriminates against women on account of their sex because it limits their access to full-time employment due to curtailments to free childcare entitlements (including childcare element of tax credits and free childcare for two-year-olds).¹¹¹ It should be reviewed to ensure it doesn't have a disproportionate impact on women and other groups with protected characteristics.

In the meantime, 'no recourse' policy should be abolished altogether for migrant women subjected to gender-based violence, given the way it traps women and children in abuse and throws many into destitution, homelessness and undocumented status for fleeing it.

¹¹⁰ The Unity Project (2019) Access Denied: The cost of the 'no recourse to public funds' policy (<http://bit.ly/2QjN8pK>)

¹¹¹ Ibid. p. 6

Well-being & making women safe

Social housing available to those who need it

Social housing and homelessness support from local authorities should be available to everyone who need it regardless of immigration status. A serious and long-term investment in building more social housing should be undertaken by a government that is committed to tackling the housing and homelessness crises and to save money on Housing Benefit.

Maternity care should be exempt from charging

Maternity care is essential healthcare with enormous repercussions for women's and children's immediate and future health and well-being. Although the result of the actions of both women and men, it is women only who are liable for charging and who have to bear the consequences of non-payment to their immigration status. This amounts to indirect discrimination on the basis of two protected characteristics: sex, and pregnancy and maternity. Given their importance and discriminatory nature, pregnancy and maternity care should be exempt from charging.

Extend DDVC to all migrant women who are subjected to VAWG

In order to meet its human rights obligation to afford protection to all victims of VAWG, and in recognition of the additional hurdles these women face in reporting and seeking support, the DV Rule and the Destitution Domestic Violence Concession should be extended to all abused women with insecure immigration status.

The time frame for the DDVC should be extended from three to six months.

Ensure victims can safely report a crime and are supported

The commitment to protect migrant women victims of violence should be prioritised over immigration enforcement, in compliance with the Human Rights Act and international human rights obligations, including the Istanbul Convention. Clear guidance and training to the police should be provided on this.

End the policy of dispersal for women seeking asylum subjected to VAWG

Asylum-seeking women who suffer gender-based violence should not be accommodated away from their social networks of support if it is safe for them to remain in their communities.

End detention of migrant women in immigration removal centres

The majority of women detained in Yarl's Wood, the major women's immigration removal centre, has suffered some form of VAWG in their home country.¹¹² Women are often held in degrading conditions, findings corroborated by HM Inspectorate of Prisons which in 2015 called Yarl's Wood 'a place of national concern'.¹¹³ Detention is harmful for the women detained indefinitely, it is costly to the state (it costs £35,000 a year to hold someone in detention) and is ultimately pointless, as the vast majority of women are released into the community to progress their cases.¹¹⁴

We support calls from Women for Refugee Women, the HM Inspectorate of Prisons, the parliamentary inquiry into detention, and others, to set a time limit of 28 days on immigration detention, and for the government to work with the voluntary sector to implement alternatives to detention based on support and engagement in the community.¹¹⁵

Adequately fund specialist BME and migrant women's organisations

Specialist BME services that support victims of VAWG have an understanding of immigration complexities and issues that is crucial for migrant women. They are also language and culturally appropriate and are embedded in the community, which means they are best placed to reach and support the most marginalised women. However, BME specialist organisations have severely suffered from the last ten years of austerity and cuts to local government funding. They need to be adequately and securely funded to ensure the vital services they provide to one of the most vulnerable groups.

112 Women for Refugee Women (2019) *The Way Ahead – An asylum system without detention* (<https://bit.ly/2ye9e6D>) p. 7

113 HM Inspectorate of Prisons (2015) *Report on an unannounced inspection of Yarl's Wood Immigration Removal Centre* (<https://bit.ly/3bv05TE>)

114 Ibid.

115 Women for Refugee Women (2019) *The Way Ahead – An asylum system without detention* (<https://bit.ly/2ye9e6D>) p. 39