A PLACE TO STAY

Experiences of Asian Women and Children Affected by Domestic Violence and Insecure Immigration Status

draft for consultation

findings from a research survey and stakeholder forum

imkaan
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Experiences of Asian Women and Children Affected by Domestic Violence and Insecure Immigration Status

☐ introduction

☐ the social and cultural context of domestic violence in South Asian communities

☐ the impact of immigration and asylum policy and legislation

☐ service responses

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introduction

Imkaan is a national second-tier organisation, developed with the specific remit of supporting refuge service providers housing women and children from South Asian communities. Imkaan’s key aims include the upskilling of refuge staff on policy, legislation and operational management, strengthening organisational infrastructure, promoting equitable partnerships between front-line services, statutory and voluntary agencies, increasing the representation of Asian women’s refuges in governmental policy and service planning forums and maximising resources invested in specialist refuges towards long-term sustainable improvements in the sector.

As part of Imkaan’s commitment to research and policy development, we recently commissioned an independent research brief to document the experiences of Asian women and children exposed to domestic violence and the service providers who support them. The research was designed to provide a much-needed and timely opportunity for front-line specialist staff to share their expressed concerns on the specific issues that affect their target client group. The investigation also serves to validate the knowledge and experiences of specialist refuges that remain at the critical interface providing advocacy and support to women and children from South Asian communities.

Imkaan especially commissioned this research by way of preparation for the Imkaan Expert Roundtable meeting convened by Imkaan on 6 February 2003, in London. This was a special undertaking by Imkaan and involved identifying and inviting key stakeholders engaged with legal, policy and service development on issues related to immigration and asylum and its impact on the lives of Asian women and children. The roundtable meeting and the research that preceded it, form an integral part of the work of Imkaan, informing our future planning and development. Moreover, the aim of the stakeholder meeting was to bring together and acknowledge the roles of our partner agencies; all of whom have an explicit interest and responsibility for ensuring that Asian women and children affected by violence, are able to access professionally competent services and treated with dignity and compassion.

The report also includes a summary account of the Imkaan Expert Roundtable debate. Conclusions and recommendations are informed by the research findings, and further developed at the roundtable discussion. The research and subsequent recommendations are intended to assist policy and service planners as well as frontline service staff in their development and response towards meeting the needs of Asian women and children, whose lives are traumatised by the experience of violence at home.

The research was conducted by Amrit Wilson from the University of Huddersfield. Dr Wilson engaged with a network of agencies with whom Imkaan regularly liaise, including second-tier organisations, legal advocates and front-line service providers from the South-East, Midlands and North of England. A total of 17 case studies were analysed from 12 different agencies over a period of three months. The format of the research included personal visits and telephone interviews. The findings were supplemented by a telephone survey of a sample of 8 specialist refuges nationally, undertaken by Indira Purushothaman, Imkaan Information Officer and Sumanta Roy, Imkaan Policy and Research Co-ordinator. The report was written and edited from the original research draft by Yasmin Halima, Imkaan Project Manager.

Acknowledgements and thanks

The work of Imkaan would not be possible without the continued understanding and support of our funders. The Community Fund, the Association of London Government (ALG) and Comic Relief have consistently supported Imkaan in delivering our aims. More recently, the Imkaan Accredited Training Programme for Professionals has been recognised and sponsored by Garden Court Chambers. This has allowed Imkaan to broaden our network and address the training needs of legal advocates and other professionals in the field. Finally, Imkaan is strategically guided and empowered by an enlightened Advisory Group, who commit their expertise and dedication tirelessly.

Imkaan is particularly appreciative of the individuals who took the time to respond to our enquiries, including the legal experts, advocate bodies and most of all, front-line refuge staff.
To understand the experiences of any specific social group necessitates a sensitive and rational approach to an investigative methodology. Especially when the research subjects are themselves disempowered, marginalised and largely on the periphery of mainstream central policy planning and development, this responsibility is paramount. As such the Imkaan research is framed carefully within a socio-cultural context that qualifies the direct experiences of Asian women and voices the concerns and support needs of their advocates.

The South Asian communities living in the UK can be characterised through a panoramic influence of languages, dialects, subcultures and traditions, an evolving dynamic of similarities and incongruence. This fact is well known to many within and beyond the communities discussed here. But as a truism it needs reiterating – certainly based on the experiences of Imkaan and many other black and minority ethnic (BME) organisations who are constantly invited by mainstream agencies to profile the nature and needs of BME communities. Presumably this anthropologic concern is motivated by the aim of improving the understanding and quality of equitable services provided by the mainstream sector.

Arranged marriages, the central and most-appropriated feature used to profile the Asian community, remains a key organising factor, defining the familial experiences of communities from the Asian subcontinent. As such, the practice of arranged marriage supports and legitimises the social structures in the Asian community.

Arranged marriages may take many forms, but it should require the consent of all the parties involved. Unlike the western mode of marriage, arranged marriages are designed to bring together and strengthen family and community networks. There are instances where there is a distinct element of breach of trust and coercion in the arrangement of a marriage, but this can no longer considered as a marriage that is being 'arranged', but rather 'forced'. The apparent confusion by some agencies between arranged and forced marriages is evidently worrisome; the result we fear, of a misguided belief by some that Asian communities are irrational and tyrannical.

Secure Borders, Safe Haven, Integration with Diversity in Modern Britain (1), was the Home Office’s response to the emergent issues affecting minority ethnic communities. It clearly recognised the need to understand the causal factors that explain the social and economic milieu of minority communities established in the UK. But it also stressed an undue and negative scrutiny on the institution of arranged marriages; once again reinforcing for many, the perception of a respected and revered tradition as deviant, ‘sham’ and irrevocably linked to the practice of illegal immigration. The intrusion of state intervention on cultural matters, particularly when it may have significant legal and policy implications are neither appropriate, nor justified (2).

However, there are distinct cultural references that differentiate the comparative role and identity of South Asian women. Most notably, an Asian woman is considered to ‘belong’ to, and be accountable to a male kin. This in the first instance would be her father, and after marriage, she becomes the property of her husband. Although this is not pedantically observed, it remains an influential factor, shaping the behaviour and attitudes towards women, even in contemporary Asian families. Within this kinship hierarchy, the woman is required to adhere to the conceptual bonds of honour and shame (izzat and sharam). The impact of one woman’s behaviour can have far-reaching effects, bringing dishonour and ignominy to the family and indeed, effects that can reverberate in the wider community. (3)

“As the property of her husband, a married woman is expected to accept any violence that he and his family might mete out. Domestic violence is seen therefore as legitimate, even where it is illegal ... despite the battles being fought by the women’s movements in India, Pakistan, Bangladesh, Sri Lanka and the UK.” (4)

So strong and profound are the perceived implications of dishonour upon the family, that the phenomenon of honour killings has maintained its malevolent presence, and its practices have migrated to the UK (5). It is notable therefore, that within this cultural atmosphere where marriage and honour are so closely linked, to consider the potential for South Asian women to be involved in marriages for the purpose of deception, described in policy edicts as ‘bogus’, is untenable. (6)
There is increasing evidence that whilst domestic violence remains an intractable feature of many communities and social strata, nevertheless some women are considered to be at greater risk than others. Recent findings from a study commissioned by the Metropolitan Police Service (MPS) suggest that being an Asian woman itself may increase the likelihood of violence at home, and moreover that this violence may be more brutal, even homicidal. Research from the Economic and Social Research Council (ESRC) has also confirmed the under-reporting of domestic violence by women from the Asian communities.

Within this context, immigration and asylum continues to create confusion, frustration and distress. This is particularly so because a significant number of women who present to specialist refuges are affected by an unresolved immigration status. In the past year, from the 8 refuges that took part in the Imkaan survey, 251 women with no-recourse status were referred, and of these only 9 were successfully housed (breakdown of figures attached). Women’s groups such as Southall Black Sisters (SBS) have historically campaigned against the impact of draconian policies that expose disenfranchised women to situations of further vulnerability.

In collaboration with its network of specialist refuges, Imkaan continues to advocate for the needs of refuges on the frontline; refuges who are severely constrained by limitations on their personnel and capital resources. Whilst mainstream refuges remain comparatively better resourced and funded to support ‘all-women’, invariably in practice, as this research confirms, referrals are efficiently directed to the specialist refuges. The reasons why mainstream refuges may be reluctant to house minority ethnic women are manifold – absence of multilingual staff, avoidance of housing women who cannot access public funds or a perception that specialist refuges can better address their needs. Refuges also expressed the ‘cultural hesitancy’ of agencies – a fear of intervening appropriately, that may result in no intervention at all. Whatever the reason, the outcome is that it places further burden on a sector that has seen a historic and systematic lack of investment.

As front-line advocates, refuges repeatedly articulate that Asian women with insecure immigration status present with high levels of need. Ensuring that they and their children are safe and addressing their immigration related issues remains an absolute imperative, but most women in these circumstances also experience significant mental health care needs. Prioritising their psychological well-being is seen as a critical and integral part of their overall support service provided by specialist refuges. As one refuge-based psychotherapist observed:

“Depression, chronic anxiety, disruptive sleeping patterns, eating disorders, self-harm and para-suicide ... all commonly manifest. We find that we first have to spend a lot of time just listening and reassuring ... leaving home is a big issue for an Asian woman... identity and self-perception is so closely-bound with being a wife and mother. Mitigating the stigma they feel and offering them positive alternatives and self-validation an important part of our work.”

She shared with us a recent case:

“Last year, we housed a Bengali woman. She arrived extremely upset and depressed. We offered counselling, but it was apparent very quickly that she needed specialist support. We tried to liaise with our local mental health services, but it was only when we reported a psychotic episode where she became violent that A&E intervened. But this could have been prevented if she had received help earlier. And even when she was taken to hospital, they did not make an appropriate interpreter available for her. She was put on medication ... and we had to help her best we could. I think there is so much more that can be achieved with better co-ordination, between health and refuge services ... but also recognising that specialist refuges routinely take on women with high levels of need.”

(Specialist Refuge)

What has helped enormously is the recent profile that central government has dedicated to the issue of domestic violence in general. Such invocations combined with high-profile policy directives that recognise the insidious impact of violence in all our communities have begun to infiltrate mainstream social debate. In particular, recent developments such as the
recognition of domestic violence in the Homelessness Act (2002) and the investment of monies towards service development including a dedicated help line provide much-needed support for agencies involved with domestic violence prevention, training and service support. The Crown Prosecution Service’s (CPS) review and subsequent progress on their policy addressing domestic violence cases has been welcomed, particularly by specialist refuge providers. However, this research supports the fact that even with these developments, many service staff remain uninformed of governmental initiatives, or are unfamiliar with their implications. For example, refuges remain frustrated with routes of access and the inconsistent liaison between the Police and CPS in referring cases that they feel warrant intervention. Refuges also rightly question how much of the funding will eventually find its way to those women with the greatest needs.

Commenting on a recent statement by the Home Office Minister, a Refuge Manager enquired:

“We welcome this positive statement by the Government declaring its abhorrence of domestic violence … but we would equally welcome a positive and clear statement on the specific level of support and protection that will be made available to these women.” (Specialist Refuge)

In the broadest sense therefore, this brief research aims to question “which women are most affected by violence – and how? Can a fair and equal society be achieved if some women are denied their rights – or if they are made destitute when they try to claim them?” (9)

The Probationary Period, Domestic Violence Concession and No-Recourse to Public Funds

The Primary Purpose Rule was originally introduced to ensure that fiancées arriving in the UK to marry or spouses joining their respective partners, were motivated by primary the purpose of marriage and not a desire to settle in this country. The Rule was repealed in June 1997, although its insinuation of illegality still persists in the attitude of certain officials (10). However, the associated One Year Rule, which determined that the marriage must exist for at least one year was retained. This probationary period meant that for many women exposed to violence within the first year of marriage, leaving a violent home became an impossible option.

At the time, SBS embarked on a public campaign against these measures,

“In 1992 we gave evidence to the Select Committee on Domestic Violence and shortly after that we set up the ‘Campaign to Abolish the One Year Rule’, which was supported by a number of black women’s groups. The campaign led to the ‘domestic violence concession’ in June 1999.” (Hanana Siddiqui, SBS)

This concession proved to be a historic landmark. It allowed women the opportunity to apply for ‘indefinite leave to remain’; on the condition that they could demonstrate sufficient evidence that domestic violence had in fact been the causal factor for the marital breakdown. The level of evidence - a criminal conviction, police caution or injunction proved to be untenable and encumbered many women’s efforts to pursue a safe and independent life outside of their violent home.

To the immense relief of many women and their advocates, the level of proof that is needed for the concession to apply has very recently been reviewed. Whilst women are still required to present evidence, the level of proof has now been reduced and the number of agents who can support her testimony has been broadened. The concession now stipulates that two reports from any of the following agencies may suffice: a police report, letter from a GP, hospital doctor or social worker, an undertaking given to the Court by the abuser and finally, a report from a refuge caseworker.

However, the exacerbating factor that continues to prevent women from seeking help and impede the laudable efforts of specialist refuges is the issue of no-recourse to public funds. This is the concomitant dictate of the primary-purpose rule that effectively means that a woman leaving her marriage within the first year (now two years), regardless of reason, is not entitled to access public funds. Whilst their applications for stay are being reviewed – often an interminably long and detailed process, these women cannot qualify for a host of benefits that are available to other women, including: Income Support, Family Credit, Child Benefit, Housing Benefit, Council Tax Benefit, Disability Working Allowance Attendance Allowance, Severe Disability Allowance, Invalid Care Allowance, Disability Living Allowance and Income-based Jobseekers Allowance.
The only practical source of funding available to women with children is through the local authorities’ obligations under Section 17 of the Children Act 1989. This has at least allowed service providers to make the case that not only the needs of children but also the mother as their primary care giver should be considered. In practice, even this is not so straightforward, as one caseworker commented:

“…we have to fight to get funding under Section 17 of the Children Act – even when it’s clear that our clients are eligible. Sometimes, where funding has been agreed, it was stopped… because the Duty Officer’s view was at odds with that of his Manager … and funding can simply be stopped … we are told simply, ‘the department is short of funds’”.  
(Specialist Refuge)

Another possible funding source is a claim under Section 21 of the National Assistance Act 1948, but this requires the woman to prove that she is destitute and has no other mechanism of support.

The impact of no-recourse to public funds is a serious and growing incumbent upon refuges – especially specialist services who support increasing numbers of women with insecure immigration status. (see figures attached) Many refuges have a formal policy of not accepting women who cannot access public funds and are therefore unable to pay rent. Some refuges on the other hand, have established a quota system to support a limited number of women at any given time. Ironically, it is the very refuges that have the most limited resources, who when faced with women for whom no other avenues of support are available, will agree to house them. Pervasive social and economic inequalities lead to the same consequences – those most willing to help in society, are often those least resourced to do so.

A refuge with a quota of housing two women at any one time explained:

“It’s a question of recognising that immigration is an issue that affects Asian women. Sometimes we have to classify the women as ‘voids’. What can we do? We fundraise and we build it into our business-planning on a one to three year basis. Also, you have to remember that women who are affected by violence and immigration problems are likely to stay much longer in the refuge – because their situations take so long to sort out.”  
(Specialist Refuge)

Another refuge staff member observed:

“Many refuge providers state they will not accept women with no-recourse to public funds. This is despite the fact that the woman may be in a situation of being homeless and in danger. Due to the lengthy process and determination required to secure such women their entitlements, there is often a blanket policy of no admission for this client group.”  
(Specialist Refuge)

The same refuge provider continues:

“…given the length of time involved between submission…and the processing of an application, there is no unified provision by Local Authorities for the support of these women and children during this period. This seems clearly to be a strange state of affairs … a traumatised and abused woman and her children are left in the complete wilderness by the state, and often by many voluntary agencies although she clearly fits the criteria for the concession introduced specifically for such women.”  

Another refuge worker voiced the collective experiences of many specialist refuges when she said:

“Once you have them [women with no-recourse] … no-one else wants them …”  
(Specialist Refuge)
Extension of the Probationary Period

Whilst we applaud the positive development in the application of the concession, we remain deeply concerned at the extension of the probationary period from one to two years. Without exception, all of the individuals and agencies interviewed for this research categorically stressed the deeply harmful impact that the extension will have on many women and children who are already debilitated by the trauma of violence and destitution.

“The lengthening of the probationary period will, for many women and their children, mean a lengthening of the period when they have to live in a violent and potentially life threatening situation. They are also more likely to conceive and give birth to children whose lives and well-being will also be affected. In addition, the law as it now stands is creating a seriously discriminatory situation where women are prevented from claiming their basic human rights.” (11)

Inadvertent Overstayers

For women whose position in the UK has not been regularised, either because of their husband’s oversight or refusal to make such an application, when they eventually gather the courage to leave home, they find that they have inadvertently become ‘overstayers’. Through no fault of their own, they are placed in an extremely vulnerable and legally tenuous position. Although the Home Office have expressed their understanding in processing such claims, the reality for many women and their advocates is contrary.

“We have had situations where the Home Office refuse to consider cases which arrive even a few days after the end of the probationary period. In some circumstances, there has been a delay of three days … sometimes less than a week, and this has been sufficient for the Home Office to categorise a woman as a ‘long-term overstayer’.” (Legal Advocate)

The research further confirmed that for many women in violent marriages, their husbands deliberately refused to make their application for regularisation and would often use threats of deportation as a way of sustaining their oppression and control.

Seeking Asylum

Applications under the Nationality, Immigration and Asylum Act (2002) are becoming extraordinarily problematic. In its most recent development, Section 54 and Schedule 3 are enforced which effectively removes the rights of EEA nationals and their dependants, failed asylum seekers and overstayers to community care assistance. Alarmingly, this exclusion applies to assistance that may have been available under Section 17 of the Children Act (1989) and Section 21 of the National Assistance Act (1948). Posing a judicial challenge, JCWI observe:

“In essence it will mean that thousands of people, many legally present in the UK or pursuing legitimate claims to be able to remain in this country will be prevented from obtaining food, accommodation or care packages. The possible impact of this legislation is frightening and could lead to widespread destitution and thousands of people living in conditions that are unacceptable in the UK in the twenty-first century.” (JCWI)

In addition, as part of the asylum process, women and children seeking asylum may be dispersed and detained in government-funded accommodation centres.

While it is possible at the moment to plead special circumstances in a few cases, the government’s plans for compulsory placement of all asylum applicants in such accommodation centres will make this extremely hard. For women and children who have faced domestic violence it may only serve to isolate them from their known sources of support and from accessing specialist counselling. It may also make it easier for their abusive partners to track them down. (12)
A Refuge Manager shared the following experience:

‘NASS said if you want to stay in the refuge, we won't pay. We then said it was not in the woman’s interests because of the age of her child and the state of her mental health - she would not be able to live on her own. And NASS didn’t tell us where she was going to go. They said it could be anywhere, so we couldn't be sure of providing outreach services. We were worried about issues such as suicide’. (Specialist Refuge)

Seeking asylum is a long and arduous process. The role of NASS as the responsible agency for administration and support does not alleviate the concerns of many refuges and their clients. One particular point of contention was the difficulty that Case Workers reported in being able to contact and seek information from NASS staff.

As Asylum Aid put it:

“The biggest hurdle is getting to speak to a NASS caseworker in the first place. Contacting NASS by phone is a time-consuming task, often unavailable to people without access to a phone or unable to pay the resulting phone bills. Other forms of communication, such as letters, usually go unanswered for weeks or months.” (Asylum Aid)

**Single Women**

The issue of single Asian women was consistently raised as a serious and urgent matter of concern. They qualify for very little targeted support and even refuges that have a policy for supporting them on, expressed grave reservations.

“Last year we had 6 referrals from single women ... and yes, most of them did have immigration issues ... but we're in a difficult situation here. We can't claim help under the usual funding sources... Section 17 is not an option. In the end we couldn't house any single women last year... what can we do? You know, it goes against our very ethos to turn away these women who often have the greatest needs. Most of them are escaping a forced marriage, or experiencing violence either from their husband or their family. This is clearly a situation that needs to be urgently addressed. (Specialist Refuge)

For many of these women:

“The choices are stark - survival on the streets, deportation or returning to a violent marriage.” (Advocacy Worker)

**Sending Women back to South Asia**

Despite legal intervention and advocacy, there have been a number of cases of women deported back to their country of origin. The agencies we interviewed support the contention that this practice without doubt, perpetuates the experiences of women forced into circumstances of enslavement and misery. The Shah and Islam Case (13) established an important precedent, recognising that women form a specific ‘social group’. It acknowledged that the given the gender-based culture of violence and coercion, a return to their home community would mean further oppression and social ostracism.

“British immigration laws are in these instances, inadvertently but effectively condoning gross human rights violations in the countries of South Asia, despite the declarations of concern by the British Government – both about human rights violations generally, and more specifically about the position of women.” (14)

Legal advocacy for such cases remain a difficult and tenuous procedure. Cases are determined on the judgements made by governmental agencies regarding the socio-political environment of individual countries. This ad hoc and sometimes fallacious analysis is unhelpful; rather the cases need to be assessed consistently on the actual experiences and testimonies of women familiar with the cultural realities of different geographical communities.
It is impossible to report generically on the competence of any one-service provider. The quality of service support experienced by women and refuge advocates at ‘first point of contact’ is inevitably disparate and varied. Organisational policies, whether official or covertly expressed, define the ethos of public institutions. But in the first instance, no individual makes contact with an organisation – only another individual. Their belief systems, prejudices, experiences and identification with an economic and political group, all determine the behaviour of individuals, even within the professional confines of a service agency. BME women are multiply disadvantaged by the impact of these opinions and responses, no matter how subtle their influence. Refuges interviewed reported both positive and negative experiences of all agencies with whom they have regular contact. However, distinct patterns emerge. Bureaucracy, professional lethargy, misinformation and the exercise of power differentials are all extremely frustrating – but when a woman is reaching for support sometimes in situations of extreme danger to herself and her children, such organisational obstructions can become life-threatening. The following provides an overview of refuges’ experiences with the Police, CPS and local authority services, namely, housing and social services.

**Police**

Many refuges shared the experiences of their clients feeling that the Police were preoccupied with the ‘legal status’ of the woman, sometimes overlooking the immediate safety and support needs of women and children exposed to violence. [18]

"What we find is that when a woman goes to the police, they will ask her for certain documents and say - hang on are you illegal? That is their approach. We have had cases where they are far more interested in their immigration status, and far less concerned about her welfare as a victim of domestic violence." (Specialist Refuge)

SBS recently confirmed:

"…. in one recent case, a woman reporting domestic violence was instantly deported when the police discovered that she was an ‘overstayer, and told the Home Office” (Hanana Siddiqui, SBS)

This concern with ‘catching illegal immigrants’ is to the detriment of all those involved in the interaction, including influencing relations between the community and the Police. If there are potential issues of insecure immigration, refuges urged for the Police to refer to relevant agencies who could facilitate appropriate legal representation. Identifying and deporting a woman on the basis of her immigration status when she is in fear of her life and concerned with the welfare of her children, is both inhumane and unnecessary.

"Fatima was so badly bruised she had to go to hospital with her 8 month old child. At 3pm she arrived at the police station because they wanted a statement from her. I contacted the Duty Officer at Social Services and explained that we needed to sort out the housing benefit, so that we could house her. He said ‘okay, but I have to go back to my Manager’. Then he asked ‘how much is the housing benefit?’ When I told him it was £312 pounds - he said, ‘oh I can't afford that from my budget’. Anyway, about midnight they said ‘okay we'll pay for her’. I said to them I need it in writing. When the Police finally brought her it was 4.30am! She had no shoes … she had a broken nose, broken fingers. Her baby had a nappy and a vest… no clothes at all. It took them that long to bring her to the refuge! You know, they always say, you pick her up, but they know that we have no staff to do that especially in the middle of the night." (Specialist Refuge)

Specifically, the lack of appropriate interpreters was often cited as a major concern. Even where interpreters were made available, sometimes the role or intervention of the interpreter was misunderstood or misused.

“There are problems with interpreting. Many agencies still don't understand that you need someone who is trained as an interpreter … someone the woman can trust … someone who speaks the right Asian language." (Specialist Refuge)
Housing and Social Services

Many of the refuges interviewed stated their frustration with the local government authorities. Specialist refuges supporting the specific and challenging needs of their target client group are most in need of an accessible, equitable and supportive relationship with their housing and social services departments. In reality, this relationship is often marked by obstruction, indifference or simply a basic lack of communication. Refuges are in the tenuous position of continually negotiating on the same issues with their local authorities – yet, they find that this ongoing dialogue is rarely integrated into a co-ordinated organisational policy. As a result, many refuges felt that they had to make the same case for each client, even where there were distinct similarities in their needs and concerns.

As one Refuge Staff member noted:

“… we rely on the onus and the goodwill of the Officer dealing with the case.”
(Specialist Refuge)

This arbitrary approach to service delivery whilst exasperating refuge providers, must also be an alarming testament to the inefficient use of social services and housing departmental resources.

“Often in deficit and short of funds themselves, they appear to have no clear policy where women with no recourse to public funds are concerned.”
(Specialist Refuge)

The issue is not always about eligibility. Indeed, even once funding has been agreed, the decision is sometimes revoked or just not processed.

Another Refuge staff supported this experience:

"In one case they said they would fund under Section 17. But then they stopped. They said they hadn’t got enough money. We ran into a lot of arrears. In the end the woman went back home. We took Social Services to court. Our Housing Association gave us legal support and we got back some of the money."
(Specialist Refuge)

The practical day-to-day reality was described, with apparent irritation by one Caseworker:

"If you have a big organisation it may not be a problem spending two hours on the phone getting funding. But for us it is a huge problem. We have one phone line, one office and four workers - working often in a crisis situation with women and children coming in and out."
(Specialist Refuge)

Perhaps most worrying of all, was the lack of knowledge possessed by some local government staff on immigration issues and sometimes even a fundamental understanding of domestic violence. Refuges felt that local authority personnel had poor access to basic information on relevant policy or national and local support services available. This inevitably meant that Social Services and Housing staff did not always appreciate the complexity of domestic violence cases or the particular needs and issues faced by women and children from BME communities.

“Sangita came to us with a two year old daughter. We contacted Social Services, but they said that they couldn’t support her. However, they said ‘we will accommodate your child in care, which will cost us £300 a week’. It doesn’t make sense! You are taking the child away from any support she knows. Social Services have the discretion... but sometimes I think that the discretion is the problem... how the law is interpreted and how the welfare of women and children is interpreted.”
This approach taken by Social Services not only seems ill informed, but appears to be in direct contravention of their statutory responsibilities to safeguard the welfare of the child, which would not be served in these instances by removing the child from their mother. The tragic consequences of such separations also contravene Article 8 of the European Convention on Human Rights (1998) to private and family life.

For those women who feel that they have no other plausible option, they may sometimes turn to relatives or friends for housing. This presents its own challenges. In the first instance, maintaining confidentiality and safety when other members of the extended family are involved, and the woman’s location may be in danger of disclosure, is both difficult and dangerous. Women with insecure immigration status are again further disadvantaged. The processing of the claims can take an average of six months to one year under the domestic violence concession – some cases were reported to take as long as 18 months, whilst asylum applications can take several years to resolve. This places a great deal of pressure upon the personal relationships between them and their friends and relations, sometimes leading to physical and economic exploitation or violence. One case example highlighted a distressing experience of a woman forced into sexual prostitution as a condition of her support. (19)

Taking the discussion forward

Imkaan firmly believes that bringing key stakeholders together towards a committed and constructive dialogue on these critical issues is in itself worthwhile. For the agencies committed to supporting Asian women affected by domestic violence, this opportunity to engage, learn and improve policy and service response defines a critical way forward. Our individual agency responsibilities may differ, but only a mutually supportive and co-ordinated approach between policy planners and those at the front-line of service delivery is likely to be effective. In inviting and engaging this senior network of experts, Imkaan recognises the potential for shared understanding and progress.

The Imkaan research has highlighted a number of concerns that directly impact on the lives of Asian women and children escaping violence at home. Given the logistical constraints of time and planning, the agenda for the roundtable discussion has been limited to some specific issues that we believe may be collectively addressed. These are based on the feedback and experiences of specialist refuge providers and their advocates — although by no means exhaustive, it is intended to serve as priorities for consideration, namely:

- Application of the domestic violence concession; its utility and effectiveness
- Impact of the extension of the probationary period to two years
- Women with no-recourse to public funds; addressing the demand made upon specialist refuge service providers

One planned outcome of the roundtable discussion is to integrate multi-agency perspectives and experiences in the final research, and to inform the conclusions and recommendations that emerge.

Imkaan recognises the unique and valuable insight that each invited agency can contribute to the debate.

Imkaan welcomes this opportunity to collectively share, inform and influence improvements in our respective service structures, planning and delivery.

imkaan
women with no-recourse to public funds
- numbers of women referred and housed by specialist refuges -

Refuge 1: London
24 enquiries in 2002
Housed a woman with no-recourse in 1999; no longer house women with no-recourse

Refuge 2: London
48 enquiries in 2002
Housed 2 women with children

Refuge 3: South-East
24 enquiries in 2002
Currently housing one woman with no-recourse to public funds

Refuge 4: Midlands
24 enquiries in 2002
2 single women with no-recourse housed in 2002

Refuge 5: Midlands
72 enquiries in 2002
Do not house women with no-recourse

Refuge 6: Midlands
24 enquiries in 2002
Currently house 2 women and their children
House only women with children, as they are more likely to receive financial assistance from statutory agencies

Refuge 7: North of England
11 enquiries in 2002
1 woman accommodated

Refuge 8: North of England
24 enquiries in 2002
0 women with no-recourse housed in 2002

TOTAL NUMBER OF ENQUIRIES RECEIVED
251

TOTAL NUMBER OF WOMEN HOUSED
9

Ref: Imkaan, February 2003
References

1. Secure Borders, Safe Haven, Integration with Diversity in Modern Britain, Home Office, April 2002

2. Imkaan’s formal response to Home Office Consultation Secure Borders, Safe Haven, Integration with Diversity in Modern Britain, April 2002


4. Original research, A Wilson


6. Original research, A Wilson

7. Metropolitan Police Service, February 2002


9. Original research, A Wilson

10. Interview with Legal Advocate

11. Original research, A Wilson

12. Original research, A Wilson


14. Original research, A Wilson