

# Saheli<sup>↑</sup>

## Forgotten Women:

**Domestic Violence, Poverty and South  
Asian Women with No Recourse to Public  
Funds**

### **Research Report**

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with

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*I was hiding in the park. A woman found me there and called the police. The policewoman could not understand me, but she was very nice to me... They got someone who could speak Urdu and I stayed at the police station for a few hours. Then they took me to social people (social services), who are helping me. I don't know about my future but I am safe, I am alive and he is not hurting me anymore.*

*I think it is very difficult for Asian women to find information and support. The community still blames the woman. She is expected to put up with anything her husband does. We have to ring so many agencies. Some refuges don't have space. Many who do, don't take women like me. I have had to ring many people and they all gave different information. There are no leaflets or guidelines available.*

# Executive Summary

## Forgotten Women:

### **Domestic Violence, Poverty and South Asian Women with No Recourse to Public Funds.**

## Introduction

This report documents research findings relevant to understanding the experiences of South Asian women who have survived domestic violence and who have No Recourse to Public Funds (NRPF), the “forgotten women”.

This study was sponsored by Oxfam GB, with additional contributions from Care Services Improvement Partnership North West (CSIP NW) and the University of Huddersfield. The research was undertaken by Saheli, a specialist South Asian Domestic Violence Project based in Manchester, working with women with No Recourse to Public Funds in crisis and needing refuge. The overall aim of the study was to contribute to policy-making and service provision for such women.

### **The Two Year Rule and No Recourse to Public Funds**

Women who come to the UK to join their husbands/fiancés are subject to a two year probationary period of residency, also known as the ‘two year rule’. If their marriage breaks down during this period they no longer have the right to remain in the UK and face deportation back to their country of origin. However, if domestic violence is the cause of marital breakdown and they are able to provide requisite ‘evidence’ of this, they can apply for Indefinite Leave to Remain (ILR). Until such a decision is reached, they have No Recourse to Public Funds (NRPF), making benefits and public housing such as refuges inaccessible to them. This means that women facing domestic violence within the two year period or more, if their sponsor has not renewed their visa, face a stark choice between living with life-threatening ongoing violence or facing destitution if they leave, and deportation if they are unable to meet the stringent evidential requirements. The impact of the ‘NRPF’ clause is not merely on women who seek to leave the abusive relationship; the very existence of this clause effects all women in this situation by reinforcing gendered inequalities.

# Key Findings

## 1. Patterns of abuse

South Asian women with NRPF face domestic violence and exploitation enforced by threats of destitution or being 'sent back home' should they leave their abusers.

Other characteristics of abuse faced by the women with NRPF include:

### **Sexual abuse**

A high proportion of women reported sexual abuse by the partner, or/ as well as by other family members who exploited the lack of support for the woman within the family and the absence of any viable means to leave the relationship.

### **Forced domestic and in some cases non-domestic labour**

Exploitation of domestic labour was in most cases accompanied by a denial of the women's most basic needs. This included starvation, imprisonment, denial of warm clothes and inadequate sleeping arrangements, and a denial of access to phone or any unsupervised contact with outsiders.

### **Neglect, violence and eventual abandonment**

Where men have felt that emotional pressure exerted by their family was the basis of the marriage, the women have reported neglect of their basic needs, abuse and eventually abandonment.

### **Continuing exploitation and sexual abuse on escape from a violent relationship**

Where women had managed to leave the abusive relationship and due to NRPF and the absence of public funding, were forced to live with strangers, relatives and friends, they have reported further exploitation of their labour and vulnerability to sexual abuse.

## 2. Destitution, poverty and deprivation

The poverty and destitution faced by women who participated in this study is attributable to the immigration policy which makes it harder for the women who do manage to leave abusive relationships to recover from the abuse, to access services and further exposes them to further risks of abuse and exploitation.

### **Income poverty**

Based on the most commonly used threshold of poverty - a household income that is 60% or less of the average household income in that year - all the women in this study who had NRPF and had left the abusive relationship were living in dire poverty and deprivation, struggling to

meet basic needs such as adequate food, warm clothing, travel expenses and medicines. Many women who received no support from their Local Authority were facing destitution and were living on the charity of friends, family members or strangers who had taken them in, making them extremely vulnerable to further exploitation and abuse.

### **Accommodation: quality, safety and security of tenure**

Due to the difficulties of accessing women who were not receiving any support from services, women in publicly-funded accommodation are overrepresented here, though evidence gathered from eight specialist refuges by Saheli and Imkaan indicates that the vast majority of women with NRPF are refused accommodation by refuges due to lack of funds.

Just under a third of women who had left the abusive relationship were in private accommodation, while two-thirds were living in social housing, funded by Local Authorities, by refuges through their own reserves and in one case by NASS. Single women faced greatest insecurity regarding their accommodation - eight single women had moved between four and eight times in the last year, and two women had lived for short periods in a park and on the rooftop of a mosque. Women staying with friends, family members or strangers did not have access to a bedroom for their sole use, were 'on call' as domestic workers with no private space to retreat to, were sleeping in living room or sharing the bedroom with the children in the family. Women expressed greatest concerns for their safety where they were not in a refuge.

## **3. Social Isolation**

Social isolation was evident not only whilst the women were still in the abusive relationship, but also when they had left the relationship. In their attempts to seek help from informal sources of support, to whom nineteen women first made the disclosure, women reported that they did not always reveal all of their circumstances but tested out the reaction to limited disclosures to ascertain who may be supportive. The initial responses they received were variable and included blaming the women for the abuse. Some women managed to find the support they needed from relatives, friends and in one case a neighbour, but many simply did not have the opportunity to talk to anyone because of the control that was exercised over every aspect of their lives, and the fear that any attempt to seek help would be noticed and would result in further abuse.

Nearly 50% of the women who had left the abusive relationship had no contact with family or friends in the two weeks prior to the interview and faced extreme isolation due to a range of reasons including the lack of any informal sources of support in the UK, being disowned by family for leaving the marriage, fear of being traced, and lack of sufficient funds to visit friends or speak to family in the subcontinent. This isolation was compounded for women who had no access to specialist services that were able to meet their language needs.

## **4. Psychological and physical health**

Initially upon leaving the abusive relationship the women reported some improvement in their physical and psychological health. However, they reported that over time they experienced severe and ongoing health problems which they attributed to the abuse they had suffered. These included suicidal thoughts, suicide attempts, extreme fears, anxiety and panic attacks, depression, eating and sleeping difficulties. Most women did not have access to specialist

mental health services, and of the women who were not receiving any support from Local Authorities two-thirds did not have access to GPs.

## 5. The trap of the Domestic Violence Rule

The Domestic Violence Rule requires that women be able to 'prove' that they have experienced domestic violence by contacting agencies before they leave the abusive relationship, often at great risk to themselves. However, our research shows that a third of the women simply did not have the opportunity to talk to anyone while they were within the abusive relationship because of the control that was exercised over every aspect of their lives and the fear of further violence. It was only after they left that many women were able to talk fully about what had happened to them – both to their family and friends, and to service providers. Their contact with services after they have left the abusive relationship is viewed as suspect for the purpose of providing evidence of the abuse. This research also shows that many women who do manage to contact services at an earlier stage find that services do not always enable full disclosures, record them accurately or provide effective help that enables women to leave. Not surprisingly, only a small minority of women who have successfully managed to leave are able to provide the evidence required, with requirements from existing policy simply being at odds with the reality of their experiences.

## 6. Inconsistent and variable nature of service provision and service responses to women with NRPF

Contrary to the stereotypes of South Asian women being unwilling to approach welfare services, this research indicates that South Asian women with NRPF do make repeated attempts to contact services despite the additional and significant barriers they face in doing so. However, it took most women several contacts with services to receive the help they needed and many women had not yet received such help despite several attempts to access support. Twenty eight women had contacted an average of four services each, some of whom did so after they left the abusive relationship. These service contacts do not include repeated contacts of the same services.

Experiences of services were highly variable. Obstetric services, specialist domestic violence services, community mental health services, Law Centres and Citizen's Advice Bureaus received positive evaluations while a majority of the women remained dissatisfied with Accident and Emergency services, GPs, the police and Social Services. These evaluations were based on whether the agencies were effective in enabling disclosure, recording disclosure, validating women's experiences and offering advice, information and referrals that helped women to eventually leave the abusive relationship.

### **Accident & Emergency (A&E) services**

Of the six women who contacted A&E for injuries following domestic violence, five women reported failure to pursue alternative explanations for the violence given by the perpetrator(s) and no attempt to see the women on their own.

## **General Practitioners (GPs)**

Two-thirds of the women who contacted their GP for help with the physical and mental impact of the abuse reported dissatisfaction due to a failure to deal with the causes of their symptoms, failure to take women's disclosures seriously and poor mechanisms for referrals, while a third of the women made positive evaluations of the service they received.

## **Police**

Just over one-third of the women reported instances of good police practice, but the majority of women reported dissatisfaction with the service they received. The nature of their assessments depended on whether women's disclosures were taken seriously, a pro-arrest policy was followed, and the safety of the women prioritised by informing them about their options and making contact with services on their behalf.

## **Local Authority policies and practice**

Almost 50% of the 23 women who contacted social services, particularly single women, did not receive any support despite repeated efforts to seek help – five women in this situation were destitute and one woman was forced to remain in the abusive relationship due to the lack of support. Under a quarter of the women, mostly women with children, received support from their Local Authority when they first contacted them, while seven women had to move from one Local Authority to another till they received the support they needed.

Examples of good practice existed in a few Local Authorities, particularly Manchester, where women made positive evaluations of the service. Nevertheless, practice remained inconsistent and variable across the region. For example, two women reported that their Local Authority offered to take their children into care, and two women who were housed in Bed & Breakfast accommodation (B & B) with their children had nothing to eat for several days – in one case the social worker visited regularly with nappies and baby milk for the baby while the mother starved. Some women housed in emergency accommodation were exposed to further violence, for example by being housed in a B & B near the abusive family home.

## **Obstetric services**

A majority of the women reported positive experiences including pro-active questioning, pursuing with their enquiries when women offered partial disclosures, offering reassurances about the help available, and finding a refuge space for them. Even where women were unable to act on the advice given, these measures increased their confidence in the services, enabling fuller disclosures later.

## **Generic refuges**

South Asian women housed in mainstream refuges reported a sense of relief at having escaped what was experienced as life-threatening situations, yet they were unable to communicate with anyone and experienced overwhelming isolation and confusion about their options due to language barriers and the absence of culturally-sensitive and effective support that met their needs.



## Specialist refuges and outreach services

Women who were accommodated in specialist refuges had the most positive evaluations of the services they received and women also expressed high levels of satisfaction with specialist outreach services. The reasons included offering reassurances about confidentiality, enabling disclosures, advocacy and support in accessible languages, enabling access to other services and overcoming social isolation.

## Law Centres and Citizen's Advice Bureaus

Most women reported satisfaction with these services, particularly with the South Manchester Law Centre.

## Community Organisations

Positive evaluations of community organisations included that of Roby, a community mental health service based in Manchester.

Given the highly variable and inconsistent service response, women's ability to leave abusive relationships seemed constrained by the lack of support by statutory services. Additionally, the fact that 'evidence' under the Domestic Violence Rule requires a successful service contact which records the abuse, in effect, penalises women for the ineffectiveness of service response to their situation.

# Recommendations

This study highlights the need for many changes, while some may be longer-term changes requiring a change in the law, other changes may be made more immediately. The following section specifies some key recommendations.

## 1. Changes in law

- 1.1 The 'no recourse' requirement under the 'Two Year Rule' reinforces gender inequalities for all women in a marriage, and not just those seeking to leave an abusive relationship, and needs to be abolished.
- 1.2 At the very least, all survivors of domestic violence should receive welfare benefits and safe housing under the Housing Act 1996 to enable women to leave the abusive relationship and to prevent them from facing poverty, destitution and further abuse and exploitation after they leave.
- 1.3 The proposal to support women with public funds and reclaim the funds from their sponsor raises concerns including fear of retaliatory violence to women, their children and to relatives in the subcontinent. Such a move would be ineffective and it obscures the responsibility of the state to protect women's human rights.
- 1.4 The current treatment of 'overstayers' needs to be reconsidered, as the nature of domestic violence and the failure to renew visas can itself be part of the abuse and control that women experience.

- 1.5 A wider range of evidence including personal statements and witness testimonies needs to be permissible under the Domestic Violence Rule.
- 1.6 Applications for Indefinite Leave to Remain need to be fast-tracked for women experiencing domestic violence.
- 1.7 The Domestic Violence Rule should be extended to all survivors of domestic violence who are subject to immigration control.

## **2. Improving service provision**

- 2.1 There is an urgent need for national guidelines on social service obligations to women with NRPF. Whilst examples of good practice exist, they need to be emulated across the country.
- 2.2 Social services need to house women with NRPF in refuges, with the option of specialist refuges, in order to enable them to access the support they need.
- 2.3 There is an urgent need for publicity about these provisions to enable women to leave abusive relationships.
- 2.4 Social services need to reach a decision within twenty-four hours of an application for support to prevent women from returning to the abusive relationship, giving them an option to leave the relationship.
- 2.5 Compulsory, regular and continuous training on the nature of domestic violence and the issue of NRPF is needed for all frontline staff.
- 2.6 Routine screening and recording of domestic violence by health services is essential.
- 2.7 There is a need for better information about services, the prioritising of the women's safety, a pro-arrest policy and appropriate referrals by police, the provision of accessible advice and information by legal services.
- 2.8 Adequate Legal Aid is essential to enable women to access their rights and legal support.
- 2.9 Information about services needs to be provided through leaflets and posters in everyday and accessible spaces in the UK and in British High Commissions in the subcontinent.
- 2.10 Specialist domestic violence services are crucial for South Asian women with NRPF, as are outreach services that are accessible to women who remain trapped in the abusive family home.
- 2.11 The impact of the abuse on women's mental health needs to be addressed through the provision of accessible mental health services in women-only spaces.

# Conclusions

While domestic violence exists across all communities, the policy of NRPF and the existence of the 'Two Year Rule' reinforce patriarchal structures within which such violence against women takes place, as well as effectively penalising women who resist this violence by seeking to leave the abusive relationship. In the absence of effective service responses to women with NRPF, existing legislation in principle, offers an opportunity to exit for some women, but in practice existing policy makes it extremely difficult for most women to avail this opportunity. Specialist domestic violence services, often under-funded and struggling to survive the current shifts in domestic violence service provision, are often risking financial viability to support such women. Women forced to live with ongoing severe violence in the UK, women who have managed to leave but are facing destitution and a struggle for survival in the UK, and women deported to face further violence are three faces of a state policy that urgently needs reform to extend to migrant women the basic rights that most resident women take for granted.

The policy of NRPF allows the government to apply double standards in its approach to domestic violence, allowing some women the right to protection but not others. The NRPF rule represents a major and serious obstacle to accessing services and justice for a very vulnerable group of minority and migrant women. It underpins the reasons why South Asian women with unresolved status are unable to leave violent relationships or face destitution, if they do.

Whilst this study provides significant insights into the experiences of one group of women, there remains a need for further research into the needs and experiences of women still living within the abusive relationships; and of other groups of Black and minority ethnic women with NRPF including marriage migrants, partners of students and workers, migrant domestic workers, asylum seekers and refugees, 'overstayers' and illegal entrants.

# Saheli

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