

30 April 2020

Dear Home Secretary,

Re: Impact of proposed New Plan for Immigration on women seeking asylum

We are writing to express our serious concerns over the proposed New Plan for Immigration (New Plan) and its potentially devastating effects on women seeking safety. Most of our organisations and groups support women who have fled sexual and gender-based violence (SGBV). Yet, despite these horrific experiences, many are failed by an asylum system which subjects them to disbelief, detention and destitution. On 24th March, you asked “where are the vulnerable women...that this system should exist to protect?” If introduced, the proposals would make things even worse for women in desperate need of refuge.

The changes would have harmful effects on both men and women. In this letter we highlight the impact on women, as these experiences are too often unheard.

- **Treatment of asylum-seeking women who arrive by irregular routes**

We are alarmed by proposals that unjustly differentiate between vulnerable people who have fled danger, based on how they have travelled to the UK.

Temporary protection status

Our organisations work with women who have fled rape, forced prostitution, trafficking, honour-based abuse and female genital mutilation. Many of these women are sexually or physically abused again when they travel to the UK, journeys that sometimes involve irregular routes so that they can quickly escape danger. There is a real risk that temporary protection status would result in some of the most vulnerable women being refused asylum – women who instead would be condemned to destitution, detention and possible removal to the countries where their lives remain in danger.

The absence of gender in the UN Refugee Convention makes the assessment of many women’s cases complex, and particularly when they involve persecution by private individuals as opposed to the state. Home Office guidance reminds us that “[v]iolence against women can occur more commonly within the family or community.” Yet, decision-makers have often shown a poor understanding of how private violence falls within the UN Refugee Convention, and the UK’s obligation to grant asylum. Under the proposed temporary status, cases would be reviewed every 30 months with a view to return to the country of origin or removal to a third country. Having to periodically demonstrate the need for safety is likely to be harmful for all women who have survived SGBV, and especially for those who have fled private violence.

Reception centres

We are concerned that the proposed reception centres could amount to a form of indefinite detention that would not only be retraumatising for women who have survived SGBV but also a barrier to disclosing their experiences. The New Plan cites the example of Denmark, even though the small amounts of financial support coupled with “the distance between asylum centres...and towns or cities, means people are effectively confined” there.

The same study also shows how asylum centres can be completely inappropriate for survivors of SGBV and trafficking to heal. Detaining women who have already survived trauma and violence inflicts immense

harm and retraumatizes them, particularly when there is no time limit.¹ The New Plan states that the Home Office will first attempt to remove a person who has come to the UK irregularly and, where that is not possible within six months, will start to process their asylum claim. It is very likely therefore that many women will be deprived of their liberty for several months, if not longer. Research has found that the longer someone is held in immigration detention, the greater the effect on their mental health. In forcing women to relive traumatic memories of confinement and abuse, the reception centres could prevent disclosure and, therefore, a fair assessment of their claims.

- **'One-stop' process**

We are very concerned that the 'one-stop' process could result in many women being wrongly refused asylum. The process would force traumatised women to raise all the reasons for why they need protection at the outset, with "minimal weight" given to evidence raised later in the process "unless there is good reason".² Yet there are many reasons for why women who have survived SGBV cannot disclose all relevant experiences at the initial stage; the Home Office's own guidance acknowledges these barriers, that include "guilt, shame, concerns about family 'honour' or fear of family members." The same guidance also acknowledges that women who have been trafficked to the UK may be facing threats from their traffickers at the time of their asylum interview, such that they are unable to speak openly with officials. Some LGBT women, who have fled persecution because of their sexual orientation, are not able to speak about their sexuality during the time of their initial asylum claim; they may still be coming to terms with it themselves, a process that can take many years. All of these challenges are exacerbated by a lack of specialist mental health and quality legal support. Most women that Women for Refugee Women support have not received adequate legal representation for their initial claim; some women have not had *any* legal advice at all.

It is vital that our asylum system allows all women to be heard. To that end, Home Office guidance states that late disclosure should not automatically prejudice a woman's credibility. It is unclear then why the department is now considering changes that go against these standards.³

- **'Well-founded fear of persecution' test**

Proposals to introduce a 'balance of probabilities' standard are said to be necessary to "[make] it harder for unmeritorious claims to succeed."⁴ Yet the UN Refugee Convention is based on the principle of 'benefit of the doubt', in favour of the person seeking safety. A more severe test would only increase the barriers that already exist for vulnerable women to obtain a fair assessment.

- **Fast-track appeals process and accelerated claims and appeals process from detention**

We are extremely concerned that any form of accelerated processing could have a harmful effect on women with complex gender-based or trafficking claims. We would like to remind the Home Secretary of the Detained Fast Track and the devastating effects it had on women's chances of successfully claiming asylum. The process was deemed unlawful by the Court of Appeal for being "systematically unfair", with the Home Office refusing a staggering 99% of claims, compared to around 59% of non-fast track applications. It was

¹ One in five of the women Women for Refugee Women spoke to in [2014](#) said they had tried to kill themselves in detention, while 40% of the women interviewed in [2015](#) said they had self-harmed.

² *New Plan for Immigration*, p.28.

³ We would like to remind the Home Secretary of the existing fresh claim process; both lawyers and non-governmental organisations have found that the threshold employed is extremely high, such that the majority of submissions are not treated as a fresh claim, and are rejected *without* a right of appeal.

⁴ *New Plan for Immigration*, p.22.

also inherently unsuitable for complex cases, heavily criticised for its handling of gender-related and trafficking claims. Indeed, women from some of the most oppressive countries who faced persecution were wrongly refused asylum and deported as a result of the Detained Fast Track.

- **Modern Slavery**

We are disturbed by proposals to limit the protection of actual or potential victims of modern slavery.

Legal standard for a reasonable grounds decision

Proposals to strengthen the evidence threshold for deciding whether someone is a potential victim are said to be necessary to stop people claiming to be trafficking victims in order to prevent removal from the UK. Yet it can take many months for a woman who has been forced into sexual exploitation to speak about the abuse she has suffered. It is therefore vital that potential victims are given a window to access support such as safe housing. We would like to remind the Home Secretary that a positive reasonable grounds decision is not the end of the matter; to be officially confirmed as a victim of trafficking then requires a positive conclusive grounds decision. We are concerned that a higher standard of proof at the first stage would harm some of the most vulnerable women, keeping them in the hands of their traffickers. It would also ignore the government's own statistics which show that the majority of people in immigration detention who are referred into the National Referral Mechanism (NRM) are subsequently recognised by the Home Office as potential victims of trafficking.

The 'public order exemption'

We object to amendments to the 'public order exemption' that would deny access to the NRM and associated protections to certain women who may be victims of trafficking, including those with a criminal sentence of 12 months or more. Some of our organisations are aware of women who have been subject to sexual and other forms of labour exploitation, who have been prosecuted and imprisoned for criminal offences related to their exploitation, and who need protection.

Last year, you spoke of your commitment to a "more compassionate approach", a Home Office that saw "people not cases". However, a genuine commitment to compassion would not result in these proposals. We strongly urge you to reconsider your approach, and to listen to the women who have sought safety in this country.

Yours sincerely,

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Loraine Masiya Mponela, Chair, Coventry Asylum and Refugee Action Group

Management Committee, WAST (Women Asylum Seekers Together) Manchester

Ibtissam Al-Farah, Director, Development and Empowerment for Women's Advancement (DEWA) Project

Rosemary Crawley, on behalf of Women with Hope

Reynette Roberts MBE, CEO, Oasis Cardiff

Alison Moore, CEO, Refugee Women Connect

Jeni Williams, Chair, Swansea Women's Asylum and Refugee Support Group

Marchu Girma, CEO, Hibiscus Initiatives

Zrinka Bralo, CEO, Migrants Organise

Protection Gap Advocates, Helen Bamber Foundation Group
Andrea Simon, Director, End Violence Against Women Coalition
Gisela Valle, Director, Latin American Women's Rights Service
Rosario Guimba-Stewart, CEO, Lewisham Refugee and Migrant Network (LRMN)
Lora Evans, Committee Member, Sisters United
Lisa Matthews, Coordinator, Right to Remain
Denise McDowell, CEO, Greater Manchester Immigration Aid Unit
Pragna Patel, Director, Southall Black Sisters
Beth Wilson, Director, Bristol Refugee Rights
Donna Covey CBE, Chief Executive, AVA (Against Violence and Abuse)
Ros Bragg, Director, Maternity Action
Kerry Smith, CEO, Helen Bamber Foundation & Asylum Aid
Mel Steel, Director, Voices in Exile
Sally Daghlian OBE, CEO, Praxis
Karen Pearse, Director, Positive Action for Refugees and Asylum Seekers (PAFRAS)
Sara Kirkpatrick, CEO, Welsh Women's Aid
Mahlea Babjak, Project Manager, Migrants' Rights Network
Jasbindar Bhatoa, Solicitor & Senior Legal Officer, Rights of Women
Ali McGinley, Director, Association of Visitors to Immigration Detainees (AVID)
Ellen Waters, Director of Development, Doctors of the World UK
Nicola Sharp-Jeffs, CEO, Surviving Economic Abuse
Kat Lorenz, Director, Asylum Support Appeals Project (ASAP)
Elizabeth Jiménez-Yáñez, Coordinator, Step Up Migrant Women
Bee Rowlatt, Wollstonecraft Society
Helen Pankhurst, Convener, Centenary Action Group
Sam Grant, Head of Policy and Campaigns, Liberty
Halaleh Taheri, Founder & Executive Director, Middle Eastern Women & Society Organisation (MEWSo)
Abi Brunswick, Director, Project 17
Dawn Thomas, Co-Chair, Rape Crisis England & Wales
Wafa Shaheen, Head of Asylum, Integration & Resettlement, Scottish Refugee Council
Jo Cobley, Chief Executive, Young Roots
Sarah Taal, Director, Baobab Women's Project CIC
Tim Naor Hilton, Interim CEO, Refugee Action

Sheila Mosley, on behalf of Quaker Asylum and Refugee Network
Emma Colyer, Director, Body & Soul
Elli Free, Director, Room to Heal
Matthew Powell, CEO, Breaking Barriers
Jo Todd, CEO, Respect
Gabby Edlin, CEO, Bloody Good Period
Sarah Teather, Director, Jesuit Refugee Service UK
Fidelis Chebe, Director, Migrant Action
Josie Naughton, CEO, Choose Love
Chai Patel, Legal Policy Director, Joint Council for the Welfare of Immigrants
Fiona Dwyer, CEO, Solace Women's Aid
Lorna Gledhill, Deputy Director, Asylum Matters
Steve Crawshaw, Director of Policy & Advocacy, Freedom from Torture
Leila Zadeh, Executive Director, UK Lesbian and Gay Immigration Group (UKLGIG)
Sarbjit Ganger, Director, Asian Women's Resource Centre
Maya Esslemont, Director, After Exploitation
Bella Sankey, Director, Detention Action
Annie Campbell Viswanathan, Director, Bail for Immigration Detainees (BID)
Enver Solomon, CEO, Refugee Council
Cas Heron, Chair, Bradford Rape Crisis & Sexual Abuse Survivors Service
Jennifer Nadel, Co-Director, Compassion in Politics
Andrea Cleaver, CEO, Welsh Refugee Council
Jaqui Cotton, Coordinator, Growing Together Levenshulme
Mark Goldring, Director, Asylum-Welcome
Siân Summers-Rees, Chief Officer, City of Sanctuary
Harriet Wistrich, Director, Centre for Women's Justice
Suzanne Fletcher, Chair, No To Hassockfield Campaign
Samsoudini Abdou Moussa, Co-chair, Tees Valley of Sanctuary
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Alice Fookes, Vice-Chair, National Alliance of Women's Organisations (NAWO) UK
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