

With the introduction of the Nationality and Borders Bill the government are seeking to overhaul the UK asylum system with a claim to make it fairer. However, analysis and reports from many human rights and women's organisations have provided in-depth evidence and information. They have highlighted how the Nationality and Borders Bill is blatantly discriminatory especially towards vulnerable communities who seek sanctuary and refuge whilst being subjected to atrocities and abuses. It is against the principles of human rights; the joint committee on human rights has also highlighted concerns about the Bill and identified a breach of UN convention, which states that refugees must not be penalised for the fact of entering a safe place illegally. ¹

The Faith and VAWG Coalition works to build bridges between members of Faith and Communities and Faith-centric organisation within the Violence Against Women and Girls sector. The Coalition is represented by women of faith, many of us work with women at grassroots levels. We highlight the voices and lived experiences of the survivors at risk of violence and abuse. Survivors come from different backgrounds and are often at risk of violence, they also face multiple oppressions including facing persecution and fleeing war zones and conflicts.

Considering the concerns raised by many humanitarian organisations both locally and globally, Faith and VAWG as a collective feminist voice are united in our commitment to play an active role in highlighting the needs of migrants and refugee women and in offering practical support to many in need.

We feel that at the Faith and VAWG Coalition it is also our responsibility to pay attention to issues of public policy that will directly impact the communities in which we serve and speak out about issues which affect the moral and ethical wellbeing of our society. We assert that the values that bind UK citizens together, especially those concerning human dignity and life, will be fundamentally damaged by this Bill. The Coalition is deeply concerned about the crucial changes which the government is trying to bring through the Nationality and Borders Bill. We would like to express how deeply we are saddened and appalled by the changes to be brought due to Nationality and Borders Bill. They are unacceptable and do not align with our principles and beliefs in working with women of faith, especially from Black and minoritised communities. We feel that the new legislation is highly racist.

We welcome House of Lords decision to remove Clause 11 which sets out the differential treatment of refugees. The artificial manufacture of a two-tier system creates two different classes of refugees. This would not be based on needs or merits but would depend on the ability of a person to arrive in the UK via a 'regular' route of travel. This is a clear breach of the principles of the Refugee Convention, and we have seen no credible

¹ (<https://www.theguardian.com/commentisfree/2021/dec/01/the-guardian-view-on-human-rights-and-the-borders-bill-the-wrong-path>)

evidence that it will stop irregular migration across the English Channel; it is therefore, a policy made without a basis in evidence or morality. It would be devastating for many vulnerable asylum seekers, criminalizing and punishing vulnerable people who have little choice but to arrive in the UK through ‘irregular routes’, when the majority are subsequently able to prove that they have a legitimate basis for their asylum claim, is a disgraceful and dishonourable policy, and should be abandoned. This means there is no access to a safety net, evidence shows that immigrants are expected to work in risky working conditions, are expected to work in the least acceptable working conditions, live in squalid housing, pay taxes, and pay to remain here, but are not allowed a safety net if they become ill, unable to work or lose their jobs.²

It appears that clause 11 will also deny ‘group 2’ refugees whose claims have been recognised access to any form of safety net for the 10-year period until they obtain permission to stay permanently in the UK. This policy – officially known as ‘No Recourse to Public Funds’ – already impacts many women who are destitute and have no recourse. It denies most migrants access to almost all types of state support, such as homelessness assistance, child benefit or job-seekers allowance. We know that women with no recourse to public funds are disproportionately impacted in terms of seeking support and have limited options if they needed to leave their abusive partners. Services directly working with women in abusive relationships find it very hard to get adequate housing and financial support and with the result they move back to their abusive partners. There are inadequate safeguards because The Bill is silent on the safeguards that might be put in place to mitigate some of the risks.³

Concerns about Clause 32

Clause 32 of the convention refers to membership of a “particular social group” and is a key ground to qualify as a refugee. It is used by women and girls fleeing gender-based persecution. It is important to highlight that gender is not listed as a reason for persecution even when it is

² <https://www.praxis.org.uk/news/clause-11-jan-briefing>

³ <https://static1.squarespace.com/static/5d91f87725049149378f82/t/61f00e380680583be1a60dc4/1643122233104/The+Impacts+of+Differential+Treatment+Praxis+Briefing+25+Jan+2022.pdf>

used by women and girls fleeing gender-based persecution. *“The change will mean that more women are wrongly refused asylum and forced into further danger.”*⁴

This will have serious ramifications on those at risk from forced marriage, FGM and trafficking as the amendment could also prevent protection for those at risk from forced marriage, FGM and trafficking.⁵

Women and Modern Slavery:

Poverty, lack of education, unstable social and political conditions, economic imbalances and war are key issues that contribute to someone’s vulnerability in becoming a victim of modern slavery.

70% of the 40.3 million people in modern slavery are women and girls. When broken down into different forms of modern slavery, females are overrepresented in forced labour (59%), forced marriage (84%), and forced sexual exploitation (99%).⁶

Many Human Rights organisations have mentioned that there is lack of clarity in key clauses of the Nationality and Borders Bill relating to Modern Slavery. Part 5 of the Bill would be able to take away support available to the survivors even when there is evidence of their exploitation if the Home Office believe that the evidence shared was not provided within stipulated time. Evidence shows us that due to fear of reprisals from traffickers, survivors may not come forward and disclose about their experiences. According to Helen Bamber Foundation, The Nationality and Borders Bill will result in thousands of survivors of trafficking not receiving support and protection. Furthermore, there are concerns that the changes to Clauses 57-59 and 62-63 will make it harder for women and girls, who are victims of trafficking and modern slavery, to be positively identified and protected.

Many Women’s organisations feel that the Bill, like the Domestic Abuse Act, deliberately excluded migrant victims of abuse from protection, and that the Government’s stated commitment to address violence against women and girls (VAWG) which excludes survivors being wrongly refused asylum, and therefore leaving women vulnerable to further violence and abuse.

Sadly, violence against women and girls is a global pandemic and forced migration is not a temporary crisis; it is an on-going reality.

We would like to highlight the need to ensure asylum seeking process is gender sensitive and this is not just in writing but through actions, as there is huge gap in Home office practice. It has already been noted that the “gender “neutral language” used in Asylum Support and Policy where women are not being identified as being more vulnerable.

⁴ <https://www.refugeewomen.co.uk/legal-opinion-borders-bill-discriminates-against-women/>

⁵ <https://www.theguardian.com/uk-news/2022/feb/08/peers-oppose-plan-that-may-stop-women-fleeing-gaining-refugee-status>

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/726283/modern-slavery-womens-economic-empowerment.pdf

(https://www.asaproject.org/uploads/Safe_from_violence_in_the_UK_ASAP-RC_report.pdf)

The Faith and VAWG Coalition members recommend women classed as Group 2 refugees are not denied access to public funds, that they are allowed the right to unite with family and be allowed the right to apply for settled immigration status as many of them could have also fled persecution or serious harm in their own state.

The disclosure of gender-based violence at later stage should not be dismissed, research and lived experiences show how guilt, shame and concerns about family honour have an impact on women's experiences. Women sexually assaulted and those who are victims of trafficking suffer immense trauma, we recommend these vulnerable women be given reasonable time to submit their claim.

Lengthy waiting time and prohibition on not being able to work or study exacerbates the trauma and anxiety. Again, we would like to reiterate that the immigration system is in urgent need of reform. Women seeking asylum are being persecuted multiple times in the country of their origin, stranded at different countries and when they come through difficult ordeals and face persecution in the UK. Women are often living in fear for not being believed, being deported and with the imminent introduction of the Nationality and Borders Bill, it feels vulnerable women will have no safety net and will continue to suffer. Finally, we here at the Faith and VAWG Coalition urge the Home Office and the government to be compassionate and rethink their stance which is already causing psychological distress on many victims of gender-based violence.

On behalf of our members,

The Faith and VAWG Coalition.