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Cymorth i Ferched Cymru  
Welsh Women's Aid

Rhoi Merched a Phlant yn Gyntaf  
Putting Women & Children First

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<b>These are the views of:</b>	<i>Pendragon House, Caxton Place, Pentwyn, Cardiff CF23 8XE</i>  <i>Welsh Women's Aid (Third Sector) - the national charity in Wales working to end domestic abuse and all forms of violence against women.</i>

### About Welsh Women's Aid:

Welsh Women's Aid is the umbrella organisation in Wales that supports and provides national representation for independent third sector violence against women, domestic abuse, and sexual violence (VAWDASV) specialist services in Wales. Our membership comprises of 20 specialist support services. These services deliver lifesaving and life-changing support and preventative work in response to violence against women, including domestic abuse and sexual violence against children and young people, men and boys, trans and non-binary people, as part of a network of UK provision. As an umbrella organisation, our primary purpose is to prevent domestic abuse, sexual violence, and all forms of violence against women and ensure high quality services for survivors that are needs-led, gender responsive and holistic. We collaborate nationally to integrate and improve community responses and practice in Wales. We also award the Wales National Quality Service Standards (NQSS), a national accreditation framework for domestic abuse specialist services in Wales (supported by the Welsh Government) as part of a UK suite of integrated accreditation systems and frameworks. (More information on the NQSS can be found [here](#)). Due to the word limit, WWA have chosen to answer a selection of the proposed questions.

### Call For Evidence – WWA Response:

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Welsh Women's Aid is a registered charity in England and Wales, No. 1140962  
and a company limited by guarantee registered in England and Wales, No. 07483469



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### “Safe and legal routes”:

Welsh Women’s Aid makes this submission to highlight the harms of the UK’s asylum system to women- particularly survivors of VAWDASV- seeking asylum, including retraumatising systems and a failure to support and uphold survivors’ human rights.

The current UK immigration system broadly categorises and sanctions refugees solely based on their manner of entry into the UK. Section 12 of the Nationality and Borders Act 2022 fails to account for the complex and desperate experiences of forcibly displaced women, regardless of circumstance. As Women for Refugee Women have highlighted, *“People fleeing immediate danger don’t usually have a choice about how they travel, they need to take whichever route to safety they can.”*<sup>1</sup>

We are particularly concerned that those who are forced to flee their countries of origin and enter the UK via these means risk being categorised as “Group 2” refugees and thus deprived of the safety associated with secure status.

“Group 2” refugees are often subject to having no recourse to public funds (NRPF), which profoundly impacts on survivors’ ability to access support. This exacerbates individuals’ high vulnerability and creates potential for further abuse and exploitation, leaving survivors of gender-based violence with no access to safe, appropriate accommodation and support. Indeed, the Government’s own statutory guidance on domestic abuse has highlighted this risk<sup>2</sup>.

In addition to NRPF, those who fall under 'Group 2' have no defined routes to settlement and restricted family reunion rights.

We are also concerned that women who seek to challenge a ‘Group 2’ designation will be forced to

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<sup>1</sup> <https://www.refugeewomen.co.uk/wp-content/uploads/2021/12/Five-ways-the-Nationality-and-Borders-Bill-threatens-women.pdf>

<sup>2</sup> [Domestic Abuse Statutory Guidance \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/91231/domestic-abuse-statutory-guidance.pdf)





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resort to judicial review, within a 10-day timeframe. We fear that the reality of this narrowness will leave women with no actual opportunity to challenge these life-altering decisions.

As highlighted by the SEREDA project, the current asylum system encourages “violent dependency”. The system prolongs abuse by rendering survivors dependent on perpetrators, for example in cases of spousal visas, and thus unable to leave abusive situations<sup>3</sup> and actualise their right to freedom from torture and inhuman treatment as outlined by the Universal Declaration of Human Rights. The United Nations High Commissioner for Refugees has repeatedly expressed concerns about the UK’s immigration legislation, highlighting that decisions to broadly categorise refugees and sanction them contravenes Article 31 (1) of the 1951 UN Convention, which explicitly prohibits imposing penalties on a refugee or asylum seeker on account of irregular entry<sup>4</sup>.

Significantly, the UNCHR has also cited this article of the convention to highlight the discrepancies between the re-location of asylum seekers from the UK to Rwanda and the UK’s human rights obligations<sup>5</sup>. WWA reaffirm that relocating asylum seekers to third countries will put women and child under serious of further gender-based violence. The motive of the policy to act as deterrent is unjust and does not align with the UK’s human rights obligations set out in the Universal Declaration of Human Rights, the subsequent UN Convention and the Human Rights Act of 1998 which applies to **all** persons within the UK – including those seeking asylum.

It has become increasingly evident in recent months that there are **no** safe and legal routes for asylum seekers. Yet, those who are forced to take an ‘irregular’ route into the UK are sanctioned, with measures such as Section 40 of the Nationality and Borders Bill penalising those exercising their

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<sup>3</sup> <https://www.birmingham.ac.uk/documents/college-social-sciences/social-policy/iris/2022/sereda-international-report-briefing.pdf>

<sup>4</sup> <https://www.unhcr.org/62a317d34>

<sup>5</sup> *ibid*





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right to liberty, security, and freedom. **No provision** exists to enable any person outside of the UK to arrive or to make an application to arrive to the UK to claim asylum, thus further infringing on the ability to exercise this right.

In addition to these sanctions, Section 12 of the Act speaks to the expectation on those who arrive in the UK to immediately disclose the full circumstances of their trauma. Those who are unable to disclose everything immediately are penalised.

Women for Refugee Women, as well as other specialist women's organisations, continue to highlight that women who have experienced gender-based violence face significant barriers to disclosing that abuse and trauma, and the process of revealing and reliving the detail of this requires time, support and empathy.

This lived experience is affirmed by research including the SEREDA project, however the current system punishes those who are unable to immediately share this information. Significantly, similar measures such as Section 55 of the Nationality, Immigration and Asylum Act 2002, which penalise those who haven't applied for asylum as soon as practicable, have already been proven to interact with and infringe upon articles set out in Human Rights Legislation, as proven by R v Secretary of State for the Home Department ex parte Limbuela ([2005])<sup>6</sup>.

Welsh Women's Aid echo the calls made by other specialist organisations for the UK Government to provide **viable, usable, and secure routes to asylum** as part of its commitment to ending violence against women and girls.

### Legal aid, accommodation, and subsistence:

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<sup>6</sup> <https://justice.org.uk/asylum-human-rights/>





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Many women seeking asylum in the UK have fled gender-based violence in their country of origin<sup>7</sup>, many of these women are also classed as 'Group 2' refugees and are therefore have no recourse to public funds. Having no recourse to public funds (NRPF) is a prominent barrier for survivors who are experiencing violence and abuse with restricted or insecure immigration status in the UK.

These survivors often face a hostile environment by immigration checks, occurring in, for example in housing settings.

Women in receipt of Section 95 who are accommodated in hotels receive just £8.24 per week, rather than £40.85, to reflect that they are in 'full board' accommodation. Moreover, those in hotels on Section 98 'emergency' support - i.e. those awaiting a decision on their Section 95 application - do not receive any cash support at all. We are aware of some women who have spent weeks, and sometimes months, in hotel accommodation without any cash support.

The insufficient or lack of cash support places a significant curb on women's autonomy and liberty, because they do not have the financial means to leave or do anything outside of their accommodation. As such, given the lack of oversight by the Home Office and with hotels often being overcrowded, it is not a major surprise that women have been sexually harassed and abused in hotel accommodation as these conditions are conducive to VAWG.<sup>8</sup> It is not clear what, if anything, the Home Office has done in response to this, and we are extremely concerned that women – many of whom, as we have highlighted, have already survived gendered abuse in their countries of origin – are being re-victimised and retraumatised in this way.

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<sup>7</sup> <https://bills.parliament.uk/publications/42825/documents/705> - Written evidence submitted by Women for Refugee Women, Evidence to the Nationality and Borders Public Bill Committee.

<sup>8</sup> See, for instance, <https://www.theguardian.com/uk-news/2021/feb/21/asylum-seekers-subjected-to-sexual-harassment-in-government-hotels>; more recently <https://www.itv.com/news/2022-11-23/500-rape-alarms-given-to-female-asylum-seekers-at-dirty-and-dangerous-hotels>





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The SERADA project found that a lack of appropriate and secure accommodation ultimately increased risks of sexual and gender-based violence<sup>9</sup>, thus failing to fulfil the human rights obligations the UK has.

We would urge an end to the use of immigration detention and detention-like facilities, and instead ensure that women are protected with adequate financial support and safe housing.

### Nationality and Borders Act 2022:

Last year, Welsh Women's Aid [highlighted](#) the concerns of the VAWDASV sector in response to the proposed Nationality And Borders Bill. We unequivocally expressed that the bill **would** cause harm and would significantly undermine the Government's commitment to addressing violence against women and girls. Section 12 contradicts long-standing evidence from the VAWG sector about survivors' disclosures.

We were one of 52 women's organisations that expressed our concerns about the impact of this Bill on women seeking asylum, and as an organisation whose members directly support survivors with insecure immigration status, we have seen these concerns actualised now the bill has been enacted. The use of a two-tier system as implemented by clause 11 of the bill penalises women who are the most desperate and vulnerable, despite the legal assertion in the Human Rights Act that freedom from torture and inhuman or degrading treatment is an absolute right which "*can never be restricted*"<sup>10</sup>.

Furthermore, Article 2 of the Universal Declaration of Human Rights stipulates that all rights and

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<sup>9</sup> <https://www.birmingham.ac.uk/documents/college-social-sciences/social-policy/iris/2022/sereda-international-report-briefing.pdf>

<sup>10</sup> [https://www.local.gov.uk/sites/default/files/documents/Practice\\_Tool\\_8\\_Providing%20information%20about%20the%20Human%20Rights%20Act%20WEB.pdf](https://www.local.gov.uk/sites/default/files/documents/Practice_Tool_8_Providing%20information%20about%20the%20Human%20Rights%20Act%20WEB.pdf)





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freedoms referred to in the Act must be protected and applied without discrimination. This prohibits discrimination on the grounds of characteristics such as sex and race<sup>11</sup>. When we consider that over half of displaced people are estimated to be women and girls<sup>12</sup>, and up to 70% of female forced migrants have experienced sexual and gender-based violence<sup>13</sup> and thus, are more likely to enter the UK via 'irregular' means.

It is clear that this legislation and the current asylum system disproportionately infringes on the rights of women and girls by its design. This is especially concerning given that the UK has chosen to ratify the Istanbul Convention with the exception of article 59, which obligates a state to provide protections to migrant women, thus leaving women and girls who have experienced gender-based violence at further risk.

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<sup>11</sup> <https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf>

<sup>12</sup> UNCHR 'Forced Displacement' Report, 2019 <https://www.unhcr.org/be/wp-content/uploads/sites/46/2020/07/Global-Trends-Report-2019.pdf>

<sup>13</sup> <https://www.birmingham.ac.uk/documents/college-social-sciences/social-policy/iris/2022/sereda-international-report-briefing.pdf>

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