



Consultation response

'Tackling illegal immigration in privately rented accommodation'

Consultation by Home Office

21st August 2013

Understanding and supporting
women and their organisations

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About the Women's Resource Centre

WRC is a unique charity which supports women's organisations to be more effective and sustainable. We provide training, information, resources and one-to-one support on a range of organisational development issues. We also lobby decision makers on behalf of the women's not-for-profit sector for improved representation and funding.

Our members work in a wide range of fields including health, violence against women, employment, education, rights and equality, the criminal justice system and the environment. They deliver services to and campaign on behalf of some of the most marginalised communities of women.

There are over ten thousand people working or volunteering for our members who support almost half a million individuals each year.

For more information about this response, contact:

Natalie Ntim
Policy Officer
Email: natalie@wrc.org.uk
Tel: 020 7697 3450

Women's Resource Centre
4th Floor, United House North Road
London N7 9DP
www.wrc.org.uk

A number of the questions within this consultation are outside the remit of the Women's Resource Centre's work or are directed at landlords or tenants. Therefore, this consultation response addresses the proposals that we believe are most relevant to the work of our members and will have the largest impact on their beneficiaries.

Response

Migrant women are one of the most vulnerable minority groups in the UK. They experience multiple forms of discrimination, including racism, sexism and prejudice against people with insecure immigration status. It is also important to recognise that these reforms have been proposed in an increasingly hostile environment for migrants, with a portrayal by the media as 'benefit tourists' and a 'constant drain' on public services. However, migrants are actually less likely to claim benefits than UK nationals and contribute more in taxes than they receive in benefits and services.¹

We believe that the proposals outlined in this consultation will lead to further discrimination against Black and Minority Ethnic (BME) migrant women and other vulnerable groups with insecure immigration status. We are particularly concerned that allowing landlords to take responsibility for document checks will lead to inconsistencies and more opportunities for migrants to be discriminated against. For example, in order to meet the UK's human rights obligations as outlined in the

¹ Eaton G, (2013) 'Memo to Cameron – migrants aren't a "constant drain" on the UK – they're the reverse', The New Statesman 24 July 2013 <http://www.newstatesman.com/politics/2013/07/memo-cameron-immigrants-arent-constant-drain-uk-theyre-reverse> Accessed 20/08/13

Equality Act 2010, landlords will have to check the immigration status of all prospective tenants. However, it is clear that some landlords will conduct these checks selectively, using assumptions based on a prospective tenant's ethnic background as a basis for deciding who to check. We believe that this will lead to people with non EEA nationalities, thought to be at high-risk of irregular stay in the UK, being targeted for document checks regardless of their immigration status.

The type of discrimination that we expect to increase if these proposals are introduced is already happening in employment. After similar reforms to employment policy for temporary migrants were introduced under the Immigration, Asylum and Nationality Act 2006, the Migrant's Rights Network found that similar document checks that must be made by employers, resulted in discrimination against ethnic minority workers. In some cases this had facilitated wider exploitation of undocumented workers.²

There is no evidence to suggest that the proposed policy changes will drive down the numbers of irregular migrants living in the UK or will act as a deterrent. On the contrary, Women's Resource Centre is concerned that the consultation's proposals for landlords will ultimately lead to vulnerable migrant groups, particularly women, facing a stark choice of renting inadequate accommodation from unscrupulous landlords, destitution or homelessness. There has been a recent surge in the numbers of 'beds in sheds' in areas of London with high migrant populations, which reflects the challenges that migrants already face. We believe that these proposals will encourage this and similar practices as migrants, with or without a clear immigration status, will become increasingly desperate to find accommodation.

Scope of the requirements

Although we object to the principles behind this consultation and its proposals, we welcome the exclusion of refugees from the landlord checking scheme. It is vital that refugees and women's organisations who work with victims of violence are able to do so without the additional burden caused by having to check the immigration status of women who approach them for support.

Migrant women are particularly vulnerable to experiencing the various forms of violence against women; some women may have experienced violence both in their country of origin and the UK. The precarious nature of having temporary immigration status means that many migrant women face extra barriers to leaving an abusive partner because of the impact this may have on their ability to stay in the UK. Many perpetrators of abuse recognise this and use the threat of removing a visa as a form of control. Many migrant women without access to public funds are still unable to access refuge accommodation despite the recent introduction of the Destitution Domestic Violence Concession, which only supports domestic violence victims with spousal visas.

² Perry, J. (2013) Passing the buck – private landlords to be handed responsibility for checking immigration status, 4 July 2013, Migrant Rights Network website <http://www.migrantsrights.org.uk/migration-pulse/2013/passing-buck-private-landlords-be-handed-responsibility-checking-immigration-st> Accessed 20/08/13

Refuges and women's organisations across the UK are also struggling to keep services open whilst the demand for support steadily increases. Recent research by the Women's Resource Centre has found that 64% of organisations surveyed had seen a reduction in their income in the past financial year and 95% had seen an increase in demand for support.³ Many of our members reported that they had been forced to lose staff and reduce the availability of their services due to funding cuts. Women's Aid estimates that 230 women are turned away from refuges daily.⁴

Therefore, migrant women who are unable to access a refuge space may be forced to rent private accommodation whilst they access outreach services. This means that some women who have experienced violence and are fleeing an abusive partner will have to go through the stressful process of landlord checks, despite their vulnerability and need for support. It is vital that all women who are fleeing abuse are exempt from the proposals, even those renting accommodation privately.

Impacts, equality and privacy issues

We believe that developing a comprehensive Equality Impact Assessment is vital to conducting an effective consultation on these proposals. We urge the Home Office to consult more closely with the women's sector and other voluntary and community organisations who work with the groups that will be directly affected by these reforms.

We are concerned that there is not a question in the consultation that addresses the potential impact of these proposals on equalities groups, particularly after the consultation document outlines its initial equality considerations. We urge the Home Office to clarify the expected process for conducting an impact assessment and consulting on this with the voluntary and community sector as well as other stakeholders.

In terms of the impact of these proposals on women, we utterly disagree that there is marginal risk to women who have experienced violence and need to find alternative accommodation quickly. The point at which a woman decides to leave an abusive relationship is often when she is at the highest risk of serious violence or even homicide.⁵ Previous research has shown that 76% of women continued to suffer violence post separation.⁶ Therefore, it is vital that these proposals are assessed effectively in order to avoid increasing these risks.

Specific provisions must be made for migrant women in these situations, who may also be afraid to leave their abuser because of potential immigration checks by a prospective landlord, or whose plans to leave may be discovered by their abuser because of delays caused by a landlord demanding documentation. As discussed above, a migrant woman's route to permanent residence may be reliant on her

³ Women's Resource Centre (2013), Surviving the Crisis <http://thewomensresourcecentre.org.uk/wp-content/uploads/Surviving-the-Crisis-pdf-3-for-website.pdf>

⁴ Topping, A (2012), 'Cuts force refuges to turn women away', The Guardian, 31 Jan 2012 <http://www.theguardian.com/society/2012/jan/31/domestic-violence-victims-risk-cuts> Accessed 21/08/13

⁵ Women's Aid (2006) 'Why doesn't she leave?' <http://www.womensaid.org.uk/domestic-violence-articles.asp?section=00010001002200410001&itemid=1277> Accessed 20 Aug 2013

⁶ Women's Aid (2006) 'Why doesn't she leave?' <http://www.womensaid.org.uk/domestic-violence-articles.asp?section=00010001002200410001&itemid=1277> Accessed 20 Aug 2013

sponsorship by the perpetrator of the abuse, such as a partner or relative, who could use this dependency to threaten the victim of abuse. We urge the Home Office to develop a more comprehensive strategy to deal with this issue, such as removing women at risk of violence from these immigration checks entirely. Guidance or a code of practice for landlords would not be appropriate. Landlords are not currently equipped with the skills to deal with vulnerable women in this situation and would need adequate training on domestic violence and the particular challenges that migrant women face in order to manage these cases effectively.

We also wish to highlight the issue that these proposals may pose to the welfare of the children of migrant women subject to immigration checks. Although children under 16 will not be checked, they will be affected indirectly if living with a parent who does not have evidence of leave to remain in the UK.

Summary of recommendations

- Extend the exemption of refugees from the proposals to all women who have experienced violence, even those who are renting privately.
- Work closely with women's and other equalities organisations to develop a comprehensive impact assessment of these proposals and an action plan to mitigate their impact on migrant women.