

Supplementary written evidence from Women for Refugee Women [EAP0026]

If the Nationality and Borders Bill is passed, which measures are likely to have the most disproportionate effects on women and girls?

Women for Refugee Women (WRW) strongly opposes the Nationality and Borders Act (the Act). The Government has asserted that the Act will ‘increase the fairness and efficiency of our [asylum] system...to better protect and support those in genuine need’,¹ repeatedly suggesting that its changes will benefit women in particular.

The Act will in fact cause serious harm to women, worsening barriers they already face to the proper investigation and recognition of their asylum claims. WRW, along with other organisations in the violence against women and girls sector, have expressed their concerns that more women will be wrongly refused asylum, retraumatised and placed at risk of further violence and abuse as a result of the changes. At least three letters have been sent to the Home Secretary during the bill’s passage, outlining concerns about the disproportionate impact of the changes on women.² Women’s organisations have shared their views and evidence as part of the consultation on the New Plan for Immigration and to the Public Bill Committee.³ WRW also provided oral evidence to the Public Bill Committee. These are a few examples of how we have raised our concerns with the Government since the New Plan for Immigration was announced, and throughout the bill’s passage.

Our key concerns with the Nationality and Borders Bill were laid out in our written evidence to this committee’s inquiry.⁴ These are now Sections 12 (two-tier system), 19 (evidence notices & damage to credibility), 26 (minimal weight to late evidence), 27 (accelerated detained appeals), 29 (offshore processing), 32 (well-founded fear test) and 33 (definition of ‘particular social group’) of the Act.

¹ Objectives of the Bill are presented in the New Plan for Immigration:

<https://www.gov.uk/government/consultations/new-plan-for-immigration>

² See: <https://www.refugeewomen.co.uk/new-plan-will-harm-women/> And:

<https://www.refugeewomen.co.uk/womens-charities-condemn-government-asylum-plan/>

³ See ‘Written evidence’: <https://bills.parliament.uk/bills/3023/publications>

⁴ <https://bills.parliament.uk/publications/42825/documents/705> It is important to highlight that Women for Refugee Women does not support girls. However, many of the concerns we have about the harm to women would apply equally to girls.

Since the Government did not address the serious harms to women, by removing or significantly amending these clauses, we remain extremely concerned about their impact on women, in particular on survivors of sexual and other gender-based abuse.

It should be noted that leading barristers at Garden Court Chambers have also shared their concerns, publishing a detailed legal opinion on how the bill would disproportionately harm women and girls, and violate the UK's obligations under international law.⁵ This legal opinion was brought to the attention of the Government in a letter to the Home Secretary and in Parliament.

What is your opinion on the adequacy of the Government's Equality Impact Assessment of the Bill?

The Government's Equality Impact Assessment is an overarching assessment for both the New Plan for Immigration as well as the Nationality and Borders Bill. That assessment has been described by barristers as 'superficial and inadequate',⁶ a view widely held among organisations in the asylum and women's sector, including WRW.

The assessment acknowledges that women may be disadvantaged by the bill, but fails to properly engage with those concerns, and the warnings that have been raised by WRW and others in the violence against women and girls sector. The assessment merely states that '[w]ith adequate mitigation, we anticipate that many potentially adverse impacts will be removed, and that any remaining would be justified and proportionate', without providing any further detail, including on how the changes will be monitored, and mitigated if necessary.

Thus, during the bill's passage the Government was questioned about its plans to monitor the impact of the changes, including on women. WRW supported Baroness Lister of Burtersett in questioning the Government on what data will be collected, for what period and, crucially, whether it would be willing to change course if the data revealed adverse impacts on people seeking asylum.⁷ Unfortunately, we have been

⁵ <https://www.gardencourtchambers.co.uk/news/the-nationality-and-borders-bill-legal-opinion-prepared-by-garden-court-barristers-for-women-for-refugee-women>

⁶ *Ibid.*

unable to obtain concrete information, only ‘assurances’ that the provisions will be monitored as the bill is put into operation.

How should the equality impacts be monitored if the Bill is passed? What operational mitigations and safeguards for women and girls would you like to see implemented if the Bill is passed?

To the Home Office

As a first step towards effective monitoring, we strongly urge the Government to collect more statistics on women who seek asylum in the UK, especially those who have survived sexual or other gender-based abuse. This is vital in order for the Government to identify any trends in terms of the impact of its new changes.

In particular, the Government should collect the following:

- The number of women who claim asylum in the UK based on sexual or other gender-based abuse they have faced in their country of origin.
- The number of women who give an account of rape or sexual abuse or exploitation on their journeys to the UK.
- The number of survivors who are granted refugee status in the UK after their first asylum application (by the Home Office or following a successful appeal).
- The number of survivors who are granted humanitarian protection after their first asylum application (by the Home Office or following a successful appeal).
- The number of survivors who are granted temporary protection status.
- The number of survivors who successfully rely on the ground of membership of a ‘particular social group’ to claim protection.
- The number of survivors who fail to secure protection because of their inability to fulfill the ‘particular social group’ criteria.
- The number of survivors, who were initially refused asylum, but were subsequently granted protection in the UK after making a fresh claim.
- The number of survivors who are granted temporary protection status and made destitute i.e. no financial/housing support because they are deemed ineligible for asylum support and public funds.

⁷ <https://hansard.parliament.uk/lords/2022-03-02/debates/BF355885-5180-4040-B7CD-6C36B060C6FB/NationalityAndBordersBill>

- The number of survivors who are deemed 'inadmissible' and removed to Rwanda for offshore processing.
- The number of survivors who are placed in accommodation centres.

It is essential that such statistics are published so that NGOs and other experts are better placed to monitor the impact of the Act on vulnerable groups.

In addition, the Home Office must engage with asylum-seeking women about their experiences in their countries of origin as well as in the UK, including with the asylum system. This must of course include women who are affected by the new changes. The Home Office must also listen to organisations and legal experts who support these women. Thus far, WRW have not been approached by the Home Office to engage on issues related to the operationalisation or monitoring of the Act.

Finally, if the Government is sincere about giving sanctuary to vulnerable people and tackling violence against women, it must be open to revisiting the Act, with a view to significantly amending or repealing sections that cause harm to women. For this, and as stated in our oral evidence, there needs to be a cultural change in the Home Office, brought about by senior leadership.

To the Women and Equalities Committee

We strongly recommend a follow-up inquiry into the impact of the Nationality and Borders Act on women, including survivors of sexual and other gender-based abuse. WRW would be very keen to support the committee with this.

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