

Belfast Domestic Violence Partnership

Seminar
“Making Ends Meet”
25th October 2011

www.belfastdvp.co.uk

N. Ireland Policy Context

- Tackling Violence at Home Strategy 2005 ,
Action Plan 2010-2012 (DOJ and DHSSPS)
- Priority for Action
- Children Order N.I. 1995
- ACPC Regional Policy and Procedures 2005
- N.I. Policing Plan 2009-20012
- Homelessness Strategy 2005
- Human Rights Act 1998

Local Domestic Violence Partnerships established

“To develop and maintain local partnerships for shared understanding and work to tackle Domestic Violence.”

Partnerships Aims

- Working together effectively
- Identify resources
- Hold perpetrators accountable
- Strategic fit

Membership

- Age N.I.
- Barnardo's N.I.
- Citizens Advice
- Community Safety Partnership
- Court Service / Solicitor
- District Policing Partnership
- Education
- Health and Social Services
- Housing Executive
- PSNI
- PBNI
- NSPCC
- Social Security Agency
- Trade Unions
- Victim Support N.I.
- Voluntary/Community Groups
- Women's Aid

KEY THEMES AND WORKING GROUPS

- Prevention
- Protection and Justice
- Support
- Training and Development

Domestic Violence in Northern Ireland – An Overview



women's aid

Federation Northern Ireland

Context:

- Women's Aid – the lead voluntary organisation in Northern Ireland addressing domestic violence and providing services for women and children.
- We recognise domestic violence as one form of violence against women.
- Women's Aid seeks to challenge attitudes and beliefs that perpetuate domestic violence and, through our work, promote healthy and non-abusive relationships.

Core Work of Women's Aid:

- To provide refuge accommodation to women and their children suffering mental, physical or sexual abuse within the home.
- To run the 24 Hour Domestic Violence Helpline.
- To provide a range of support services to enable women who are leaving a violent situation to rebuild their lives and the lives of their children.
- To provide a range of support services to children and young people who have experienced domestic violence.

Core Work of Women's Aid:

- To run preventative education programmes in schools and other settings.
- To educate and inform the public, media, police, courts, social services and other agencies of the impact and effects of domestic violence.
- To advise and support all relevant agencies in the development of domestic violence policies, protocols and service delivery.
- To work in partnership with all relevant agencies to ensure a joined up response to domestic violence.

Services and Statistics 2010/11:

- 12 refuges with 300 bed spaces, playrooms and facilities.
- 15 resource centres for women seeking information and support; group work and training.
- 1058 women and 754 children sought refuge.
- 3450 women and 3,739 children accessed the Floating Support service

Statistics 2010/11:

- In 2010/11 the 24 Hour Domestic Violence Helpline, open to anyone affected by domestic violence, managed **38289** calls. This represented an increase of **18%** on 2009/10

Research

- The cost of domestic violence in Northern Ireland, including the potential loss of economic output, could amount to **£180 million** each year. The cost of W.Aid is less than 4% of this figure. (Based on Walby's research in England and Wales)
- UNICEF research released in 2006, showing per capita incidence, indicates that there are up to **32,000** children and young people living with domestic violence in Northern Ireland.

PSNI Figures 10/11:

- PSNI Statistics for 10/11 indicate that they responded to a domestic incident every **23** minutes of every day of the year.
- The total of **9,546** crimes with a domestic motivation in 10/11 represents an average of approximately 1 domestic crime every 60minutes in Northern Ireland.
- All recorded offences of murder in Northern Ireland in 10/11 totaled 20. Those classed as having a domestic motivation total **7** ie 35% of all murders in Northern Ireland in 10/11 had a domestic motivation.

Defining Domestic Violence:

“Threatening behaviour, violence or abuse (psychological, physical, verbal, sexual, financial or emotional) inflicted on one person by another where they are or have been intimate partners or family members, irrespective of gender or sexual orientation”

DOJ and DHSSPS: “Tackling Violence at Home” 2005

Domestic Violence: The Myths

- It's because the perpetrator has anger management problems, is stressed, has a drink problem, is depressed, saw it happening as a child.
- It only happens in families that are poor/disadvantaged
- It has to involve physical violence.
- There must be something that the victim did to provoke it or maybe there is something dysfunctional about them in the first place and why don't they just leave anyway.

Other Facts About Domestic Violence

- It is rarely a one-off and usually increases in frequency, intensity, risk and danger.
- There is no excuse, provocation or justification for the violence.
- On average a women can experience domestic violence 35 times before she will seek support.
- Over 30% of all domestic violence starts during pregnancy.
- A perpetrator can be very charming and manipulative to others outside the home.
- Fear is always present. The victim will usually hide what's happening.

Types of abuse

Physical
Emotional
Sexual
Financial
As a Mother (Parent)



Types of Domestic Violence

Financial

- Controlling behaviour through money
- Withholding money
- Forced to be responsible for all money
- Forced into debt
- Controlling money to an abnormal degree
- Restricting access to money for necessities and treats etc
- Having to explain every expenditure



Domestic Violence – Impact of the Recession

- The recession, like the availability of cheap alcohol, is not the fundamental cause of domestic violence
- However, financial pressures, debt, unemployment, financial/employment uncertainty etc. place additional stresses on families and can exacerbate an already volatile situation
- Perpetrator may be in the home more often
- The victim may have less opportunity to leave the abusive environment

Domestic Violence – Impact of Welfare Reform

- Migration from Incapacity Benefit to ESA
- High proportion of claimants (66%) have been disallowed ESA
- Whilst success rates on appeal are high – Women experiencing domestic violence often do not appeal to a tribunal due to embarrassment and the very private/personal nature of domestic violence
- Similar issues emerging with DLA

Domestic Violence – Impact of Welfare Reform

- Working Tax Credit – Reduced help with childcare costs from 80% to 70%
- Sure Start maternity grant removed for second and subsequent children
- Lone parents with a youngest child aged 5 or over will be excluded from income support from October 2011
- There will be a 13 week grace period for those who have experienced DV - Arbitrary

Domestic Violence – Impact of Welfare Reform

- Child Benefit Frozen for three years from April 2011
- Withdrawal of child benefit where one member of the household earns more than £44,000
- Unfairness that a family where each member of the household earns £30-35,000 will retain benefit

Domestic Violence – Impact of Welfare Reform

- Abolition of Community Care Grants from April 2013
- Crisis Loans limited from April 2011
- Changes to Housing Benefit – Increases in Non-Dependent
- Deductions of pre-existing Housing arrears from benefit paid to refuges
- Cut in mortgage interest rate support from 6.08% to 3.63%
- The removal of help with mortgages for those who have been on IB/JSA for more than two years

Women with No or Limited Recourse to Public Funds

- Our refuges are reliant upon public funding, including Supporting People and the receipt of Housing Benefit, to sustain our services.
- The absence of this vital support, means they have often been placed in an unsustainable position, having to absorb the costs of everyday living expenses including accommodation.

Women with No or Limited Recourse to Public Funds

- Health Trusts have a designated duty to provide financial help both to children in need and their families (The Children (NI) Order 1995 Part IV “Support for Children and their Families”, Article 18).
- The interpretation of such duties varies considerably across Northern Ireland, from Trust to Trust and sometimes within the same Board area.

Women with No or Limited Recourse to Public Funds

- Women's Aid has called for an Emergency Fund to be established to address this pressing need.
- The Home Office introduced the Sojourner Pilot Project in 2009, managed by Eaves Housing in England, designed to provide limited support to women who entered the UK on a spousal visa. This has been extended to March 2012.

Women with No or Limited Recourse to Public Funds

- The Worker Registration Scheme was abolished on 1st May 2011.
- By removing the strict criteria, it is likely to increase the numbers able to access public funds from A8 countries.
- Access will be permitted to benefits such as JSA on the same basis as UK citizens.
- However, there remains considerable uncertainty re women with no recourse from outside the EU and A8 areas.

Contact Info:

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Belfast, BT7 1HP
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Belfast and Lisburn Women's Aid
30 Adelaide Park
Belfast BT96FY
Tel 02890 666049



Welfare Reform

The Challenges faced by Women from Ethnic Minority Communities in N.Ireland

Agnieszka Wlodarska
NICEM



Immigration Applications

“Making Ends Meet”

**Domestic Violence and Abuse – the
financial and economic impacts**

Lunchtime seminar

**Anna Morvern
Law Centre (NI)
October 2011**



What is this presentation about?

This presentation is aimed at women immigrant victims of domestic violence and abuse, and those who work with them.

It will focus on possible immigration applications, given the particular challenges faced by these women, in overcoming immigration problems and in accessing financial support.

Topics to be covered



- Immigration advice: the legal framework
- Public funds/ 'NRPF'
- Assistance for:
 - Victims of domestic violence who came here on a spousal visa (SET(DV) and the Sojourner Project);
 - Migrant workers and family members of EEA nationals;
 - Asylum-seekers/human rights claimants/victims of human trafficking;
- Other sources of help for destitute women.

Immigration advice - the legal framework



- The Office for the Immigration Services Commissioner (OISC) regulates the giving of immigration advice. It is an offence to give immigration advice if you are not a OISC-registered immigration adviser.
- The Law Centre provides training for people to become OISC-accredited.



- **The purpose of this training is to give useful general information. If you are not an OISC-registered immigration adviser, you must not give advice in individual cases.**
- **In most situations, individual advice should be sought as circumstances and entitlements can vary on a case-by-case basis.**

Public funds



- In many cases, entry to the UK is dependent on the entry clearance officer being satisfied that the individual can “maintain and accommodate” themselves.
- If their application to come to the UK is successful, a condition requiring them to have “no recourse to public funds” will be attached to their grant of leave.
- Public funds are defined in the Immigration Rules, section 6:
<http://www.ukba.homeoffice.gov.uk/>
Check the website as this is updated regularly.

Victims of domestic violence who arrived on a spousal visa



Following a successful campaign by a women's group in London, Southall Black Sisters, policy changed in 1998 to help immigrant women who are victims of domestic violence.

See Immigration Rules, para 289.

The application is made on form SET(DV) and legal advice should be sought to complete the application.

Conditions to be met are:



- the woman was admitted to the UK for a period of not more than 27 months or was given an extension of stay for a period of two years as the spouse, civil partner, unmarried partner or same-sex partner, of a person present and settled in the UK;
- the relationship of the immigrant with their spouse or civil partner or unmarried partner or same-sex partner, was subsisting at the beginning of the period of leave or extension of stay;

Conditions to be met are:



- the applicant is able to produce evidence to establish that the relationship was caused to permanently break down before the end of the period of leave as a result of domestic violence.

There is July 2011 guidance on what evidence can be put forward, including:

- Evidence of criminal conviction/ police caution; court injunction; non-molestation order; MARAC risk assessment; GP/hospital medical report; police report; letter from social services; Women's Aid. See *Ishtiaq* case.



- From April 2007, the Home Office introduced a hefty fee for an application under the domestic violence rule, now £972+
- A woman is not required to pay the fee if she is “destitute” and has evidence of this. There may be a legal challenge available to a woman on a low income but not destitute: seek legal advice.
- In Northern Ireland, the Sojourner Project (a pilot) is the crucial route for obtaining housing and assistance at a refuge whilst submitting the SET(DV) application, which must be done with the help of an immigration lawyer.



- **The Sojourner Project is for women with no recourse to public funds, who entered the UK on a spousal or partner visa and are eligible to apply for Indefinite Leave to Remain (ILR) under the Domestic Violence Rule, i.e. on SET(DV).**
- **Anyone can make referrals to the scheme by calling the Sojourner Project Duty Worker on 0207 840 7147.**
- **Sojourner funds accommodation, support and interpreter costs in a refuge here for a maximum of 50 days, whilst the claimant must submit form SET(DV) to UKBA within the first 6 weeks: it is crucial they seek early legal advice to do so.**

Campaigning around NRPF



Southall Black Sisters has been campaigning for reform on NRPF for 20+ years.

In 2007, they established the ‘Campaign to Abolish No Recourse to Public Funds,’ a coalition involving over 30 leading human rights and women’s organisations, which has been working with the Home Office on developing and monitoring the Sojourner pilot scheme, and lobbying for a permanent solution.

www.southallblacksisters.org.uk

Campaigning around NRPF



- **The Government has reached a decision regarding a permanent solution to financial support for victims of domestic violence on spouse visas with NRPF. From 1st April 2012, victims of domestic violence who entered the UK on a spouse visa will have access to public funds for a limited period. They will receive benefits for 5 weeks while they prepare and submit their ILR application and a further 5 weeks while the application is being considered by UKBA.**

Migrant workers and family members of EEA nationals



The Law Centre produces publications for migrant workers on their rights, which include information on accessing benefits and other support. See the Publications page at www.lawcentreni.org

Workers here under the Points-Based Immigration System (PBIS) and their dependents usually have NRPF.

Migrant workers and family members of EEA nationals



The European Citizens Directive and Immigration (EEA) Regulations 2006 give special rights and benefits under community law to citizens of EU States and their family members.

If you are the non-EEA national family member of a “qualified person” you can benefit. “Qualified person” is defined in the Regulations as jobseeker; worker; self-employed person; self-sufficient person; student.

“Family member” is defined in the Regulations.

Migrant workers and family members of EEA nationals



Under Regulation 10, a woman who suffers domestic violence and separates from her husband will retain the right to reside and be able to work/ access benefits if she is not divorced and her ex-husband remains a “qualified person”.

If a European residence permit is not granted on this basis, there will be a right of appeal and the Immigration Judge can also take into account the woman’s private and family life in the UK, and the best interests of any children.

Asylum-seekers/human rights claimants/ victims of human trafficking



Some immigrant victims of domestic violence may have a fear of return to their home country and may wish to apply for refugee status/ international protection.

Other women may have been brought to Northern Ireland as victims of human trafficking and may wish to apply under the special procedures of the UK Border Agency's 'National Referral Mechanism'.

Asylum-seekers/human rights claimants/ victims of human trafficking



Detailed discussion of these applications is outside the scope of this presentation. In brief:

- **Refugee status/ international protection**
A woman may be recognised as a refugee if she has a “well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion” (UN Convention Relating to the Status of Refugees, 1051)

Asylum-seekers/human rights claimants/ victims of human trafficking



The courts have recognised many situations where a woman can be a refugee in relation to gender-specific persecution, for example:

- Female genital mutilation
- Honour killing
- Persecution on the grounds of sexual orientation
- Rape/ sexual violence with no protection from the home country's government

Other sources of help for destitute women



No situation should be considered hopeless and it is always worth talking your personal situation through with a specialist immigration adviser to see if improving your immigration status in some way can enable you to work/ claim benefits/ receive other financial support.

Other options include:



- **Women in crisis**

Where a destitute woman has community care needs and/ or her lack of support or homelessness puts her in a position that amounts to inhuman or degrading treatment, a challenge may be brought under community care and human rights legislation to assert her right to basic housing and subsistence.

If the woman has children, the Children Order (NI) can be invoked.



- **Women who wish to return home**

There is an assisted voluntary returns programme for women who want to return to their home country but have no resources to do so. See VARRP.

BEFORE taking action, seek specialist legal advice to discover the woman's current immigration status and her options. Otherwise, she could be at risk of detention and removal.

Law Centre Advice Line



The Law Centre runs advice lines for immigration, community care and social security enquiries:

Monday – Friday

9.30 AM – 1.00 PM

Belfast: 028 9024 4401

Derry: 028 7126 2433

Please access this service.



The Northern Ireland Economy: **Women on the Edge?**

A Comprehensive Analysis of the Impacts of the Financial Crisis

Women on the Edge?



Overview

- Desk based research on 12 key areas
- Interviews with practitioners across Business, Public and NGO sectors
- Focus groups of women deemed particularly economically vulnerable
 - Lone Parents
 - Migrant Women
 - Young Women
 - Older women
- Outline the situation in each area, conclusions and recommendations

Women on the Edge?

Women's Experiences

- *"I go and stay with my mum 2/3 nights a week because I cannot afford to keep the heating on. The price of oil is terrible and I have to cut back until I get paid again."*
- *"I live on tax credit and child tax credit e.g. to pay transport, nappies, etc. the wages pay for the heating and groceries."*
- *"I pick things up in Tesco and put them back."*
- *"If inflation goes up to 5% we've had it."*



Women on the Edge?



Case Study

E is a woman, married with four children, suffered domestic violence for five years, and separated when the violence escalated when her partner turned to drink because of redundancy. She works as a carer and is the sole earner for the family, and is working every hour she can, including weekends, to get by. Her house was repossessed because she missed a number of mortgage payments; and she is now renting elsewhere.

Women on the Edge?



Case Study

D is a woman who has been unemployed since having children. Her husband worked part-time as a window cleaner but lost his job. She suffered domestic violence which had been going on for a while, but the husband's job loss added to the pressure. She had been under pressure from her mother to stay in the marriage but separated in early 2010. She and her husband were home owners and the house was put up for sale but it is not selling because of the economic climate. D has managed on benefits until now but is finding it a struggle.

Women on the Edge?

Domestic Violence



- DV was recurrent theme throughout the research
- Job loss and income reduction adding to strains in relationships
- Evidence emerging of existing DV becoming more frequent and severe
- Financial abuse already a factor in women's capacity to leave
- Escape from DV harder in harsher economic climate
- Debt follows women into and through lone parenthood

Women on the Edge?



Lone Parents

- Lone parents aged between 16 and 34 years carry an exceptionally high risk of poverty, at almost 80%
- Lone parents (90% women) head more than ¼ of all families. They are more than twice as likely to be poor as other families
- More than three-quarters of Northern Ireland's lone parents have no savings at all and 60% are in debt

Women on the Edge?

Women's Experiences



- *"I am really worrying about money now. As a lone parent, even in a good job with a good salary, I worry will my salary stretch for the mortgage, rates, bills, food. I never worried before. It is becoming incredibly difficult."*
- *"Mince, sausages, bacon – we know a 101 ways to cook mince. It's hard to provide a healthy diet."*
- *"I don't receive maintenance. I work hard. I am a lone parent meeting the full burden."*
- *"Previously I was on anti-depressants. I feel I'm going back down into this They [participant's two daughters] said they noticed how stressed I'm getting recently."*

Women on the Edge?



Migrant Women

- Migrant women are particularly vulnerable if they or their partner is not working
- Many migrant women are forced to take low-waged work in formal and informal settings; they have atypical working patterns in factories and agricultural work and often have minimal rights
- Some migrant women face racism at work and in the wider community. The domestic violence she suffers magnifies the pain and distress she may also be bearing from the racism she faces in daily life
- No recourse to public funds

Women on the Edge?

Women's Experiences

- *"[I] would be sent home back to Philippines in no time without enough savings. My family will be deprived of their basic needs."*
- *"Having no residency or citizenship status puts us more into danger of being affected by any job cuts; not being a member of the EU makes us more vulnerable."*
- *A Portuguese woman and her daughter said that they were told by the supervisor that as long as he was there they would not get called for work. The supervisor made racist remarks to her— he told her to shut up because she was a "black person". [ECNI FI]*
- *"Less value for pounds means I need to send more pounds for the same value of peso to maintain what I used to send."*



Women on the Edge?



Migrant Women's Focus Group January 2011

A husband and wife with a thirteen year old daughter could not afford the NIHE rent of £53 per week. Both had lost their jobs. They were not entitled to benefits as neither had completed their twelve months' registration process. They had no money for food, oil, etc. and they were walking around the streets picking things up. Their daughter was placed in foster care.

Women on the Edge?

Migrant Women's Focus Group January 2011



A woman was suffering violence from the mother of a child she was looking after. She went to a refuge. She was not working officially and had not gone through the Home Office regulations process. She was only here 2-3 months. She had no English and no entitlements. The refuge could not accommodate her as they had no money to cover her costs – it was a ‘no recourse to public funds’ case – and they offered to buy a ticket for her to go home. She has lots of debt in Lithuania which is why she came here.

Women on the Edge?

Welfare



- Women have been particularly badly affected in the cuts to welfare provision. Women are shouldering two-thirds of the cuts announced in the Coalition's 2010 Emergency Budget
- The new Universal Credit will diminish women's economic autonomy. It disincentivise the second potential earner in workless households from entering the labour market. It will be paid to the male applicant who is likely to be the man.
- Child Benefit frozen and removed from higher earning households. This penalises lone parents as against two income households. It also removes some women's only sources of income, which may be a factor in escaping DV

Women on the Edge?

Welfare Reform UK

- Cuts in public services hit women more than men
- Cuts to welfare are a significant loss of social protection for women
- Universal principle of Child Benefit being removed
- Disregard of second earners in two-earner households
- Universal Credit to be paid to the 'main applicant' (normally the man)

Northern Ireland

In legislating for Welfare Reform in Northern Ireland the Executive & Assembly should

- Design fairness into the Universal Credit payment system
- Pay Universal Credit to non-earner or second earner in household



Women on the Edge?

Childcare

The lack of accessible, affordable and quality childcare is repeatedly cited as the greatest barrier by women seeking employment and economic independence. The number of childcare places fell by 6% in NI over the 7 years to 2009, with the greatest fall – 5% – in the last 2 years.

EU childcare targets

N Ireland	Mainly part-time childcare Wraparound childcare for school-age children very poor Accessibility, affordability, flexibility is needed
Denmark	80% of 3+ and almost 70% of under-3s in full-time childcare



Women on the Edge?

Northern Ireland childcare strategy sought by women

- Lead Minister and department
- Pooled departmental budgets for childcare
- Statutory obligation to provide childcare
- Standardise access across rural and urban areas
- Drive up childcare for employment and expansion of day care
- Business support from DETI for childcare enterprises



Women on the Edge?



Debt and Credit

- Two-thirds of those in debt are female and one-third is male.
- Debt is often not the result of bad financial management but living on a small income.
- Of NI's lone parents, 60% are in debt and $\frac{3}{4}$ have no savings at all

Housing and Energy Debt

- The Housing Rights Service had a 300% increase in debt advice clients in 2008-2009
- The number of times that domestic violence was named as an element of family debt, is of considerable concern.

Women on the Edge?

Recommendations on DV

- Restrictions on 'no recourse to public funds' should be lifted for victims of domestic violence.
- The Executive should allocate at least £0.5million annually from the Social Protection Fund to establish a Migration Impact Crisis Fund with a ring-fenced element to assist migrant women who suffer domestic violence.
- OFMdFM and DSD should work with representatives of the ethnic minorities sector and the women's sector to develop and implement a plan to build the capacity of the BME women's sector.



Women on the Edge?



Recommendations on DV

- The Executive should prioritise face-to-face advice services as frontline services assisting people in need and ensure that their funding is protected.
- The Executive should ensure that one of its Ministers his/her department regularly monitors the funding situation of local women's centres to ensure that they continue to receive funding as front-line service providers offering advice and support to women.
- The same approach should be adopted for Women's Aid to ensure it is sufficiently to provide assistance and refuge when women are faced with domestic violence.

Women on the Edge?



Gender Responsive Budgeting

Powerful tool for achieving gender equality

- Systematic and comprehensive gender impact assessment of expenditure
- Gender perspective at all levels of budgetary process
- Restructuring expenditure to deliver gender equality

Fewer women than men involved in financial decision-making

- Fiscal oversight bodies with 50:50 representation
- 50:50 representation on internal decision-making teams
- Involvement of women's groups in budgeting is necessary
- Steps are underway to set up a NI Women's Budget Group



The Northern Ireland Economy: **Women on the Edge?**

A Comprehensive Analysis of the Impacts of the Financial Crisis

Finally

Thank you for your attendance today

www.belfastdvp.co.uk

