

Women in Refugee Law (WiRL)

Submission to the UK Public Accounts Committee to inform its inquiry: Tackling Violence Against Women and Girls (VAWG)

1. Women in Refugee Law (WiRL) is a global network of asylum claiming and refugee women, academics, practitioners, policymakers, judges and activists. Our submission draws together recent evidence and knowledge from our members who include women with lived experience of claiming asylum in the UK, and legal practitioners, advocates and researchers who work in this area and support them.¹
2. We are very pleased to see the PAC holding this important inquiry and welcome the opportunity to submit evidence. The violence and threat of violence experienced by refugee women, and the difficulties they have in obtaining protection and support is a significant concern for many of our members who advocate, provide services or campaign on this subject. We note that, while there is some mention of the needs of women with insecure immigration status in the [NAO report](#), the [Tackling VAWG strategy in 2021](#), and the [Tackling Domestic Abuse plan in 2022](#), the experiences and needs of refugee women are absent. We urge the Committee to use this opportunity to address this omission.
3. Our submission is based on the principle that all women in the UK, regardless of immigration status, should have equal rights to live a life free from violence and the threat of violence. Whether they are asylum claimants, have refugee status, are waiting for an appeal or are appeal-rights exhausted, they should have the same protection from VAWG as any woman. Accordingly, we use the term ‘refugee women’ throughout this submission in an inclusive sense to include all asylum claiming and refugee women.²
4. WiRL members endorse the new Government’s commitment [to halve the prevalence of VAWG within a decade](#) (Sept 2024) and its recognition that ‘[\[a\]nyone who has suffered domestic abuse should be treated as a victim and survivor first and foremost, regardless of their immigration status](#)’ (p34). Our evidence directly responds to those commitments, and we hope it will help ensure that refugee women are included in these initiatives, avoiding a twin-track approach to protection depending on immigration status.
5. Recent best estimates are that 28% of UK asylum claimants are female and there are approximately 8,355 refugee women at present in the UK.³ Evidence shows refugee women in the UK have an exceptionally high risk of being victims of gender-based violence.⁴ They are often trapped in a cycle of violence, experiencing violence before, during and after coming to the UK. After the asylum process is over, whether they were granted refugee status or not, many women remain at risk of harm, either in the UK or on return to their country of origin.

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² In this submission ‘women’ includes ‘girls’.

³ The UK Government report that there were 8416 female refugees in the UK in Q3 of 2024 which is 28% of the 30107 number of asylum claimants in total during this period (Home Office, [Immigration system statistics data tables](#), updated 28 November 2024).

⁴ Women for Refugee Women found that 78% of women they interviewed for their research had experienced gender-based violence (P. Dudhia, ‘[Will I Ever be Safe? Asylum-Seeking Women made Destitute in the UK](#)’, Women for Refugee Women, 2020: 6).

6. It must be emphasised that this submission is far from a comprehensive analysis of VAWG as pertaining to refugee women. Instead, because of the short time frame for collating evidence from our members, we have highlighted pressing concerns in three areas, where we hope that the PAC will acknowledge and make recommendations to address the distinct risks of violence for refugee women. We hope that other submissions will address other areas of concern relating to refugee women.

UK asylum legislation and the risk of *refoulement* to violence

7. Under the United Nations 1951 Refugee Convention, *refoulement* – the return of a person to a place where she is likely to experience persecution on account of her race, religion, nationality, membership of a particular social group or political opinion – is prohibited (Article 33). The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) confirms this, emphasising ‘Parties shall take the necessary legislative or other measures to ensure that victims of violence against women who are in need of protection, regardless of their status or residence, shall not be returned under any circumstances to any country where their life would be at risk or where they might be subjected to torture or inhuman or degrading treatment or punishment’ (Article 61). The UK is signatory to both Conventions.
8. The specific obstacles faced by women claiming asylum in the UK, such as fully participating in the process and being recognised as refugees, have been documented over many years.⁵ However, recent legislative changes further compound the risks they face. While we welcome the repeal of measures adopted by the previous Government such as the power to send asylum claimants to Rwanda, **the Border Security, Asylum and Immigration Bill**⁶ fails to repeal provisions of the Illegal Migration Act 2023 which contravene the *non-refoulement* principle. Section 59 of the Act sees protection and human rights claims from a list of so-called ‘safe states’ being deemed automatically inadmissible in all but exceptional cases.⁷ The concept of ‘safe states’ is inherently problematic because asylum applications are not individually assessed. Yet some asylum claimants such as women at risk of VAWG, trafficked women, or LGBTQI+ people and others may be specifically at risk in countries that are classified as ‘safe’.⁸ For example, the Home Office acknowledges that many women remain at risk of violence in India.⁹ Despite this, India was declared a ‘safe state’ in April 2024.¹⁰ This means refugee women at high risk of VAWG may be returned to India, violating the principle of *non-refoulement* enshrined in international human rights and refugee law.

⁵ Querton C, “‘I feel like as a woman I’m not welcome’: A gender analysis of UK asylum law, policy and practice”, Asylum Aid, 2012.

⁶ The Border Security, Asylum and Immigration Bill, 2025 <https://bills.parliament.uk/bills/3929>

⁷ ILPA, Briefing on Border Security, Asylum and Immigration Bill: Second Reading in the House of Commons, 10 February 2025.

⁸ Asylum Information Database (AIDA), ‘Country Report: The United Kingdom’, 2023 update published April 2024 <https://asylumineurope.org/reports/country/united-kingdom/>; ECRE, Rights of Women and Girls in the Asylum Procedure: ECRE’S Analysis of the Main Challenges to Women and Girls’ Access to a Fair Asylum Procedure and Implementation Considerations for the Asylum Procedures Regulation, Policy Paper 14, December 2024.

⁹ ‘Some women may be at more risk of persecution or serious harm, including those who are seen to have transgressed social, cultural and religious norms, or are single and living alone, or belong to a Scheduled Caste or Tribe’ (UK Home Office, Country Policy and Information Note India: Gender-based violence, version 3.0, November 2022, para 2.4.3).

¹⁰ Legislation.gov.uk, Nationality, Immigration and Asylum Act 2002 (Amendment of List of Safe States) Regulations 2024, 17 April 2024.

9. Other harmful recently introduced measures have also been retained: **Section 33(2)-(4) of the Nationality and Borders Act 2022** provides an interpretation of the Refugee Convention reason of ‘Particular Social Group’, which is contrary to twenty years of jurisprudence in the UK and inconsistent with many EU Member States.¹¹ The requirement that members of a Particular Social Group must show that they share a protected characteristic and have a distinct identity in the country of origin imposes a much stricter test than has previously been the practice. As the Refugee Convention ground of ‘Particular Social Group’ is most often invoked in the asylum claims of women at risk of gender-based violence, the failure to repeal this provision continues to have a disproportionate impact on such women whose claim for protection are now more likely to be refused.¹²
10. Although **Section 26 of the Nationality and Borders Act 2022** is not yet in force, it is likely to have a disproportionate impact on women fleeing gender-based violence.¹³ The Section mandates decision-makers to give only ‘minimal weight’ to any evidence provided late in the asylum process.¹⁴ This provision conflicts with evidence from psychiatric and psychological fields that show the impact of Post-Traumatic Stress Disorder and other forms of trauma on people’s ability to recollect information, as experienced by many women who have been subjected to violence.¹⁵
11. The UK asylum process is characterised by a pervasive **culture of disbelief** which applies to refugee women fleeing violence along with other claimants. Women have reported adversarial questioning and insensitive responses to their disclosures of violence.¹⁶ Home Office decision-makers tend to disregard objective evidence supporting women’s claims that they have a well-founded fear of violence if returned to their country of origin. For example, decision-makers have failed to recognise the risks facing women despite Country of Origin Information (COI) that evidences the prevalence of female genital mutilation (FGM) or forced marriage. Doctors’ letters have been dismissed in cases where women have undergone invasive genital examinations to evidence their own FGM-status as proof of the risk facing their daughters.¹⁷ In research identifying contradictory approaches to protecting women and girls from FGM in Scotland, support depended on where FGM would take place, with a lack of support from child protection services in cases where girls would face the risk of FGM upon removal rather than in the UK.¹⁸

¹¹ Querton C, ‘[One step forward, two steps back? Interpreting “particular social group” in the European Union](#)’ (2022), 71(2) *International and Comparative Law Quarterly*.

¹² Querton C and Morgan J, ‘Access to Protection for Women Seeking Asylum in the UK’ in G Colby and J Freedman (eds), *Feminist Representations: Violence Against Women, Asylum, Voice and Testimony* (Liverpool University Press - in press); Women for Refugee Women et al ‘[Joint Briefing on Amendment to Clause 32 - ‘Particular Social Group’ Nationality and Borders Bill, House of Lords Report Stage](#)’, 2022; [The Nationality and Borders Bill – Legal Opinion prepared by Garden Court Barristers for Women for Refugee Women](#), 2021.

¹³ Querton C and Morgan J, (Liverpool University Press - in press).

¹⁴ ‘Unless there are good reasons why the evidence was provided late, the deciding authority must, in considering it, have regard to the principle that minimal weight should be given to the evidence’ (section 26(2)). See also concerns about the impact of the higher burden of proof introduced in the Act: [ILPA, Women for Refugee Women and Others Joint Briefing - Clause 31 Amendment \(2022\)](#); Bantleman, Z, ‘[Goodbye Refuge, Hello Bepokism](#)’, 2023, *Völkerrechtsblog*.

¹⁵ Bögner D, Herlihy J, Brewin C R. Impact of sexual violence on disclosure during Home Office interviews. *British Journal of Psychiatry*. 2007;191(1):75-81.

¹⁶ Querton C, ‘[“I feel like as a woman I’m not welcome”: A gender analysis of UK asylum law, policy and practice](#)’, *Asylum Aid*; 2012: 56-60.

¹⁷ [Käkelä, E. Strategies of denial: Women’s experiences of culture of disbelief and discreditation in the treatment of asylum claims on the grounds of female genital cutting \(FGC\). 2022. *Journal of Ethnic and Migration Studies*, 48\(3\), pp.560-577.](#)

¹⁸ [Käkelä, E. Falling Between the Cracks: Contradictions in Approaches to Protecting Girls and Women from Female Genital Mutilation \(FGM\) in Scotland, 2021, Research report, University of Strathclyde, 14,](#)

12. **Safe and appropriate interview procedures** are needed to enable women to present their case confidently and without inhibitions. This includes supervised childcare – not currently provided at all stages of the asylum process – to ensure that women are not forced to disclose experiences of violence in front of their children, the choice to have female interviewers and interpreters, and gender-sensitivity on the part of interviewers.¹⁹ It also includes recognition that women who have experienced violence at the hands of officials in their country of origin are likely to be fearful of confiding in officials in the UK, again inhibiting their confidence when making their claim. All these factors mean that women risk being refused asylum because they have not been able to present a full and fair account of the violence they experienced or were threatened with.
13. Fair decision-making relies on good data about the basis of women’s claims. The Home Office does not publish **disaggregated data** on asylum claims, decisions, appeals and outcomes that show whether the claim included sexual and gender-based violence and the protected characteristics of claimants.²⁰ This is an obstacle to tracking progress and contrary to Article 11 of the Istanbul Convention on data collection and research.
14. **Poor quality initial decision-making**, which too often leads to cases being rejected only to be overturned on appeal, exposes women to heightened risk of gender-based violence.²¹ Research shows that difficulties securing Section 4 support (under the Immigration and Asylum Act 1999) and dearth of legal aid provision to fight unjust refusals have left women homeless, exposing them to sexual and gender-based violence and/or trafficking into prostitution.²²

Recommendations:

- Repeal section 59 the Illegal Migration Act and sections 26 and 33(2)-(4) of the Nationality and Borders Act.
- Improve training for interviewers in gender-sensitive interviewing.
- Improve training for decision-makers to ensure the implementation of the Home Office Asylum Policy Instructions on Gender Issues in the Asylum Claim.
- The Home Office should audit its asylum decisions in the cases of women at risk of VAWG to ensure gender-sensitivity and compliance with the Refugee Convention and the Istanbul Protocol.
- The Home Office should record and publish figures for asylum claims, decisions, appeals and outcomes that show whether claims, including by women, are based on or include gender-based violence.²³
- Implement existing good practice, including Home Office guidance on ‘Minimum standards for responding to domestic abuse disclosures from asylum seekers’.²⁴

¹⁹ AIDA, April 2024: p30.

²⁰ Women and Equalities Committee, [Equality and the UK asylum process](#), Fourth Report of the Session 2022-23: 71.

²¹ [Walsh, P.W. & Jorgensen, N. Asylum and refugee resettlement in the UK, 2024, The Migration Observatory, University of Oxford.](#)

²² [Käkelä, E., 2021. Negotiating intersecting forms of oppression: Female genital cutting \(FGC\) and cultural change after migration. PhD thesis, University of Strathclyde.](#)

²³ Women and Equalities Committee, [Equality and the UK asylum process](#), Fourth Report of the Session 2022-23, 2023: 5.

²⁴ Home Office, [Guidance: Minimum standards for responding to domestic abuse disclosures from asylum seekers](#), 25 November 2024.

Protection from VAWG for refugee women within the UK

15. Women who come to the UK to escape violence may find themselves experiencing it in new situations. There is evidence that refugee women are housed in **unsafe accommodation** where they are, or feel they are, not safe.²⁵ For example, Afghan women who were in temporary accommodation for extended periods described increased domestic violence and harm to their mental health.²⁶ There has been a lack of consideration for vulnerabilities, including mental health, in particular for survivors of sexual exploitation, torture and human trafficking in asylum accommodation.²⁷ Dispersal accommodation has previously been criticised for failing to meet the needs of asylum seekers, to provide security, respect for privacy and basic levels of hygiene and safety, particularly for women.²⁸ Refugee women have reported being placed in mixed-sex accommodation where they feel unsafe, including accounts of sexual harassment and abuse, with inadequate safeguarding and reporting provisions.²⁹ Frequent transfers to different parts of the country disrupt their support networks, leaving them without essential support and feeling isolated.³⁰ It is not surprising that many refugee women report experiencing depression, anxiety and other mental health problems.³¹
16. Refugee women may need **support in order to benefit from general initiatives available to protect UK women from VAWG**. Refugee women are frequently isolated and face challenges in exercising their rights due to lack of proactive signposting to information and support, language barriers, and limited social networks.³² They may fear that disclosure of violence to the authorities will result in losing care of their children or impact their asylum claim.³³ This may prevent them benefitting from strategies such as the [Tackling VAWG strategy](#), the [Tackling Domestic Abuse plan](#), and measures addressing forms of violence such as forced marriage, FGM and ‘honour’ crimes that particularly affect minoritised women including refugee women.³⁴
17. Refugee women experiencing domestic violence in the UK may have **specific problems in accessing support and reporting**. Many refugee and asylum-claiming women are reliant on family or community and the asylum process creates a conducive context for gender-based violence which abusers can exploit.³⁵ Women are often unaware that that

²⁵ Voices Network [We want to be strong, but we don't have the chance. Women's experiences of seeking asylum in the UK 2022](#), British Red Cross.

²⁶ Human Rights Watch and JustFair, [“I Felt So Stuck”: Inadequate Housing and Social Support for Families Seeking Asylum in the United Kingdom](#), 2023: 15.

²⁷ Independent Chief Inspector of Borders and Immigration (ICIBI) / HM Chief Inspector of Prisons, [‘An inspection of contingency asylum accommodation: HMIP report on Penally Camp and Napier Barracks \(November 2020 - March 2021\)’](#), July 2021; ICIBI, [‘An inspection of contingency asylum accommodation May 2021 – November 2021’](#), May 2022.

²⁸ Home Affairs Select Committee, [‘Asylum Accommodation: Replacing COMPASS’](#) House of Commons, 2018.

²⁹ Women for Refugee Women, [‘Coercion and Control: The treatment of women seeking asylum in hotel accommodation’](#), 2024; Rape Crisis England & Wales and Imkaan, [‘Not Safe Here. The systemic failures to protect women and children from sexual violence and abuse in asylum accommodation’](#), October 2024.

³⁰ Baillot, H. and Connelly, [‘Women seeking asylum: Safe from violence in the UK?’](#), June 2018: 34.

³¹ In one empirical study, 91% felt anxious or depressed, 75% felt hopeless, 67% felt like less of a human being. 46% were suicidal. (Women for Refugee Women, [‘Coercion and Control: The treatment of women seeking asylum in hotel accommodation’](#), 2024: 21).

³² Rape Crisis England & Wales and Imkaan, October 2024: 83 and 76.

³³ WiRL, [Submission to the Special Rapporteur on Violence against Women and Girls to inform her visit to the United Kingdom of Great Britain and Northern Ireland](#), February 2024: Para 9.

³⁴ [Home Office Guidance on Forced Marriage](#) (updated March 2023); [Home Office Collection on Female Genital Mutilation](#) (updated June 2023); [Crown Prosecution Service Legal Guidance on ‘So-Called Honour-Based Abuse’](#) (revised 5 January 2024).

³⁵ Written evidence provided to WiRL by women with lived experience of the UK asylum system

are entitled to claim asylum independently³⁶ and are, therefore dependant on a male family member's asylum claim. This is highly problematic in claims where the perpetrator of violence is a member of the woman's family or community.

18. It is widely recognised that the '**No Recourse to Public Funds**' (NRPF) condition, barring migrants from claiming benefits in the UK, is an obstacle to supporting migrant women at risk of violence. This is also true for refugee women: while their application is pending they may be reluctant to leave abusive relationships if those relationships are the basis of their asylum claim in the absence of other means of support, and women whose claims are unsuccessful are at greater risk of sexual exploitation and exposure to violence if they become street homeless.³⁷ The UK's reservation to Article 59 of the Istanbul Convention is an obstacle to the protection of refugee women at risk of domestic abuse and a breach of the principle that all women, regardless of status, are entitled to equal protection.³⁸

Recommendations:

- Repeal the 'No Recourse to Public Funds' rule.
- Remove the UK reservation to Article 59 of the Istanbul Convention.
- Provide safe and secure accommodation for refugee women.
- Address the obstacles identified above that prevent refugee women benefiting from the UK's VAWG strategies.

Increased risk of violence and the 'Hostile Environment'

19. The detrimental impact of '**Hostile Environment**' policies and broader public and media discourse for women at risk of violence needs to be recognised. There has been an increased threat of general violence towards refugees and people claiming asylum in recent years.³⁹ Hostile asylum policy and anti-migrant media coverage has fuelled public anger and boosted support for far-right activists, culminating in targeted hate campaigns and violent protests. Refugees and people claiming asylum continue to feel the effects of being framed through a discourse of illegality, with women feeling they are living within a system where the focus is always on the first part of their journey (to the UK) not the second part of their journey (to survive in the UK).⁴⁰ This is in addition to the entrenched sexism, racism and Islamophobia which continue to enter mainstream narratives.⁴¹ During the 2024 riots, refugee and asylum-claiming women in the Kent community were harassed, attacked and humiliated as well as afraid to go out or interact in society. Because their religion and background are often more visible in the form of hijabs and burkas, they were an 'obvious' target.⁴² The government's refrain from using the term

³⁶ UNHCR, '[Untold Stories. Families in the Asylum Process](#)', 2013: 9.

³⁷ Rape Crisis England & Wales and Imkaan, October 2024: 9; [No Recourse to Public Funds, Commons Library Research Briefing](#), 7 October 2024.

³⁸ UK Parliament, House of Lords [Questions 12 November 2024, Istanbul Convention: Article 59](#); Southall Black Sisters, [Response to Home Office Evaluation of Support for Migrant Victims Pilot Scheme on Domestic Abuse and No Recourse To Public Funds](#), Aug 2023.

³⁹ Horward, C., '[Fake-News Driven Anti-Migrant Riots and Protests in the UK](#)', October 2024.

⁴⁰ Written evidence provided to WiRL by women with lived experience of the UK asylum system.

⁴¹ Freedman, Des., '[Mainstream media's complicity in far-right riots isn't accidental – it's structural](#)', August 2020, Media Reform Coalition.

⁴² Written evidence provided to WiRL by women with lived experience of the UK asylum system.

‘illegal’ in the context of asylum has been a welcome change.⁴³ However, it is essential further efforts are made to address individuals/ groups who spread misinformation and incite violence towards refugees and asylum-claiming people in the UK.

Recommendation:

- We ask the Government to be proactive in rejecting divisive and inflammatory rhetoric and to promote public discourse that recognise the valuable contribution of all migrants, including refugee women, to life in the UK. We further support the [collective call for action](#) to ensure adequate resources are allocated to protect spaces where refugees and asylum-claiming people convene.

Conclusion

In this submission we have highlighted some legal, policy and procedural problems that refugee women who are in the UK face in securing protection both from *refoulement* to violence in their country of origin and securing protection from violence in the UK. WiRL would be happy to provide the Committee with further information to help address these problems.

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⁴³ McFadyen, G, ‘Irregular, not illegal: what the UK governments language reveals about its new approach to immigration’, July 2024, EIN.