

Cyflwynwyd yr ymateb i ymgynghoriad y [Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol](#) ar [Drais yn erbyn menywod, cam-drin domestig a thrais rhywiol: menywod mudol](#)

This response was submitted to the [Equality and Social Justice Committee](#) consultation on [Violence Against Women, Domestic Abuse and Sexual Violence: migrant women](#)

MW02

Ymateb gan: | Response from: NSPCC



Equality and Social Justice Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

29th April 2022

Dear Committee Clerk,

In response to the inquiry 'violence against women, domestic abuse and sexual violence - migrant women' we urge the committee to specifically consider the needs of children (including infants) and young people whose mothers are migrant/have no recourse to public funds (NRPFs). We note the particular areas within the terms of reference for the inquiry and suggest our recommendations are considered under '*consideration of the barriers preventing migrant women and girls in Wales from accessing services and additional barriers faced by women with insecure immigration status, or whose immigration status is dependent on a spouse or employer or those who have No Recourse to Public Funds (NRPF).*'

At NSPCC Cymru/Wales we are concerned that migrant children and those from families with NRPF are invisible in conversations about VAWDASV and the barriers to support. Migrant women, particularly those subject to VAWDASV, must be protected from harm. As the Domestic Abuse Commissioner states, support must come before status. But we urge the committee to ensure the needs of their children is considered as well.

Single mothers are negatively impacted by the effects of NRPF and are more likely to fall into destitution than any other demographic subject to NRPFs. According to the Unity Project, 77% of cases they supported were single mothers with children under 10¹. In addition, women and children with insecure immigration status are at heightened risk of VAWDASV. They may face a hostile environment when accessing statutory support and their insecure status is often used as a form of control by an abusive partner. As a survivor stated in the Domestic Abuse Commissioner's report 'Safety Before Status' "*I did not report to the police because I feared being deported with my children. I could barely tolerate the abuse but couldn't dare going to the police*"².

Wales is committed to becoming a Nation of Sanctuary and has adopted the UNCRC into Welsh law. Ensuring children with NRPF have a right to family life, highest attainable standard of health and a right to survival, safety and development are all specific duties under the UNCRC. The £10 million fund from Welsh Government, to prevent homelessness during the pandemic, including for those with NRPF was welcomed. In addition, the Social Services and Wellbeing Act places a duty on social workers to meet the care and support needs of adults and children where they need to be protected from abuse and neglect, regardless of immigration status. Section 39 states there is a duty to maintain family contact; '*offering to accommodate the child alone or taking the child into care is not an appropriate response in the absence of any safeguarding concerns... arising from the parent's lack of housing and income*'³. However, a misunderstanding of the duty, that it only applies to the child, can continue to create barriers for mothers and children at risk. Welsh Women's Aid is concerned 'this

¹ [Access+Denied+-the+cost+of+the+No+Recourse+to+Public+Funds+policy.+The+Unity+Project.+June+2019.pdf \(squarespace.com\)](#)

² <https://domesticabusecommissioner.uk/wp-content/uploads/2021/10/Safety-Before-Status-Report-2021.pdf>

³ <https://gov.wales/sites/default/files/publications/2020-02/access-to-social-services-and-other-care-and-support-for-destitute-asylum-seekers-with-no-recourse-to-public-funds.pdf>

duty is little known about or understood and acted upon even less⁴. Therefore, despite the best intentions of Welsh Government, barriers still exist for children with NRPFs.

We therefore urge the committee to investigate the barriers that persist for the children of mothers with insecure immigration fleeing VAWDASV.

Your sincerely,

Elinor Crouch-Puzey
Senior Policy and Public Affairs Officer
NSPCC Cymru/Wales

⁴ [WWA-response-Impact-of-NRPF-on-children-inpoverty-1.pdf \(welshwomensaid.org.uk\)](#)