Women from Black and Minority Ethnic Communities

All women can experience violence from men they know, irrespective of their nationality, religion, ethnicity, culture, social class, age, sexuality or dis/ability. Evidence suggests that prevalence of male violence is similar across all socio-economic and cultural groups.

Domestic violence can be perpetrated by immediate or extended family members and may be referred to as ‘culturally specific’, such as dowry related abuse, forced marriages, female genital mutilation and ‘honour’ violence. Women from black and minority ethnic communities can experience greater isolation due to religious and cultural pressures to stay within abusive situations, and may experience physical and/or emotional abuse for bringing shame on their families.

Black and minority ethnic women’s experiences of domestic violence are often compounded by their experiences of institutional racism and racism at a community level; making them much more vulnerable and at more serious risk of violence. Also the immigration and asylum status of some women, along with a policy of ‘no recourse to public funds’ makes them much more vulnerable to the controls exercised by their husbands, partners, families and communities.

For more information on issues affecting women from black and minority ethnic communities see DIVA’s good practice report.

Immigration Status

Immigration and nationality laws are complex and generally put BME women at a great disadvantage. Women with insecure immigration status or status dependent on them remaining with their husbands, may feel unable to seek protection for fear of deportation.

It is important to understand the legal implications of a woman’s status when dealing with support agencies and reassure her that whatever her immigration status, she has the right to health care and protection from violence; and the right to apply for an injunction against an abusive partner. If you are unsure of her status, you must see that she gets immediate immigration legal advice.

Domestic Violence Immigration Rule

For a woman with insecure immigration status (subject to a 2 year probationary period) who is experiencing domestic violence, the current immigration rules state that she may be granted permission to remain in the UK, provided the abuse occurred during the probationary period; and that she is able to provide evidence against her sponsor of:

- an injunction, a non-molestation, or other protection order
- a relevant court conviction
- full details of a relevant police conviction.

If none of the above pieces of evidence are available, then more than one of the following must be made available.

- A medical report from a hospital doctor confirming that she has injuries consistent with being a victim of domestic violence
- A letter from a GP who has examined her and is satisfied that her injuries are consistent with being a victim of domestic violence
- An undertaking given to the court that the perpetrator will not approach her as the victim of domestic violence
- A police report confirming attendance at her home as a result of domestic violence
- A letter from Social Services confirming involvement on the basis of domestic violence
- A letter of support or a report from a women's refuge. This can include any local violence service listed in the UK Gold Book registered with the Immigration and Nationality Department.

Women who are migrant workers, wives of overseas students or migrant workers, or women temporarily resident in UK in their own right, may not be eligible to apply under the domestic violence immigration rule outlined above. In these circumstances assistance may be available from their local authority or they could contact their local domestic violence services for help and support.

**'No recourse to public funds'**

Women who are subject to immigration controls are known as having 'no recourse to public funds'. This means they are not able to claim most state benefits. They are therefore totally dependent on their husbands, partners or families, which makes leaving an abusive relationship very difficult. There are however, some exceptions to this rule. Those experiencing domestic violence could have access to some support through:

- The Supporting People fund which gives women experiencing domestic violence access to a refuge, temporary accommodation or support in the community, under the 'floating support' banner. This only covers the cost of support staff and not the cost of the rent charged for refuges or other tenancies, nor any living costs for her or her children.

- The local authority, under the Children's Act 1989, has a statutory responsibility to ensure that children are adequately fed, housed and cared for. In cases where there are additional special needs some assistance may be available under Section 21 of the National Assistance Act 1948.

- Some women's refuges provide accommodation and support to women with 'no recourse to public funds', but due to the financial implications of such, this support is available only to a limited number of women

For more local information see the relevant organisations listed in the BME section of the updated DIVA directory.

Further information on immigration matters can be found in the Women's Aid website or visit the Southall Black Sisters website.

**Asylum Seekers**

If a woman experiencing domestic violence has claimed asylum, she will be entitled to support and accommodation from NASS (National Asylum Support Service). If she is already an asylum seeker when the violence takes place NASS can pay for her to go into a refuge or other temporary accommodation and assist her in moving away from the perpetrator.

If a women seeking support is a dependent of an asylum seeker and the relationship has broken down due to domestic violence, she could consider making an independent application for asylum and seek urgent legal advice on what to do next.

For help and advice on individual cases you can contact registered services listed in the BME section of the DIVA directory.

**Forced Marriage**

A forced marriage is a marriage contracted without the free and valid consent of one or both parties or where consent is extracted under duress. Duress can be in the form of physical, psychological and/or emotional pressure or abuse.

Most reported cases of forced marriage involve young women and girls between the ages of 13-30 years. 15% of victims are male. Forced marriage is a form of domestic violence and child abuse, and as such is a child protection issue. Victims of forced marriage are entitled to the same protection as any victim of domestic violence.

Work around forced marriages indicates that it is a global problem and that it has existed in many cultures for centuries. In the UK, the practise has been highlighted in Middle Eastern, South & East...
Asian, Turkish, African, Chinese, Japanese, Jewish and some European communities. However, the majority of the reported cases have been from the South Asian communities. Although most agencies do not keep records of these incidents, in 2005, approximately 250 cases were reported to the UK Foreign & Commonwealth Office whilst the Southall Black Sisters dealt with approximately 150 cases in the same year. These statistics do not include many hundreds of incidents that are reported to other agencies and many that go unreported. Since 1992 there have been a number of initiatives by the Government and other agencies to tackle the problem. Guidelines have been produced for the Police, Social Workers and Education establishments. Guidelines for other agencies such as the health professionals are due out in the near future. The Home Office and The Foreign & Commonwealth Office have established a Forced Marriage Unit that is responsible for casework, advice and assistance for individuals and professionals. Evidence and experience to date indicates that there five types of forced marriage situations that agencies and professionals are likely to encounter. They are where:

1. an individual fears they may be forced to marry in the UK or overseas
2. a report has been made by a third party, of an individual who has been taken abroad for the purpose of a forced marriage
3. an individual who has already been forced to marry
4. a spouse who has come to the UK from overseas
5. a young person repatriated to the UK from overseas.

For assistance in dealing with a forced marriage, contact DIVA. You can contact the Forced Marriage Unit by phoning (020) 7008 0151. You can email them at fmu@fco.gov.uk For more information you could also visit their website.

Female Genital Mutilation
Female Genital Mutilation (FGM) is also known as circumcision or cutting. The number of different types of FGM and the procedures vary, according to the type being performed. The World Health Organisation 1997 defined FGM as comprising of all procedures involving partial or total removal of external female genitalia or other injury to the female genital organs. The practice of FGM is prevalent in approximately 28 African countries, affecting almost 3 million women a year. Although there are no official statistics of FGM in the UK, there is evidence of an increasing number of cases coming to attention of Health and Social Services, as well as to a range of community organisations. There are serious health and social effects of FGM, both immediate and long-term, on those who have undergone these procedures. These procedures are generally performed on girls between the ages of 4-16 years old. FGM is a child protection issue. Despite recent legislation declaring FGM as an illegal practice, it still continues, with parents often taking young girls abroad for purposes of undertaking these abusive practices. The Female Genital Mutilation Bill 2003 states that:

1. FGM mutilation is illegal in the UK
2. It is an offence to excise, infibulate or mutilate the whole or any part of a girl or woman's (genitals) labia majora, labia minora or clitoris
3. It is an offence to assist or counsel a girl in order to mutilate her genitals
4. It is an offence to take a girl abroad for genital mutilation
5. The offence is punishable by 14 years in prison, a fine, or both.

The Children's Act 1989 allows the local authority to apply for a court order to stop a child being taken abroad for mutilation. Health and social care agencies have responsibilities for meeting the health and social care needs of those who have undergone the FGM.
You can contact DIVA for more information on female genital mutilation.