

Women Asylum Seekers and Refugees

An Introduction to the Issues



Work focussing on women refugees and asylum seekers in the UK is relatively new. A Home Office-commissioned mapping exercise identified only 6 academic publications on refugee women produced in the UK between 1996 and 2001 (Dumper, 2003). There is a tendency for women to be effectively invisible in the development of policy, legislation, and services relating to refugees and asylum seekers (Dumper, 2003)

Statistics

Worldwide:

- In any refugee population, approximately 50% of the uprooted people are women and girls (UNHCR)
- Statistical information on refugee and asylum seeker women is limited due to the continued failure of industrialized countries to implement gender sensitive asylum systems (Dumper, 2003).

UK:

- Asylum seekers (including dependants) supported in Immigration and Nationality Directorate (IND) *accommodation* as at the end of September 2006:
 - Total: 18,625 female (54%); 15,915 male (46%)
 - Yorkshire and the Humber: 3920 female (52%); 3550 male (48%)
- Asylum seekers (including dependants) in receipt of *subsistence only* support from the IND as at the end of September 2006:
 - Total: 7050 female; 4540 male
 - Yorkshire and the Humber: 175 female; 160 male
- 71 % of principal asylum applicants in 2005 were male (Heath, Jeffries, and Pearce, 2006).
- 54 % of asylum applicant dependants in 2005 were female (Heath, Jeffries, and Pearce, 2006).

Why women claim asylum

- Women claim asylum for the same reasons as men. For example, because of political activity, and war.
- Women also claim asylum on the basis of gender-based persecution:
 - During armed conflict women are particularly affected by their status in society and their sex. Rape is used as a weapon of war, and women are targeted for sexual slavery. In conflict, women may be sidelined, with their state of inferiority and subordination to men present in peace time further entrenched.
 - Punishment for failing to conform to social mores imposed on women, e.g. restrictions on movements, conforming to prescribed dress codes.
 - Trafficking
 - Gender-based violence, such as female genital mutilation and sexual abuse.
- Women are also persecuted because of the involvement of their husbands and fathers in political activity.

During Flight

- Displaced women are at increased risk than men, including from rape, trafficking, harmful and constraining traditional practices, torture, and abandonment (Buscher, 2006).

- During displacement, women and girls remain at risk for recruitment and capture by armed forces to be combatants, cooks, forced laborers and sex slaves.
- As societal structures collapse during conflict and during the lengthy reconstruction phase, gender-based violence often reaches epidemic levels, partially due to the erosion of traditional protection structures and the breakdown of legal, enforcement and judicial systems.
- In refugee camps, women and girls experience major protection problems due to poverty, limited monitoring of camp situations, and cultural attitudes of some camp management and relief workers (Buscher, 2006). Risks in refugee camps include:
 - Gender-based violence from relief workers, other camp members, soldiers, family members, and law enforcement personnel
 - Marginalisation/discrimination
 - Physical insecurity – both within the camp and when forced to leave e.g. to collect water
 - Food insecurity – leading to vulnerability to sexual exploitation and high morbidity and mortality rates among pregnant women.
 - Lack of documentation: when documentation and ration cards are given out in camps they are often given to male head of households, leading to women’s economic dependency and exploitation.
 - Abuse by persons in positions of authority, including the police, security personnel, UN peacekeepers, aid workers, host community members and other refugees.
 - Harmful traditional practices which may increase in frequency, such as forced marriage, FGM, and honour killing.
 - Lack of educational opportunities: gender disparity in school attendance is prevalent in almost all situations of displacement
 - Trafficking
 - HIV/Aids, due to gender-based violence etc.
- In general, women and girls have fewer opportunities, lower status and less power and influence than men and boys—all of which may be compounded by conflict and displacement.

Law/legislation relating to women asylum seekers

- 1993: ‘Guidelines on Women Refugee Claimants Fearing Gender-Related Persecution’ were produced by the Canadian Immigration and Refugee Board.
- 1995 The UN Convention on Women in Beijing was held. The UK signed up to the resulting Platform for Action.
- 1996: The European Union parliament accepted the need for gender guidelines to be drawn up by each nation state to assist in a more gender-sensitive interpretation of the Refugee Convention.
- 1998: Gender Guidelines were drawn up by the UK-based Refugee Women’s Legal Group (RWLG), and approved by the House of Lords in the case of Shah and Islam (Dumper, 2003).
- 2000: The Immigration Appellate Authority issued Asylum Gender Guidelines (drawing heavily on RWLG’s guidelines).
- 2004: The Home Office added ‘guidance on gender issues in the asylum claim’ to its Asylum Policy Instructions for caseworkers.

Asylum determination process

- Women face *substantive* problems in claiming asylum in the UK:
 - Legal framework: The basis of refugee law is the 1951 UN Convention Relating to the Status of Refugees and the Protocol Relating to the Status of Refugees 1967 (Refugee Convention). This defines a refugee as someone with a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion. The Convention does not refer explicitly to claiming asylum on the grounds of sex, thus marginalising women and making it harder for them to claim asylum.

- More recently, 'women' has been framed as a particular social group for the purposes of asylum applications, and gender-specific human rights abuses have started to be recognized as a reason for claiming asylum. The traditional public/private divide in human rights law has traditionally resulted in a failure to recognize women's human rights abuse experiences.
- Gender Guidelines for the Determination of Asylum Claims were published by the RWLG in 1998. In 2000, the UK Immigration Appellate Authority published the Asylum Gender Guidelines. In 2004, the UK Home Office published guidance on Gender Issues in the Asylum Claim as part of its Asylum Policy Instructions to first-instance decision-makers. Research has shown, however, that on the whole these Gender Guidelines are not properly understood or implemented by decision makers when processing and assessing women's asylum claims in the UK (RWRP, 2006).
- The Nationality, Immigration and Asylum Act (2002) sets out a list of 'safe' countries, often referred to as the 'White List'. Asylum seekers from these countries are fast-tracked and have no right of appeal in this country. Information used to deem a country safe usually ignores the human rights experiences of women. A review of three 'white list' countries found that women's rights in these countries were systematically violated, and there was little recourse to legal redress or protection in those countries (RWRP, 2004). There are high rates of trafficking from some countries on the 'White List'.
- Women's asylum claims are usually complex and often based on more than one ground of 1951 Refugee Convention. (RWRP, 2003)
- Women also face *procedural* problems when claiming asylum in the UK:
 - Women coming to UK often do not know/are not advised they can often make their own claim, instead of being a dependent. Furthermore, interference from their husband often prevents women from claiming asylum in their own right (RWRP, 2003);
 - Childcare is not provided at asylum determination interviews; and
 - Female interviewers and interpreters are often not provided.
- There is no evidence that the Government is monitoring all new policy for its gender impact, as required under the UN Beijing Platform for Action (1995). There is a significant need for the Home Office to monitor asylum policy for its gender impact and to address existing policy that disproportionately impacts on women adversely. This includes improving statistical gender monitoring.

Women's lives in the UK

Service Delivery

Services in the UK are traditionally planned on the basis of the (predominantly male) head of household figures provided by the Home Office. However, recent figures obtained by NRC reveal women constitute the majority of settled asylum seekers in the UK. Services need to:

- Collect gender-disaggregated data on who uses their services
- Develop gender-sensitive (including women-only) services and policies
- Provide childcare alongside all services
- Develop knowledge and expertise of issues relating to women refugees

Housing

There are reports of women experiencing harassment in mixed accommodation (Refugee Council 2005).

Detention

- The UK detains more asylum seekers than any other country in Europe, including women. In September 2004, the Home Office was holding 140 female asylum seekers in removal centres, reception centres and prisons throughout the UK. At any one time, women make up around 10% of asylum seekers in detention (Inexile magazine).
- Research with women who have been detained reveals:

- women are traumatized by their experiences of immigration detention
- women are often unable to exercise their legal rights to challenge their detention
- Some are unable to address their physical and mental health needs whilst in detention (Cutler and Ceneda, 2004).

Childcare

- It is refugee and asylum seeker women who generally have primary childcare responsibilities.
- Childcare is not currently provided at asylum determination interviews. Women are often, therefore, forced to recant details of abuse in front of their children. This may severely inhibit women from providing a full account, and has serious mental health implications for the children.
- It is currently rare for services delivered by the voluntary and statutory sector for refugees and asylum seekers to be accompanied by childcare provision. Such services include: adult education/ESOL; volunteering; advice and guidance; and training.
 - *Why does childcare need to be provided for refugees?* The following factors make it acutely difficult for refugees to source and provide childcare for themselves when accessing services: affordability, a lack of informal friendship or family networks, language, and a lack of relevant knowledge.
 - *Why is childcare not commonly provided by organisations alongside their services?* There is a wide-spread lack of awareness within organisations and bodies in the voluntary and statutory sector about the importance of childcare provision, and an acute absence of expertise and best practice in providing childcare for refugees. There are also discrepancies between funders as to the extent to which they recognise childcare as a core cost of service provision.
 - *What is the effect of the lack of childcare provision?* Refugees with primary childcare responsibilities are excluded from a significant portion of mainstream service provision. This creates a significant barrier to integration; it hinders personal development; is a barrier to those with leave to remain from gaining employment (Barnabas, 2006); and can cause severe isolation and mental health problems. The absence of childcare provision has a highly disproportionate impact on refugee women because it is women who overwhelmingly have primary childcare responsibilities.

Abuse

- People with 'no recourse to public funds' are those who, due to their immigration status, are allowed to be in this country but are not eligible for many of the public funds that other UK residents can claim, such as benefits and council housing. This means women who do not have indefinite leave to remain in the UK find it very hard to be placed in a refuge if they experience domestic violence. NASS have stated they will re-house any women in their accommodation if they experience domestic violence. However, this does not apply to women subject to the 2-year probation period when they have joined their settled partner in the UK (who has leave to remain).
- Cultural barriers often prevent refugee women from seeking help, and women maybe unaware of their rights in this country.
- There is a general lack of awareness of refugee women's rights and options relating to domestic violence among many service providers.
- Some services for victims of abuse are insensitive to the particular needs of refugee and asylum seeker women.
- Women may fear the impact on their claim or status in this country if they report abuse.
- More research is needed on the extent of the abuse suffered by women once they arrive in the UK.

Education and training

- Childcare is rarely provided for refugees and asylum seekers alongside ESOL classes. This prevents many women with young children from attending classes and learning English.

- Lack of childcare is one of the most persistent barriers to women accessing education, training and employment (Barnabas, 2006)

Employment

- There is significant, documented under-employment of refugee women. (Refugee Council, 2005)
- A study found nearly three quarters of women interviewed described themselves as employed in their country of origin, whereas now less than a fifth described themselves as employed (Dumper, 2002).
- Lack of childcare is one of the most persistent barriers to refugee women gaining employment (Barnabas, 2006).
- Refugee women face a combination of sexual and racial discrimination in the labour market.
 - The 2007 Equalities Review revealed that, of all groups, mothers experience the most discrimination in the UK labour market.
- Women's lower economic status in most cultures can cause refugee women to lack confidence in overcoming the barriers to employment (Dumper, 2002).

Destitution

- Destitution is caused by the withdrawal of support for people's whose claim for asylum has come to an end.
- There are increasing numbers of pregnant women who are without support (Dumper, 2005).
- There are isolated but increasing reports of women whose asylum claim has come to an end turning to prostitution (Dumper, 2005).

Rights

- It is common for the initial briefing given to newly arrived asylum seekers to be provided to the head of household – often the male. Female dependants miss out on a crucial opportunity to find out information about their rights in the UK (Refugee Council, 2005).
- There is a need for information for refugee women to be more widely and readily available, e.g. on domestic violence, health, education etc.

Health

- Many women who seek asylum in the UK have experienced rape and sexual abuse.
- Women face difficulties in accessing appropriate health care in the UK (Refugee Council, 2005).
- Women experience problems in accessing mental health and maternity care. There is a reported lack of sensitivity from some maternity services towards the particular needs of refugees and asylum seekers (Refugee Council, 2005).

Refugee Community Organisations (RCO)

There is a need for greater involvement in RCO by women (Refugee Council, 2005), and for women-only services.

Other issues impacting on women's experiences in the UK

Many women come from highly gender-segregated societies. When they come to the UK they lose the support of their family and extended female network (Dumper, 2003). Some will not be used to participating in mixed environments, or fear harassment, and as result may become extremely isolated.

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