Response to the Ministry of Justice consultation: A fairer end to relationships

Submitted by AWRC (Asian Women's Resource Centre), 14 August 2026

Part 1: Reforming the law of financial remedies on divorce

3. Do you agree with the government's view that it should codify the distinctions between matrimonial and non-matrimonial property, in line with the Supreme Court's decision in Standish?

No

10. Do you agree that this checklist should include an explicit reference to any disadvantage suffered as a result of the relationship?

Yes

Yes, and the wording should be broad enough to capture coercive control, economic abuse, harmful practices and their consequences. For the women we support, relationship-generated disadvantage frequently arises from abuse rather than caregiving alone: being prevented from working or learning English, forced into debt, denied access to money, isolated, or kept out of the labour market because a partner controlled or sabotaged her immigration status. The factor should expressly recognise disadvantage arising from abuse, so survivors are not left to absorb the financial consequences of what was done to them.

11. Do you think that domestic abuse should more readily be taken into account in relation to the distribution of assets by the court in financial remedy and cohabitation proceedings?

Yes

Yes. The current 'conduct' threshold is so high that abuse is almost never reflected, so its financial consequences fall on the victim-survivor rather than the perpetrator. For minoritised and migrant survivors, whose abuse frequently takes economic, coercive, psychological, emotional, immigration-related and transnational forms rather than leaving physical evidence, this invisibility is especially damaging. In line with the submission by Surviving Economic Abuse, we consider that economic abuse should be recognised in these proceedings both as conduct and as a factor in assessing a survivor's (and her children's) financial needs. Reform

should ensure domestic abuse is meaningfully and routinely considered – done safely and in a trauma-informed way.

12. To what extent should domestic abuse, if established, influence the court's decision-making in financial remedy and cohabitation proceedings?

It should generally be considered where domestic abuse has occurred

Other (please specify)

Restricting consideration to cases with a 'clear financial impact' would exclude much economic, psychological and coercive abuse, whose effects are real but diffused, and would disadvantage survivors who cannot evidence a single discrete loss. Domestic abuse should generally be capable of being considered, applied proportionately and with safeguards developed in consultation with by and for organisations.

13. If domestic abuse were more routinely considered in financial remedy and cohabitation proceedings, how do you think this should affect the division of assets between parties? For example, what principles should guide how misconduct is reflected in financial outcomes and how should this be applied in practice?

Two routes, as Surviving Economic Abuse argues: conduct and need. Abuse should be capable of being reflected both as conduct and as a factor in assessing need. The financial consequences of abuse should fall on the perpetrator, not the victim-survivor; the court should be able to depart from equal sharing and adjust the needs assessment to reflect economic abuse (coerced debt, hidden or dissipated assets, suppressed earning capacity); survivors should not be penalised under 'conduct' for responses to abuse; adverse inferences should follow non-disclosure; and the 'standard of living' benchmark should not lock in a lifestyle from which the survivor was deliberately excluded.

Procedural abuse and enforcement. Abusers routinely weaponise proceedings as post-separation coercive control – non-disclosing or dissipating assets, filing vexatious applications, and failing to comply with orders. The framework should treat this procedural abuse as economic abuse relevant to the outcome, and enforcement of disclosure and of financial orders should be strengthened: an award that cannot be enforced perpetuates the abuse. The full financial impact of abuse should be recoverable – not only 'economic abuse' narrowly, but the consequential costs, including: medical and therapeutic/counselling costs for the survivor and children; the cost of fleeing and relocating, and re-establishing a home;

replacing belongings left behind or destroyed and repairing property damage; lost earnings; and legal and immigration costs caused by the abuse (including the cost of returning to the UK after transnational abandonment). These fall hardest on women who leave with nothing and must rebuild from destitution.

14. If courts were more readily able to take domestic abuse into account in financial remedy and cohabitation proceedings, what impact do you think this would have on those proceedings (for example, the length of cases, evidential requirements, costs to parties and the overall experience of victim-survivors)?

This is where the risks to Black, ethnic, minoritised and migrant survivors are most evident. The legal process must be built for women who are not fluent in English and do not know the intricacies of the legal system.

How should domestic abuse be proven? Any requirement to prove abuse must be designed around the barriers these women actually face – under-reporting, distrust of the police (including fears of racism and immigration related adverse consequences), the absence of physical evidence for economic, coercive and transnational abuse, controlled documents, isolation, language barriers, and the shame and community pressure that discourage disclosure. We ask for:

- No requirement for a criminal conviction, charge, or even a police report. The absence of a criminal complaint does not reflect the absence of domestic abuse, rather a systemic pattern of distrust and fear of authorities.
- A broad, flexible, non-exhaustive range of accepted evidence – including letters from specialist by and for domestic abuse services, refuges, health professionals, social workers and support workers – and the victim-survivor's own account, given appropriate weight.
- Recognition that abuse is a pattern, so coercive control, harmful practices, economic abuse and transnational abandonment can be evidenced as a course of conduct.
- The civil standard (balance of probabilities), with adverse inferences available from a perpetrator's non-disclosure, so the burden does not rest solely on the survivor.
- Findings made in one forum (a protective order, children proceedings, or an immigration decision recognising abuse) carrying across other fora, so survivors need not prove the same abuse repeatedly.

- Language and comprehension built in as of right: funded and culturally informed interpreters and translated documents at every stage, trauma-informed special measures as standard, funded independent in-language advocacy, and a firewall so migrant survivors can give evidence without fear of immigration enforcement.
- Mandatory domestic abuse training for the judiciary and legal professionals including on economic, coercive, transnational and faith-related abuse, and harmful practices and on how these present for Black, ethnic, minoritised and migrant women. All trainings to be developed in consultation with specialist by and for organisations, and to be implemented by them. Our organisations know these women's circumstances best- making them more approachable, effective, and meaningful.

15. Do you agree that the language currently used to describe the threshold for considering misconduct in financial remedy proceedings (sometimes referred to as the "gasp factor") is inappropriate and should be replaced?

Yes

Yes. It trivialises abuse and sets the test by reference to shock rather than harm; judges who deal with abuse regularly may be less likely to 'gasp', which perversely disadvantages survivors of the most common, sustained forms of abuse. Any replacement should centre the impact of abuse – particularly economic, coercive and transnational abuse – on the victim-survivor's financial position and independence.

16. What forms of behaviour do you think should be considered as "misconduct"?

Misconduct should expressly include: economic abuse (Domestic Abuse Act 2021); coercive and controlling behaviour; abuse perpetrated through immigration status (threats to report, withholding documents and passports, controlling a UKVI account, sabotaging status applications); transnational marriage abandonment, forced marriage, 'honour'-based abuse and dowry-related abuse – all recognised in Government guidance as domestic abuse and all with serious financial consequences; and non-disclosure, dissipation or concealment of assets and litigation abuse. Naming these matters especially for minoritised survivors, whose abuse is often economic, coercive, status-based or transnational rather than physical, and is therefore overlooked.

- On harmful practices including honour-based abuse, faith-based abuse, dowry-based abuse etc.- Harmful practices are forms of violence, often perpetrated against women

and girls, that have persisted in some communities and societies for so long that they are considered, or portrayed by perpetrators, as part of accepted "cultural" norms. In these cases, religion, culture, patriarchal codes of behaviour, and perceived notions of "honour" are often misused by individuals or groups to justify coercive control, threats, and abuse. After sustained advocacy led by by and for organisations, honour-based abuse has been recognised in the Crime and Policing Act 2026 (Sec. 144). Harmful practices involve forms of domestic abuse that may not be physical, visible, or evident to those not trained to identify them- making it harder to establish, especially in a court of law. Domestic abuse must be understood in its widest sense, to ensure that women suffering such forms of abuse are not excluded from protection.

- On economic abuse – economic abuse be recognised in financial remedy and cohabitation proceedings both as conduct and as a factor in assessing need; that the 'gasp' threshold be replaced; that the court process be protected from abusers who weaponise it through non-disclosure, dissipation of assets and vexatious applications; that enforcement be strengthened; and that reform be grounded in victim-survivors' lived experience, with mandatory domestic abuse training for the judiciary and legal professionals.

17. What sort of impact do you think misconduct should have on a financial remedies claim or a cohabitation claim?

Where established, misconduct – economic abuse and transnational abandonment in particular – should be capable of shifting the outcome to compensate the victim-survivor and prevent the perpetrator benefiting from the abuse.

18. If you believe misconduct should be more readily taken into account by the court, do you think misconduct which has financial consequences should be treated by the court in the same way as misconduct without financial consequences?

No

Where abuse has an identifiable financial consequence (coerced debt, hidden assets, suppressed earnings, destitution after abandonment), that harm should be directly remedied. But the court should not be barred from taking serious abuse into account simply because a discrete financial consequence is hard to prove as much economic and psychological abuse causes financial harm that is genuine yet diffused, and a financial-consequence gateway

would replicate the very gap this reform should close. An identifiable financial consequence should strengthen the remedy; its absence should not be a bar.

20. Do you consider that these proposed safeguards will ensure individuals understand the consequences of their agreement and provide sufficient protection against coercion?

No

The proposed safeguards are necessary but not sufficient, particularly for minoritised and migrant women. 'Independent' legal advice may be neither genuinely independent (where the adviser is chosen and paid for by the family) nor accessible in practice (cost, distance, and – decisively – the absence of advice in a language she understands). Consent may be constrained by family and community pressure and by immigration dependency: a woman whose right to remain depends on her partner, who is not fluent in English and does not understand the document she is signing, is not freely placed to refuse.

Recommended inclusions: genuinely independent, publicly funded, in-language legal advice, with an interpreter, and non-waivable rights to disclosure and advice; express recognition that family/community pressure, immigration dependency and inability to read the agreement vitiate consent; particular caution over post-nuptial agreements signed mid-relationship; and a clear power for the court to set aside any agreement procured through coercion or that fails to meet needs.

21. Do you agree with the government's view that when considering meeting "needs" under the qualifying nuptial agreement model proposed, this should exclude discretionary needs, in the same way as proposed for cohabitants?

No

Narrowing the needs override could disadvantage survivors of economic abuse who signed under pressure. Where an agreement was entered into in circumstances of coercion or economic abuse, the fuller needs assessment should apply.

23. Do you agree with the government's view that the court should consider a pre-marital cohabiting relationship as counting towards the length of a marriage, where that relationship moves seamlessly from cohabitation to marriage?

Yes

24. Which factors, as outlined by the Law Commission's 2007 report, do you think the court should take into account when assessing whether there has been seamless cohabitation prior to the marriage? Tick all that apply:

Existence of a joint household, Financial arrangements, Responsibility for children, Public recognition of the relationship

Part 2: Reforming the law for cohabitants on separation

25. Do you agree that cohabitants captured within the framework should be two people living together as a couple in an enduring family relationship?

Yes

We support extending protection, but the definition and its application must not exclude the women set out in our cross-cutting points. As drafted, a test built around a co-resident, exclusive, 'marriage-like' couple will exclude: women stranded abroad through transnational abandonment (who cannot be 'living together'); women in relationships an abuser recasts as 'not in the nature of marriage'; and women in faith marriages. It also assumes a woman who can understand the definition and collect evidence to meet it – not a recently-arrived woman not fluent in English, unfamiliar with the legal system, and under the surveillance and control of community and family members.

A religious-only marriage should qualify as a distinct route; the court should have discretion to find the definition met despite periods of non-cohabitation caused by abuse (including transnational abandonment); and the definition should look to substance – interdependence, economic contribution, a shared life and children – rather than to resemblance to a Eurocentric/ Western romantic-couple template, with abuse or exploitation never a reason to find a relationship was 'not in the nature of marriage'.

Transnational marriage abandonment

Transnational marriage abandonment (TMA) is the patriarchal practice whereby a husband, or his family, deliberately strands a woman abroad – typically luring her out of the UK on a pretext such as a family visit or holiday, then confiscating her passport, documents and money and preventing her return, while he remains in the UK in control of the home, the assets and often her immigration status. It is now formally recognised in Government guidance as a distinct form of domestic abuse involving controlling and coercive behaviour

(Domestic Abuse Act 2021), and since 31 January 2024 a woman abandoned in this way may apply to return to the UK under Appendix Victim of Domestic Abuse, on a 'reasonable degree of likelihood' standard that recognises her documents are controlled by the abuser. Women from Black, ethnic and minoritised communities are more vulnerable to this form of domestic abuse.

But the financial and family-law frameworks in this consultation fail her – twice over.

- No marital remedy, in the common case. Where the marriage was religious-only (as it often is), she has no access to financial remedies on divorce at all.
- She cannot meet a 'living together' test. The cohabitation framework requires the couple to be living together as a couple. A woman who has been forcibly removed from the household and the country – by the very abuse in question – cannot satisfy this. The abuse itself is used to defeat her eligibility.
- Practical barriers are overwhelming. Bringing proceedings from another country – jurisdiction, disclosure, serving the husband, accessing legal aid, advice and interpreters from abroad, and doing so within any limitation period while stranded and without means – is beyond the reach of almost any abandoned woman.
- The children are abandoned too. Children are frequently stranded abroad with the mother, or separated from her; reuniting them can require costly wardship or High Court proceedings. The consultation's promise of 'fair outcomes for children… regardless of their parents' marital status' means nothing to these children as the proposals stand.

Abandoning a woman abroad without financial support is, in itself, a grave act of economic abuse. It should be capable of recognition as conduct with financial consequences in any award.

Case study: Transnational marriage abandonment (Case study prepared by Southall Black Sisters)

AM was a Pakistani woman who married a British citizen and came to the UK in 2017 on a spousal visa. Her husband subjected her to physical, emotional, sexual and financial abuse.

He deceived her into travelling to Pakistan and then returned to the UK with their two-year-old daughter. He kept AM's travel documents, leaving her unable to return to the UK.

With support from SBS and solicitors, AM eventually returned and challenged the Home Office. In 2022, the High Court found that the failure to provide properly for women abandoned overseas was discriminatory.

This case is particularly relevant to the MoJ consultation because AM's separation from her husband was caused by domestic abuse. A requirement that couples must be living together could therefore exclude women because of the abuse committed against them.

Recommendations: ensure that non-cohabitation caused by transnational marriage abandonment does not defeat eligibility – the cohabitation and duration requirements should be waivable where TMA (or other abuse) forced the separation; allow a woman to bring and pursue financial and cohabitation claims from abroad and on return, with limitation periods that do not run against her while she is stranded and unable to act; expressly recognise TMA as economic abuse relevant to the financial outcome; and coordinate the family-law remedies with the immigration return route so they work together rather than in isolation.

Relationships 'not in the nature of marriage'

The framework applies only to relationships 'in the nature of marriage' – two people 'living together as a couple in an enduring family relationship', described in the consultation as 'romantic, committed, long-term interdependent' (mirroring the 'as if spouses' test in existing inheritance law). There is a legitimate aim in providing protections for couple relationships. But for Black, ethnic, minoritised and migrant women this threshold creates specific and serious exclusions, and can be actively exploited by perpetrators.

- Perpetrators recast the relationship to deny rights. A test that turns on how 'marriage-like' a relationship was hands an abuser a ready argument: that she was never really a partner – a relative, a helper, a guest – so she is owed nothing.
- Women brought to the UK and used as unpaid labour. Some women are brought here on the understanding of marriage or partnership but are then treated primarily as unpaid domestic workers or carers within an extended-family household- what is now being termed as 'domestic servitude'. Their years of contribution and total economic dependency are real, yet the relationship may be characterised as 'not in the nature of marriage' and so fall outside protection entirely.

- Extended-family and non-Western/Eurocentric household structures. A relationship embedded in a multi-generational household may not present as a discrete, co-resident 'couple', even where commitment and interdependence plainly exist.
- The burden of proof needs to be re-evaluated. Where the 'nature' of the relationship is disputed, it is the woman who must prove it – precisely the woman who is isolated, has no documents in her own name or access to them, no or limited financial records, limited social support networks, no or limited English, unfamiliarity with complex legal processes and often from a community vulnerable to structural racism. These are frequently the most economically dependent and vulnerable women of all – the opposite of those a principle of 'protecting the vulnerable' should exclude.

Recommendations: ensure the definition looks to the substance of the relationship – genuine interdependence, economic contribution and dependency, a shared life, and the presence of children – rather than to how closely it resembles a Western/Euro-centric romantic-couple template; direct that abuse, control or exploitation within a relationship is never a reason to find it was 'not in the nature of marriage'; and ensure the burden of establishing the relationship does not rest solely on an isolated woman, with the court able to draw on the wider evidence available (including from specialist services) and to draw adverse inferences from a perpetrator's non-disclosure.

Unregistered religious marriages, children and access to justice

Many women we support have a religious-only marriage (for example a nikah) that they reasonably believe to be valid but which English law treats as a 'non-qualifying ceremony' with no legal effect (Akhter v. Khan [2020] EWCA Civ 122; reaffirmed MA v WK [2025] EWFC 499). They have no marital remedy, and the cohabitation framework may be their only route to protection. A woman may also be pressured to trade her financial claims for a religious divorce, and religiously significant assets such as mehr (dowry) are inconsistently recognised by the courts. Dowry-related abuse should be expressly recognised as a form of economic abuse within the financial remedies framework. Where there is evidence of dowry abuse, coercive control, domestic abuse or transnational abandonment, access to financial protection should not depend on the proposed three-year cohabitation threshold. This is particularly important for women in religious-only marriages. Some women are pressured to provide dowry or wedding-related payments but never gain the legal protections that come with a civil marriage. If the relationship ends before three years, or if the marriage was never

legally recognised, they may be left without a clear route to recover what was taken from them or to seek fair financial support. This would create a serious gap for Black and minoritised women and would undermine the consultation's stated aim of protecting financially vulnerable people and victim-survivors of domestic abuse.

A 'bare' talaq, or a talaq pronounced (even partly) in England, is generally not recognised. The woman may then be treated as divorced by her family, community and her husband while remaining married in English law, or left in an uncertain status – unable to move on, and at risk of not pursuing rights she still has.

Where an interfaith relationship is opposed by one or both families and communities, the woman may lose her support network entirely. For an immigrant woman rejected by her own community and unsupported by her partner's, isolation – and therefore dependency and exposure to control – is extreme.

Some faith traditions do not permit or recognise interfaith religious marriage. Couples may therefore have no valid religious ceremony available, may rely on civil marriage, or may end up in an informal, unregistered arrangement with no legal protection. A woman may also have been pressured to convert, leaving her caught between communities when the relationship ends.

An interfaith woman may struggle to obtain a religious divorce she needs for her standing or remarriage, or be denied one, and may be pressured to trade financial claims for it.

An interfaith marriage valid in England may not be recognised in a partner's country of origin, affecting the woman's status and safety if she travels or is taken there.

In line with the submission by the Faith and VAWG Coalition, we emphasise that abuse connected to religious marriage and divorce, and spiritual abuse (which may be perpetrated by a partner, family members or religious leaders), must be recognised; that the family justice system needs greater faith literacy; and that no woman should have to choose between her safety and her faith.

Recommendations: recognise a religious-only marriage as a distinct qualifying route into the cohabitation framework – with the religious marriage itself treated as evidence of the requisite commitment; mandatory training on faith literacy across the family courts in

consultation with by and for organisations, including how coercion operates through religious marriage and divorce.

Case study: Nikah-only marriage

Fiza had a nikah in London but no civil marriage. She believed she was legally married and lived with her husband for two years. She gave up work, used her savings towards their home and became financially dependent on him. The property remained in his name. Her husband controlled her money and became increasingly abusive. Fiza left her abusive partner and approached AWRC (Asian Women's Resource Centre) for support who linked her with a solicitor. She was informed that her nikah was not recognised as a legal marriage. Because Fiza's nikah was not legally registered, the law would treat her as an unmarried partner rather than a wife. She could not apply for the same financial support available following a legal divorce, such as the division of property, pension sharing or ongoing financial support.

As per the current draft, to qualify for financial protections for unmarried couples who separate, a couple would usually need to have lived together for at least three years. This time requirement would not apply if they are living together and have a child together, or a child they have treated as part of their family.

Fiza lived with her partner for only two years and they had no children. She may therefore still receive no protection under the proposed law. This means a woman who leaves an abusive relationship before reaching three years could remain financially unprotected.

Case study: Dowry-based abuse in an unregistered marriage

Jahanvi enters a religious-only marriage and, before the wedding, her family is pressured to provide gold jewellery, household items and several thousand pounds towards wedding costs. After the marriage, her husband and in-laws continue to demand money and threaten that she will be sent back to her family if she refuses. Within 18 months, the relationship breaks down because of abuse. She leaves with no savings, no access to the jewellery, and no legally recognised marriage through which to pursue ordinary matrimonial financial remedies. In this situation, a three-year cohabitation threshold would offer no meaningful protection, even though the financial harm is directly linked to the relationship and the abuse. The law should give the court flexibility to recognise dowry-related economic abuse and provide appropriate financial remedies without requiring a woman to remain in, or prove, a relationship of a particular length.

Children: The first principle of the consultation is 'prioritising fair outcomes for children… regardless of their parents' marital status'. Yet the children of women in religious-only marriages, children stranded abroad through transnational abandonment, and children in relationships deemed 'not in the nature of marriage' are exactly the children the proposals would exclude.

Financial provision for children does not depend on the parents being married. Child maintenance (through the Child Maintenance Service) and orders under Schedule 1 to the Children Act 1989 are available to unmarried parents. This route should be made visible and accessible to women in religious-only marriages, who frequently do not know it exists, or are misguided and prevented from accessing such knowledge.

Legal aid and specialist services: Since Legal Aid, Sentencing and Punishment of Offenders Act 2012 most private family law – including financial remedy and property claims – is out of scope unless a domestic abuse evidence gateway is met; the means test excludes many who do not fall within its limited purview. Without legal aid, and without funded and culturally informed interpreters, minoritised and migrant survivors appear as litigants in person, in a language they may not speak fluently, against a sometimes-represented and controlling ex-partner. Specialist by and for services are what reach these women in the first place.

Recommendations: restore legal aid scope for financial remedy and cohabitation claims involving domestic abuse; simplify and broaden the evidence gateway; and fund interpreters and translated materials as of right. Provide sustainable, ring-fenced, anti-racist funding for specialist by and for Black and minoritised VAWG services, and collect family court and financial remedy data disaggregated by ethnicity and immigration status to reveal who is excluded. Introduce mandatory domestic abuse training for the judiciary and legal professionals and strengthen enforcement of disclosure and financial orders. All trainings to be developed in consultation with and led by specialist by and for organisations.

26. What factors, as outlined by the Law Commission's 2007 report, do you think the court should take into account when considering whether individuals are cohabitants? Please tick all that apply.

Other (please specify)

Several factors could disadvantage minoritised and migrant women if applied rigidly, and the burden of proving them falls hardest on the isolated, undocumented, non-English-speaking woman:

- 'Public recognition of the relationship' may look different where a relationship is recognised religiously and communally but not civilly – the position of many women in faith marriages.
- 'Financial arrangements' may show finances kept separate precisely because of economic abuse or control, not lack of commitment.
- 'Existence of a joint household' should accommodate extended-family living, and periods of enforced separation including transnational abandonment.
- 'Presence of a sexual relationship' should not be determinative, given privacy and cultural sensitivities.

The checklist should be applied flexibly and in a culturally-informed way, should expressly acknowledge unregistered religious marriages, and should not place the whole evidential burden on the woman.

27. Do you agree that those who are already married or in a civil partnership with each other, or those who are too closely related to each other to have married, should be ineligible for the framework?

No

28. Do you agree that the minimum age to be eligible for the framework should be 18?

Yes

29. Do you agree with the Government's proposal that couples without children must have lived together for a minimum of three years, before they can access the cohabitation framework?

No

None

A rigid three-year threshold risks excluding those who most need protection. Migrant and minoritised women may have shorter or interrupted cohabitation because they left quickly, were forced out, or were stranded abroad through transnational abandonment; economic abuse can be severe in a short relationship; and women in religious-only marriages may

struggle to evidence a continuous period given controlled or non-existent documents and non-cohabitation. A rigid rule also cuts against the consultation's first principle by leaving the children of these relationships unprotected. The court should have discretion to waive or reduce the minimum duration where there is domestic abuse, including transnational abandonment; a religious-only marriage should qualify as a distinct route without the same three-year requirement; the 'child of the family' exception should be applied broadly; and evidential requirements for the qualifying period be realistic for women without extensive documentation or language familiarity.

30. Do you agree that where cohabitants are living together and there is a child of the family, the minimum duration requirement should be disapplied?

Yes

31. Do you agree that a time limit should be introduced to prevent claims being made after two years have passed since the relationship ended?

No

No Time Limit

Black, minoritised and migrant women: insecure immigration status, cultural and linguistic diversity, systemic racism and anti-immigrant hostility, and an unfamiliar legal system

The women this response is about are frequently at the sharpest intersection of disadvantage: they are Black, ethnic or minoritised; they may be immigrants; their status is often insecure and dependent on their partner; many have little or no English fluency; face discrimination and stigma on account of their race, ethnicity and religion, and most have no familiarity with the English legal system. Each of these compounds the others.

Status is weaponised. Perpetrators often do or threaten to withhold or destroy documents, control a partner's digital UKVI account, deport or remove children, make false reports to the Home Office, and sabotage or delay the woman's status applications to keep her dependent. Most people with leave as a partner have 'no recourse to public funds' (NRPF). The Migrant Victims of Domestic Abuse Concession (MVDAC) offers only three months' leave, and partners on work or study routes, and those without current leave, have no route to settlement at all.

Lack of information and familiarity with legal processes can be life-threatening. A woman who arrived recently, is not fluent in English and does not know how the law works here is not merely inconvenienced – she is effectively locked out of justice. Her isolation is often deliberately engineered: she may be prevented from learning English, working, or forming contacts outside the family. In many cases the perpetrator and his family are her only source of information about 'how things work in this country' – and they tell her she has no rights, that she will be deported if she leaves, that the police and courts will side with him, and that her children will be taken. She may have no independent way to test any of this or any support systems to assist her.

Why this matters for every proposal in the consultation. New financial and cohabitation remedies, a codified three-stage needs process, an opt-out, nuptial-agreement safeguards and public-awareness measures all assume a user who is literate in English, knows the system exists, and can seek advice. For a recently-arrived, non-English-speaking woman, none of that holds. 'Improving public awareness of the law' – one of the consultation's four principles – cannot mean an English-language webpage.

Recommendations: abolish the NRPF condition for all migrant survivors regardless of status and end the two-tier system; establish a full, unconditional firewall between public services (including the police and courts) and immigration enforcement; introduce a statutory exemption protecting all VAWG survivors; extend the MVDAC beyond three months (to at least six) with a route to settlement for all migrant survivors; and restore legal aid for survivors with NRPF.

Every reform must be designed on the explicit assumption that a significant number of users will be recently-arrived, non-English-speaking women who do not know the system: ensure remedies are accessible regardless of immigration status and are not defeated by NRPF; provide funded interpreters and translated materials as of right at every stage; and co-produce in-language rights information with specialist by and for services.

35. Do you agree that the court should be able to take account of needs arising from wider circumstances than the relationship (for example, serious health conditions or disabilities) when determining financial provision?

Yes

36. Do you agree there should be a checklist of the matters the court must particularly consider when applying the needs principle?

No

39. Do you agree there should be an explicit requirement that the court cannot award cohabitants a higher award than one which would have reasonably been made if they were a married couple divorcing?

No

42. What do you think is the most effective way to communicate these reforms to the public, particularly to help dispel the common law marriage myth and raise awareness of the new legal rights?

Meaningful collaboration with by and for VAWG organisations, who are the best placed to engage with Black, minoritised, and ethnic communities as well as with faith leaders.