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## **Editorial: Impact of government policies brings serious concerns**

Despite the existence of strong anti-discrimination laws in the UK, the government has managed to push through increasingly draconian and potentially racist measures in respect of immigration and asylum, by exempting these matters from the Equality Act 2010.

The exposure of the Windrush scandal demonstrates the harsh and tragic consequences of the Home Office's policy to create a 'hostile environment for illegal immigrants', highlighting the dire consequences for people who lacked documentation to prove that they are lawfully in the UK.

In their article *What is the Windrush 'scandal?'* Barbara Cohen & Razia Karim set out the relevant immigration legislation and explore the operation of the 'hostile environment' - a policy adopted in 2012, intended to deter people from coming to the UK and to stop those who do come from overstaying. They highlight the extent of the problem and the severe consequences for individuals who lack the paperwork to prove their right to be in the country. Some have lost their jobs and homes, while others have reportedly been denied critical medical treatment and been deported.

The authors question whether the 'hostile environment' policy is compliant with the Equality Act 2010's public sector equality duty or with the Human Rights Act 1998 in relation to the mandatory sharing of data without the individual's consent.

They highlight a key part of the 'hostile environment' policy which has been to introduce a growing body of law and regulations putting the burden of checking immigration status on ordinary citizens. As reported in previous issues of Briefings, employers, landlords, staff in the NHS, banks and building societies all have legal obligations to ensure that employees, tenants, patients, and bank customers are lawfully entitled to work or access lettings or services.

The experience of many of the Windrush descendants has exposed a system which, if applied to the estimated 3.5 million EEA nationals resident in the UK who will be required on Brexit to apply to the Home Office for 'settled status', will increase a culture of suspicion and discrimination based on perceptions around nationality, colour or accent which could result in human misery on an even bigger scale.

In their analysis of the impact of sentences of imprisonment on women, Kate Lill and Paramjit Ahluwalia highlight the particular disadvantage women prisoners experience in a system designed by men for men.

Women in prison face considerable disadvantage, many with backgrounds of mental ill health, addiction and experiences of domestic and sexual abuse. Prison can be hugely damaging for these women and their families.

The authors will give a cautious welcome to the MoJ's announcement on June 27th of a new Female Offender Strategy which recognises women's victimisation as a driver to their offending and plans to focus on 'residential centres' rather than on building new women's prisons.

However, without adequate investment and funding, it is questionable whether the government is serious about achieving its aim of reducing the number of female offenders serving short jail terms. Existing women's community services, which have been proven to be effective in both preventing women entering prison and in rehabilitating those who do, have had to close because of funding pressures. For the strategy to be effective, modelling suggests that an investment of at least £20m in community services is required. As it is estimated that female offenders currently cost £1.7bn, investment from across government in preventing offending and reoffending through community provision could yield significant savings.

The DLA continues to work with its members and other organisations to lobby for positive change in relation to women's imprisonment, and to challenge potentially discriminatory immigration rules, among other things.

Current concerns include awareness that Brexit has the potential to take away the rights of over 3 million EEA nationals to live, work and access services in the UK, and, like the Windrush generation, that they too will be subject to immigration checks before they will be allowed to access their social and economic rights.

Whilst we continue to publicise the challenges and lobby where possible to ensure that the legal basis of protection of all citizens' rights will not be diminished further, the context of austerity and increasing pressure on equality and diversity provisions and those who work with, and for, the victims of discrimination, make for worrying times.

**Geraldine Scullion**  
Editor