

A Perspective on S4.5 Residence Category for Victims of Domestic Violence (VDV) Policy: Addressing Domestic Violence against 'Ethnic' Women

Presented by Irene Ayallo
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Background

- The profile of domestic violence against women of migrant and refugee background has been noted to be distinct and different from those of non-migrant women.
- While women from across backgrounds and status may have similar experiences of domestic violence, research shows that women of migrant and refugee background have unique and distinct experiences. This is mainly because violence in these communities take specific cultural forms, and stems from a constellation of risk factors (Simon-Kumar, 2019).
- Specific factors linked to migration status worsen their already vulnerable position in domestic violence situations.
- Demographically, New Zealand is a multicultural society. The 2013 population census identified at least 213 ethnic groups living in New Zealand, with ethnic populations representing almost 13% of the country's total population.
- With regards to ethnic minority groups, diverse 'Asian' groups represent the fastest growing population, doubling in size between 2001 and 2013. Consequently, cultural and ethnic diversity is now an evitable part of society and should be considered in addressing domestic violence.
- Yet there is limited research on domestic violence among migrant and refugee background communities in New Zealand.
- Because of this, there are no official figures showing the prevalence of domestic violence in these communities (Simon-Kumar, 2019).
- However, various community advocacy groups working with migrant and refugee background women have highlighted the frequency and negative wellbeing impacts of domestic violence among these groups.



Why are their experiences unique?

Intersecting factors:

- Ethnic minority location – the ‘community’ is THE support network; isolation leads to depending on abuser for social support – leaving or reporting leads to further isolation.
- Cultural norms; i.e. definition of violence (Intimate Partner Violence vs Violence perpetrated by other family members – cultural forms of violence including forced and arranged marriages, dowry and honour related violence; gender inequality (women inferior to men; but also guardians/gatekeepers of culture). May be stronger upon resettlement as communities try to maintain ‘cultural identity’. Choose family over safety and wellbeing.
- Immigration status – hold different legal status (including as citizens, asylum seekers, permanent residents, humanitarian protection (mainly people of refugee background), temporary and seasonal work visas, and student visas.
- Economic situation – employment, qualification recognition, English language, job experience
- English language - exert greater influence when combined with other factors such as employment, isolation, and immigration status; low bargaining power and hinder access to support services

These issues increase the vulnerability of ‘ethnic’ women to domestic violence

S4.5 Residence Category for victims of domestic violence (VDV) Policy

- The effectiveness of legislations should be measured by their ability to address (not only the consequences of DV)but also important factors associated with domestic violence against women, and reduce personal and social consequences of domestic violence
- Should also be accessible – language; practicality
- In New Zealand, the Domestic Violence Act 1995, which replaced the Domestic Protection Act 1982, exists for this purpose.
- In addition to the Act, for ‘Ethnic’ women - section 23 (1a) of the Act on ‘residence instructions’ deals with the provision of work or residence visas for some women experiencing domestic violence. The details of such provisions are further specified in the Immigration New Zealand Operational Manual S4.5 (New Zealand Immigration, 2018).
- In New Zealand, it was recognised that the risk of domestic violence heightens if the woman relies on their abusive partner for sponsorship. The immigration policy was amended to protect women caught in such situations.
- Prior to 2002, women sponsored by their partners were not able to leave the relationship until after a two-year probation period. Partners threatening to report them to authorities such as INZ or MSD.
- It particularly catered for migrant women living with abusive partners, and not yet residents.
- It enables women whose partners are New Zealand citizens or hold a residence class visa to remain in New Zealand if the relationship breaks down as a result of domestic violence.



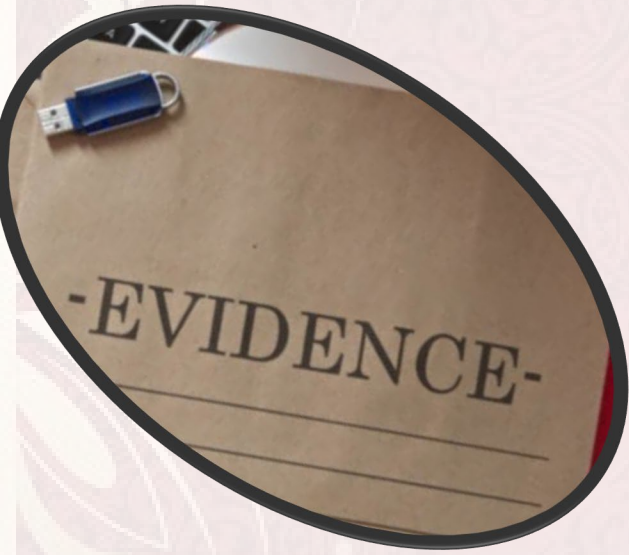
Policy Provisions and requirements

- Show they intended to apply for residence class visa on the basis of the ended abusive relationship; and that
- They are unable to return to their country of origin because of resultant stigma, or because they would have no means of independent financial support.
- Eligible to apply for a six-months special work visa, which can be extended for a further 3 months if she has also lodged an application for residence.
- Additional evidence required: including proof of the relationship with the abusive partner and evidence that domestic violence really occurred.
- Financial evidence as proof that the woman need to work to support themselves

Can this policy protect 'ethnic' women?

- According to one study, the majority of 'ethnic' women are unaware of this policy – and its provisions.
- And if they are aware of it - many are not in a position to use it because they are unable to meet the requirements; or fear using it – negative consequences for them, their partner, or communities.
- This is because either their partner is not a New Zealand resident or citizen (for those whose partners are on temporary visas – which are the majority).
- They are unable to show proof of domestic violence – psychological/emotional or financial abuse; fear of shame or stigma; fear of authority (reference to their home country). It is a tricky and a highly traumatic experience.
- Cost is an issue for women who do not meet the requirements above, hindering them from accessing legal aid and pay for Protection Order.
- The process is further complicated for women with limited or without English language skills.
- Moreover, without residency women experiencing domestic violence are not eligible for accommodation supplement or immediate financial assistance.
- It is also likely that their partner may withdraw financial support if they leave the relationship. (Marlene, 2011).
- INZ only accepts limited types of evidence which may be impossible to gather (Dew, 2017).

Consequently, women caught in such situations may choose to stay in abusive relationships to avoid deportation.



What next? Recommendations

- Address the intersectional issues – domestic violence for ‘ethnic’ women is significantly tied to experiences of migration and resettlement.
- In addition to commonly identified individual male factors linked to perpetration of violence, pre and post-migration factors such as racism and discrimination, perceived loss of authority, self-esteem and status, lack of employment or under-employment are potentially associated with men’s perpetration of domestic violence against women.
- Migration can be accompanied with isolation, loss of social support, language barrier which limits access, and increased dependence on their husbands and families.
- Reporting and/disclosing is further complicated by other factors – cultural obligations and expectations (collectivist culture expectations); fear of stigma; honour; preserving community’s purity in the eyes of the dominant culture
- Because this law only applies to women whose partners are either New Zealand citizens or hold a residence class visa, migrant women experiencing domestic violence and are in relationships with partners holding temporary visas are not eligible for this protection and therefore disadvantaged. For instance, women whose partners are on temporary visas, such as a student visa, may be unwilling to go to relevant authorities to make a statutory declaration that domestic violence has occurred.
- These women should be protected and made eligible for social and financial support regardless of their partner’s legal immigration status.
- Policy should take a preventative and family safety approach – in addition to the current individual safety approach.
- However, the lack of adequate research could result in policies which neglect the situations of migrant and refugee background women experiencing domestic violence. Thus further research with larger population samples is required to inform policy changes.

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