

Introduction

1. The National Collective of Independent Womens Refuges (NCIWR) is a non-governmental organisation made up of 42 Refuges around Aotearoa New Zealand, aimed at delivering services to women and children affected by family violence. NCIWR receives nearly 30,000 crisis calls per year (nearly 80 per day), and provides support, advocacy, legal, and health services to nearly 50,000 clients annually.
2. The New Zealand government has committed to a whole of government approach to end family and sexual violence in New Zealand by 2025. This commitment spans the safety needs of all victims regardless of their ethnicity or migrant status. In Shift 4, Action 23 of *Te Aorerekura* the government explicitly signals its commitment to meet the safety needs of migrant women.ⁱ This obligation is reiterated by the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW),ⁱⁱ the *UN Convention on the Rights of the Child* (CRC),ⁱⁱⁱ and Outcome 5 of the *New Zealand Migrant Settlement and Integration Strategy*.^{iv}
3. Ethnic communities including migrants, make up 20% of our population.^v Despite government's commitment to their safety, migrant women and their children are not well serviced by New Zealand legislation and research indicates they are at greater risk of harm from family violence.^{vi}
4. At a national NCIWR conference in 2022, Refuges raised concerns about the increased family violence risk and safety barriers faced by migrant victims. To get a better indication, we invited member Refuges to feedback on migrant victims' experiences of help-seeking.
5. This brief sets the key themes in migrant victims' experiences of family violence, support, and safety, and the implications for Immigration New Zealand (INZ) and the New Zealand government.

Intimate partner violence for migrant victims:

- Safety seeking is a time of high risk for women,^{vii} if women try and leave their violent partners the abuse may escalate in retaliation.^{viii} Migrant women, whose visa status is tied to their abusers, are simultaneously at risk of deportation and long-term separation from their children.^{ix} It is vital that INZ addresses these barriers to prevent further violence towards migrant women.
- To create safe pathways out of family violence, it is crucial to understand it as a form of social entrapment.
- Entrapment looks different for every victim.^x Perpetrators target their specific points of vulnerability (e.g. visa status, fertility and children, language, church values, social isolation, digital devices, money, stigma, and shame). Some of these themes are consistent across many migrant victims' experiences.^{xi}
- Perpetrator's patterns of abuse are often insidious.^{xii} From a lay perspective, the 'risk' their abuse tactics represent may not be obvious.
- Migrant victims may not have support, even from their families and communities,^{xiii} to keep them safe.
- Family violence perpetrators rely on government systems to prevent their victims leaving and to make sure they cannot disclose violence or access help. Bureaucratic procedures that do not account for these risks inadvertently collude with perpetrators and acts as additional barriers that preclude safety and support for victims.^{xiv}
- To adequately combat the risks migrant family violence victims' face, INZ must ensure their people and processes can initiate safety for them.

- *“There is still ongoing coercion from her husband and in Laws emotionally manipulating her to return to them and go back to her country so they can sponsor her again if she ‘behaves’ well.”*
- *“One client was a male victim who was abused by another male from the same country. He experienced sexual violence and was told by the abuser ‘I’ve got photos of me performing on you, I’ll show your family and oust you as gay.’ He went and confided in his priest who told him that he will tell his family about what has happened and that he is gay if he goes any further with this.”*
- *“Sometimes clients say, ‘I didn’t get back to you because my partner said that’s not true’ so sometimes the partner is still seen on the authority about what is true or not because they are a NZ citizen/resident or have language.”*

INZ as a factor of risk or safety:

Immigration New Zealand (INZ) determines whether being safe from family violence is a viable and achievable prospect or not. We applaud INZ on its recent changes to the Family Violence Visas in February this year, which expanded the Family Violence Work Visa to include victims of temporary visa holders, removed application costs for both Family Violence Visa, and prioritised consideration of Family Violence Visa applications. However, substantive barriers still preclude safety from the family violence – many of which are already known to INZ.^{xv}

Key INZ barriers to safety include:

<p>1. Lack of safeguards against family violence and collusion with perpetrators.</p>	<p>Without a family violence understanding, perpetrators used INZ's processes to further their violence and entrap victims without officials realising that this was abusive.</p> <p>For example, they emailed INZ on behalf of victims, misinformed victims of visa status or requirements, gave false or conflicting information to both victims and INZ, withheld access to documents required for applications, and lied about what had been applied for. Post-separation, perpetrators lied about victims' intention to stay in NZ, delayed Protection Order proceedings – so a full PO couldn't be used to support visa applications before victims' visas expired, refused consent for children to be included on victims' visas, and sponsored multiple victims to manipulate them.</p> <p>Without adequate FV training that promotes capacity to identify and disrupt perpetrator's use of INZ as a weapon of family violence, INZ risks inadvertently colluding with perpetrators.</p>	<ul style="list-style-type: none"> • <i>"He says: 'I've already submitted your docs' when he hasn't (for when she has a requirement for the next stage of her visa process, such as for permanent residency process) – then the client's visa will expire, and he will have more control. He will also deliberately withhold her application. So, it is a very deliberate tactic of entrapment where he is controlling her whole visa process and then after that, holds the power and uses threat to disclose to services."</i> • <i>"A Tongan woman a few months ago had this experience of her visa being expired. She had a 6-month-old baby, she came in via police FVIAS, but [our Refuge] wasn't able to support her on their own because of the complexity of her visa status."</i> • <i>"Another migrant client that I am currently working with had difficulty retrieving her personal documents from her husband after leaving him. Her husband has informed INZ in February 2021 that he no longer wants to sponsor her visa as the relationship has ended from his view in December 2020, but he did not disclose this to her, so she was unaware of the situation until matters escalated bringing her to the Refuge safe house."</i> • <i>"For those clients whose visas have expired (as a consequence of visa coercion), often they will have no choice but to go back to the island. If clients go back to the island, then children (who are often residents by birth) end up staying with the perpetrator or sent by perpetrator to his mother and kept there – so clients lose complete access to their children."</i> • <i>"A South African client was found to be in breach of her visa when she did not immediately change her visa category from partner sponsored to an independent one when she separated from her partner who was sponsoring her visa at the time. She was refused a visa and faced deportation if she did not leave within the time frame provided by immigration."</i>
<p>2. Gaps in family violence-informed staff responses.</p>	<p>Many FV victims did not feel that the abuse was taken seriously by INZ. They felt that the violence was frequently minimised, and often felt triggered and retraumatised by the lack of empathy and having to repeat details to different people. The issue of 'thresholding' where only severe or degrading violence was acknowledged, further traumatised victims and reflects a lack of comprehension about the risk</p>	<ul style="list-style-type: none"> • <i>"It is the minimisation of women's experiences of FV which makes this an awful process. To respond to a woman and tell her that her FV experience isn't serious enough because she hasn't had broken bones, is an awful message to get across. It means that women end up returning to their husbands until their visas are approved."</i>

	<p>and ongoing harm associated with coercive and cumulative abuse tactics.</p> <p>Victims' stories were automatically distrusted – for some that initial encounter was sufficient to deter them from further help-seeking and prompted their return to their perpetrators.</p> <p>For victims reaching out to INZ, no specified direct contact possible, additionally made it seem hopeless to try and get someone to understand their risks and needs.</p> <p>Finally, INZ's assumptions about autonomy, capacity, and bureaucratic power, means victims often do not understand what is expected of them (e.g. what evidence of family violence actually means).</p>	<ul style="list-style-type: none"> • <i>"The sexual violence [client] experienced would put her over the threshold for what is needed for the visa – but she doesn't want to talk about this and have this be the main reason."</i> • <i>"Last time we called the 0800 number there was a 4.5 hour wait on-hold... Just about every other government agency has a contact person or pathway for family violence and for Refuge built in, but not immigration."</i> • <i>"[The Refuge] were making progress with her, but she went back to the perpetrator because there seemed like no hope with her visa process."</i>
3. Procedural issues.	<p>The processes involved in applications are prohibitive for victims whose freedom, capacity, and resources are already depleted by the perpetrator's abuse. They pose barriers to safety by:</p> <ul style="list-style-type: none"> - Time delays, lack of communication about visa status, and hidden costs (e.g. medical exams). - Unnecessary bureaucracy (e.g. written permission from an advocate acting on behalf of, not being stored and having to be sent again each time). - Lack of free legal representation or legal aid eligibility, and default recommending of Immigration advisors that are not affordable or competent in family violence. - Exclusion of victims whose visas have expired from applying for Victims of Family Violence Visas, even if the delay and expiry directly results from the perpetrator's violence and is beyond the control of the victim. - Inflexible timeframes that do not account for family violence-related litigation abuse, or the lengthy and debilitating mental health and social consequences of family violence that require more than 6 months to restore capacity from. - Exclusion of children from Victims of FV Work Visa pathways, effectively making it untenable for victims who are mothers. - Exclusion of victims whose partners were temporary visa holders from the Victims of FV Resident Visa even though their migration to NZ/partnership visa status was on the basis of an intention to seek residency. 	<ul style="list-style-type: none"> • <i>"She started on a student visa, then got the domestic violence visa, then a working visa. It took a long time to get and was very expensive."</i> • <i>"For a victim of family violence this (family violence visa) process is an added stress factor on top of having to focus on their wellbeing, safety and legal matters and it is also a risk factor if they are forced to return back home if it is not safe to do so."</i> • <i>"For those clients whose visas have expired, often they will have no choice but to go back to the island. If clients go back to the island, then children (who are often residents by birth) end up staying with the perpetrator or sent by perpetrator to his mother and kept there – so clients lose complete access to their children."</i>

	<ul style="list-style-type: none"> - The ambiguity of the 'safe to return home' provision, which is unjustly prohibitive and does not account for social and cultural responses to family violence. - Evidence requirements that are often unclear and contradictory, and a lack of guidance for people empowered to make statutory declarations negated their availability. - Lack of information given to migrants on arrival that explains family violence, the law, and pathways to help and support. 	
4. Related structural issues.	<p>Migrant victims without residency do not typically qualify for assistance with income, housing, childcare, healthcare, and lawyers.</p> <p>A lack of availability of interpreters or declined use of interpreters precludes victims' full participation in the visa process, often victims cannot access specialist family violence support that can safely work with them within a family violence context.</p> <p>These barriers to support frequently result in victims returning to perpetrators. Victims should not be excluded from accessing basic entitlements that uphold their rights on the basis of somebody else's violence.</p>	<p><i>"One pacific island client had a work visa. He came on her visa and was the abuser. She went back to him because she couldn't get access to childcare subsidies."</i></p> <p><i>"We currently have a migrant woman who has been in our safe house for a number of months....she has no source of income and the Refuge is fully supporting her – covering her health, medical, prescriptions, everything."</i></p> <p><i>"She has lived in our safehouse for 645 days. Our Refuge has been supporting her financially while she has been in the safehouse...Getting housing has been very difficult for her because of her visa situation."</i></p>

Safety recommendations:

To reduce risk and increase safety from family violence for migrant victims, INZ needs to:

- Mandate family violence training for all INZ staff developed in conjunction with the specialist sector.
- Establish family violence specialist capacity within INZ and within staff who can be a direct, and continuous point of contact, and develop links to local SAM tables.
- Extend the working family violence length and ease of access to both family violence visas.
- Cover costs related to visa applications and their requirements for family violence victims, including medical and legal fees.
- Review and clarify evidence requirements and align with comparable legislation such as the Domestic Violence Victims Protection Act 2018 (DVPVA).
- Prioritise processing timeframes, proactive communication and updates, and the strengthening of administration for applicants who are family violence victims.
- Promote awareness of the law relating to family violence, and pathways to help and support for all new arrivals and organisations who work with them.
- Ensure a whole-of-government approach to ending family violence is enacted for migrant victims by coordinating with the Ministry of Social Development and Inland Revenue to ensure they are entitled to welfare and housing and their child support arrangements are upheld.

www.womensrefuge.org.nz | [fb /womensrefugenz](https://www.facebook.com/womensrefugenz) | [insta @womensrefugenz](https://www.instagram.com/womensrefugenz) | [tw @womensrefugenz](https://www.twitter.com/womensrefugenz)

ⁱ New Zealand Government, *Te Aorerekura: The National Strategy to Eliminate Family Violence and Sexual Violence*, (New Zealand Government, 2021), <https://www.acc.co.nz/assets/newsroom-documents/Te-Aorerekura-Strategy-document-30-Nov.pdf>.

ⁱⁱ New Zealand Government, *Women in New Zealand: United Nations Convention on the Elimination of All Forms of Discrimination against Women, Eighth Periodic Report by the Government of New Zealand 2016*, (Ministry for Women, 2016), https://www.women.govt.nz/sites/default/files/2021-10/CEDAW%20Report%202016_WEB.pdf.

ⁱⁱⁱ New Zealand Government, *United Nations Convention on the Rights of the Child: Fifth Periodic Report by the Government of New Zealand 2015*, (New Zealand Government, 2015), <https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/monitoring/uncroc/nz-fifth-periodic-report-under-the-united-nations-convention-on-the-rights-of-the-child.pdf>.

^{iv} New Zealand Immigration, *The New Zealand Migrant Settlement and Integration Strategy*, (Ministry of Business, Innovation and Employment, 2014), <https://www.mcguinnessinstitute.org/wp-content/uploads/2021/04/The-New-Zealand-Migrant-Settlement-and-Integration-Strategy.pdf>; New Zealand Immigration, *The New Zealand Migrant Settlement and Integration Strategy Outcomes Indicators Dashboard Report 2020*, (Ministry of Business, Innovation and Employment, 2020), <https://www.immigration.govt.nz/documents/refugees/nzmsis-outcomes-dashboard-2020>;

^v <https://www.ethniccommunities.govt.nz/community-directory/>; <https://www.stats.govt.nz/information-releases/international-migration-january-2023/>

^{vi} Irene Ayallo, "Intersections of Immigration Law and Family Violence: Exploring Barriers for Ethnic Migrant and Refugee Background Women," *Aotearoa New Zealand Social Work*, 33, no. 4 (2021): 55-64, <https://anzswjournal.nz/anzsw/article/view/913>; Rachel Simon-Kumar, "Ethnic Perspectives on Family Violence in Aotearoa New Zealand," *New Zealand Family Violence Clearing House, Issues Paper 14* (2019), <https://nzfvc.org.nz/sites/default/files/NZFVC-issues-paper-14-ethnic-perspectives.pdf>.

^{vii} Holly Johnson et al., "Intimate Femicide: The Role of Coercive Control," *Feminist Criminology*, 14, no.1 (2019): 3-23, <https://journals.sagepub.com/doi/epub/10.1177/1557085117701574>.

^{viii} Marcus Juodis et al., "What Can be Done About High-Risk Perpetrators of Domestic Violence," *Journal of Family Violence*, 29 (2014): 381-390, https://www.researchgate.net/publication/270284425_What_Can_be_Done_About_High-Risk_Perpetrators_of_Domestic_Violence.

^{ix} Alissar El-Murr, (2018). "Intimate partner violence in Australian refugee communities," *Child Family Community Australia-Information Exchange*, No. 50, (2018): 1-26, https://aifs.gov.au/sites/default/files/publication-documents/50_intimate_partner_violence_in_australian_refugee_communities_0.pdf; Cathy Vaughan et al., "Promoting community-led responses to violence against immigrant and refugee women in metropolitan and regional Australia," *Horizons*, 7, (Australia's National Research Organisation for Women's Safety Limited, 2016): 1-106, https://anrowsdev.wenginepowered.com/wp-content/uploads/2019/01/Aspire_Horizons_FINAL.pdf.

^x Julia Tolmie et al., "Social Entrapment: A Realistic Understanding of the Criminal Offending of Primary Victims of Intimate Partner Violence," *New Zealand Law Review*, (2018): 181-217, <https://noviolence.org.au/wp-content/uploads/2020/12/Social-Entrapment-Julia-Tolmie-2018.pdf>

^{xi} Alissar El-Murr, (2018). "Intimate partner violence in Australian refugee communities," *Child Family Community Australia-Information Exchange*, No. 50, (2018): 1-26, https://aifs.gov.au/sites/default/files/publication-documents/50_intimate_partner_violence_in_australian_refugee_communities_0.pdf; Karen Trister Grace and Christina Fleming, "A Systematic Review of Reproductive Coercion in International Settings," *World Medical Health Policy*, 8, no.4 (2016): 382–408, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5423714/pdf/nihms818476.pdf>; Rachel Simon-Kumar, "Ethnic Perspectives on Family Violence in Aotearoa New Zealand," *New Zealand Family Violence Clearing House*, Issues Paper 14 (2019), <https://nzfvc.org.nz/sites/default/files/NZFVC-issues-paper-14-ethnic-perspectives.pdf>; Marie Segrave, *Temporary Migration and Family Violence: An Analysis of Victimisation, Vulnerability and Support*, (Melbourne: Monash University, 2017), 1-90, https://www.monash.edu/_data/assets/pdf_file/0003/1532307/temporary-migration-and-family-violence-an-analysis-of-victimisation-vulnerability-and-support.pdf. Nafiseh Ghafournia and Patricia Easteal, "Are Immigrant Women Visible in Australian Domestic Violence Reports that Potentially Influence Policy?," *Laws*, 7, no.4 (2018): 1-16, <https://doi.org/10.3390/laws7040032>.

^{xii} Evans Stark, *Coercive Control: The Entrapment of Women in Personal Life* (Oxford University Press, 2007); David Tokiharu Mayeda, Sunmin Rachel Cho and Raagini Vijaykumar, "Honor-based violence and coercive control among Asian youth in Auckland, New Zealand," *Asian Journal of Women's Studies*, 25, no. 2 (2019): 159-179, <https://communityresearch.org.nz/wp-content/uploads/2021/07/Honorbasedviolenceandcoercivecontrol.pdf>.

^{xiii} Sripriya Somasekhar, "What Will People Think?": Indian Women and Domestic Violence in Aotearoa / New Zealand", (A Doctor of Philosophy thesis, The University of Waikato, 2016). <https://researchcommons.waikato.ac.nz/bitstream/handle/10289/10592/thesis.pdf?sequence=3&isAllowed=y>; Naomi Pfitzner, "The Plight of Temporary Migrants: The Intersection of Migration Status, Family Violence and Support," in *Violence Against Women During Coronavirus: When Staying Home Isn't Safe* (Palgrave Macmillan, 2023), 31-51, <https://link.springer.com/book/10.1007/978-3-031-29356-6>

^{xiv} David Mandel, Anna Mitchell and Ruth Stearns Mandel, "How Domestic Violence Perpetrators Manipulate Systems: Why Systems and Professionals Are So Vulnerable and 5 Steps to Perpetrator-Proof Your System," *Safe and Together Institute*, 1-13, https://f.hubspotusercontent00.net/hubfs/5507857/Free%20Downloads/PerpManipulation_4721.pdf.

^{xv} MBIE's Recent Migrant Victims of Family Violence Report 2019 <https://www.mbie.govt.nz/dmsdocument/12138-recent-migrant-victims-of-family-violence-project-2019-final-report>; Sarah Croskery-Hewitt. Fighting or facilitating family violence? Immigration policy and family violence in New Zealand. The Michael and Suzanne Borrin Foundation, Wellington, 2023.