

Introduction

The National Collective of Independent Womens Refuges (NCIWR) is a non-governmental organisation made up of 41 Refuges around Aotearoa New Zealand (NZ), aimed at delivering services to women and children affected by family violence (FV). NCIWR receives over 20,000 crisis calls per year (over 50 per day), and provides support, advocacy, legal, and health services to nearly tens of thousands of clients annually.ⁱ

The NZ 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.ⁱⁱ NZ has an ethnically diverse population. Ethnic communities, including recent migrants, make up 20 percent of the population,ⁱⁱⁱ and this is growing,^{iv} with more than a third of new births in NZ from mothers born overseas.^v

Consistent with this growing population diversity, women born overseas are increasingly represented as victims in NZ family violence homicides,^{vi} are at greater risk of harm from FV,^{vii} and are increasingly accessing family violence services.^{viii}

NCIWR Refuges across NZ are regularly and increasingly supporting refugee, migrant, and ethnic women and their children.

- A recent workforce survey showed that all Refuges have supported clients with temporary/no visas – with the majority reporting a recent increase in client numbers from this cohort.
- These Refuges often work for many months (with some providing almost two years of safe housing to a single client) to support victims who are (or were) temporary visa holders – often filling gaps in basic resource support available to them in crisis because of their visa status. In the last 12 months, our 41 Refuges have each provided an average of 119 safe nights to victims on a temporary or expired/no visa.
- In addition, Refuges regularly receive crisis calls from victims wanting information about their visa options.

This letter follows on from our brief to Immigration New Zealand (INZ) in 2023.^{ix} It provides recent anecdotal evidence from 10 Refuge advocates from Refuges across Aotearoa (from both regional areas and large cities), sharing key information about the positive impacts the Victims of FV Visas have had for victims and their children, as well as detailing the ongoing barriers clients and their advocates continue to face when applying for these visas. It concludes by detailing some of our recommendations to support INZ's review of their FV visa policy scheduled for January 2025.

It is our hope that the experiences of the wāhine detailed will be honoured and meaningfully responded to by INZ in their actions to make the FV visa pathway a safe and viable option for all migrant women and their children (including current clients) in the aftermath of family violence.

Positive impacts of Family Violence Visas on victims:

When women are granted a FV visa by INZ, the FV risks associated with their visa status are removed and women and their children are given a chance to be safe, heal, access social and medical support, regain autonomy over their lives, and thrive after violence. However, some of these safety provisions are temporary band-aids for recipients of the Victims of FV Work Visa only – who may be forced to leave NZ anyway after their temporary visa expires 6 months later.

Positive impacts of the Victims of FV Work Visa:	Positive impacts of the Victims of FV Resident Visa:
<p>Victims who were granted a FV Work Visa could temporarily:</p> <ul style="list-style-type: none"> • Stay in NZ and not be deported or forced to leave. • Have respite in the immediate aftermath of leaving a violent perpetrator. • Access care in the aftermath of FV – including support from Refuge and medical care. • Continue to mother their children in NZ. • Have time to apply for and await outcomes on other visa options – including the FV Resident Visa. • Work. • Access MSD Entitlements – such as the Special Needs Grant, and in some cases the Emergency Benefit, and Social Housing. • Have their FV recognised and their experiences validated. • Hope that they would then be eligible for further visas (e.g. FV Resident Visa). 	<p>Victims who were granted a FV Resident Visa had meaningful safety gains because they were:</p> <ul style="list-style-type: none"> • Not killed, hurt, or forced to stay with an abusive partner in Aotearoa. • Not forced to return home, and face being hurt, killed, ostracised, forced to stay with abuser, and lose the protection of any safety orders granted in NZ. • Able to access long-term support (e.g. Refuge could continue to support their safety from ongoing FV risks faced, as well as their needs, recovery and healing in the aftermath of FV). • Able to continue mothering and keeping their children safe long-term (and their children were not forced to stay on their own with the abuser in NZ). • Able to get better paid jobs and housing – allowing them to better able to support themselves and their children and find stability as a result.

Examples of these positive impacts are available upon request.

Recent barriers reported by victims included:

<p>1. Perpetrators use of the partnership visa conditions to further harm victims, especially as many temporary visa holders are sponsored by their perpetrators.</p>	<ul style="list-style-type: none"> • <i>“Her son wasn’t his son and there was no formal custody or adoption or anything, but because he had sponsored her visa and the sons was attached to this, if she was deported the son would go into his care – because of some technical part to the visa. Even though there were no formal custody arrangements, and no other parenting entitlements – just because of the visa.”</i>
<p>2. The requirement to separate from the perpetrator (during which time the victim does not qualify for MSD support or a FV visa) does not account for the risks and hardships involved in separation. Separating is when the risk of severe violence and homicide peaks, and is often unsafe until support and resources can be established and usually takes multiple attempts, so it is vital that INZ responses account for these risks.</p>	
<p>3. The length of time involved in meeting requirements and hearing back from INZ is prohibitive and variable (six weeks to two years). The severity of violence, level of need, or urgency, makes no difference to the timeframe, putting them at critical and prolonged risk rather than prioritizing them according to their safety needs.</p>	<ul style="list-style-type: none"> • <i>“This has been nearly 2 years [for this client to get the FV work visa], how is that an emergency response?”</i> • <i>“It says it’s an emergency visa but it’s not - it just didn’t feel like it was seen as an emergency [because INZ’s response]. It was hard to keep going with the application process.”</i>
<p>4. Victims all faced retributive abuse for leaving. Advocates shared how, for many clients, the perpetrator’s violence was ongoing and often escalated (e.g. many victims continued to face threats of deportation and economic abuse). These risks were amplified when INZ inadvertently carried out perpetrators’ threats – including the threat of deportation.</p>	<ul style="list-style-type: none"> • <i>“Her child was registered as born in NZ and if she hadn’t got the visa she would have been deported without her child. Her baby was born in the Philippines and came to NZ when she was 6 months old, he registered the birth in NZ – he knew what he was doing.”</i>
<p>5. The threshold of FV evidence required is not on par with the threshold for other civil processes. The over-reliance on Protection Order’s and police reports ignores the risks involved in seeking either – these safety avenues are not accessible to many victims.</p>	<ul style="list-style-type: none"> • <i>“Immigration was waiting on a doc from Police for the visa, so we had to track down who the police officer was...Immigration weren’t accepting any other evidence for the visa, they were just waiting on this one police officer to write a letter - [It took almost 2 years for this client to get a FV Work Visa]”.</i> • <i>“There was some difficulties in her case. She didn’t have a Protection Order. She was fearful of police because of the hold over her – he told her if she went to police she and her son would be deported, and he would cancel the partnership visa. We didn’t have security about her visa to know if she could get a FV visa, at this time, so it was very stressful for her, and for Immigration – they were really relying on him not dropping the partnership one.”</i>
<p>6. Clients faced lengthy, onerous, and sometimes impossible administrative workloads in obtaining statutory declarations.</p>	<ul style="list-style-type: none"> • <i>“2 statutory declarations would be a push for most women [because of the isolation from services because of FV].”</i> • <i>“She didn’t want to contact police either to get a statement or report. So, we had to get statutory declarations. It was all good for Refuge to do that, I did one. But it was hard to get the other two, because she was so isolated because of the abuse. We managed to get one in the end from a nurse we got an appointment with. We got quite lucky with that – she was okay to write one. There was a lot of back and forth though to make sure that was correct. There was one statement</i>

	<p><i>that she didn't say correctly so immigration pinged it back. They had to do whole new declarations. They [INZ] wanted a new medical certificate too."</i></p> <ul style="list-style-type: none"> • <i>"Her statutory declaration [from the medical centre] was rejected because it had written 'family harm' not 'family violence' [even though family harm is the legal term used by NZ Police]. So, we had to go back and get them to do it again. Luckily the medical clinic didn't charge for going back to the GP – it was just thanks to her GP being a really kind and sympathetic person to her situation."</i>
<p>7. Authorised professionals lack confidence/clarity, and expectations from INZ are inconsistent and confusing for them.</p>	<ul style="list-style-type: none"> • <i>"It's difficult because they require a registered social worker... because it asks for your registration details in the form. I'm one of the only social workers here so a lot comes to me – I always feel anxious signing these when I'm not the one working directly with the client."</i> • <i>"It hasn't been that easy [getting statutory declarations]. When we've sent a statutory declaration to Immigration – we've had them rejected, [INZ] have said there is 'not enough info', or 'it hasn't correlated with what the doctor says [in their statutory declaration]'."</i>
<p>8. Few applications were successful without resource-intensive advocacy and support which most victims do not have access to.</p>	<ul style="list-style-type: none"> • <i>"It could be very different depending on who's advising you. Her private immigration consultant worked day and night and waived fees – but could be a very different outcome otherwise. She still owed her \$1200 for the original application for the partnership visa. Even the Refuge funding wouldn't have covered that."</i> • <i>"We are getting so many referrals coming through with those situations – if we take another 3 of these it's going to be no money coming in. We wouldn't turn someone away because of this, but I'm just saying, I don't know how it is going to be sustainable."</i>
<p>9. Drawn out timeframes massively escalate both risks of violence and social of hardship (both of which escalate long-term impacts). Any safety pathway from FV is only effective if it is immediate. Processes for police check, medical exams, and statutory declarations need to be rapid and made perpetually valid.</p>	
<p>10. Unrealistic demands on victims are prohibitive. Making it easier to submit documents, keeping these on record, and making the INZ contact person consistent would increase the safety of the process. Expediting the process and demonstrating flexibility around violence-related barriers (e.g. if the perpetrator withholds their documents) or variables outside of their control (e.g. of the nations processing their requests), reduces the risks and hardships of victims.</p>	<ul style="list-style-type: none"> • <i>"Our initial phone call [to INZ] was quite good and information – on the first day we met her we called Immigration – and then it all got a bit lost and mucky. We had to re-send the papers because they had got lost in the mail – in August. That delayed everything by a few months. We had to get a second police check posted out from Russia."</i> • <i>"We thought we could use the same ones [statutory declarations] for the FV resident application [from the FV work visa], so did the lawyer, but we had to do new stat declarations again – we went back to the same people. It was a whole new process. Immigration wanted new police certificates – we had to get new ones again straight from [her country], so that also took more time."</i>
<p>11. Some victims' FV Resident Visa applications were denied based on the 'Safe to Return' criteria, despite the FV risks faced by victims (including being killed, disowned, or ostracised from communities), and many others anticipated denial so simply did not apply. They had no choice but to return to the violent perpetrator.</p>	<ul style="list-style-type: none"> • <i>"If she had gone home – for many of our women they would have been killed, or would have gone home to nothing as a separated woman, many face being ostracized – one woman we work with would have been killed."</i> • <i>"It wasn't deemed high risk enough by INZ for her to get a FV Resident Visa. Her family were getting punished for her living in a violent relationship. Her work visa was for 1 year – in the end she had no choice but to go back home. Shame was the biggest risk for her and her family of her returning home. It was emotionally demeaning [that she had been a victim]."</i>

<p>12. INZ's responses to victims continued to lack empathy, compassion, and an understanding of FV and its risks – which made it hard for advocates to imagine how a victim could be safe during their engagement with INZ, let alone receive a safe outcome for a FV visa application without adequate FV advocacy support.</p>	<ul style="list-style-type: none"> • “[The FV Visa process] is almost retraumatizing, [clients] are still being controlled [because of their visa status]. If Immigration are responding to family harm or family violence, why can't they take into account that the process is retraumatizing. Surely if they are responding to FV they are able to do this from a trauma informed way?” • “There were 3 different workers at Immigration. One would say everything is fine, another would say you need to get everything in urgently – there was a lot of mixed messages, and this was very overwhelming for the client [because] during this time, it was a big battle with the client about going back to her partner. There were lots of threats continuing throughout this time.”
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Overall, advocates raised many concerns about how retraumatizing the FV Visa process currently is for victims and pleased for specialist training of INZ staff to reduce the harm to victims.

Related structural issues

Both the FV Work and Resident Visas offered opportunities for victims to gain additional rights in New Zealand (such as the right to have a safe outcome as a victim of FV, the right to be able to work, and the right to be able to stay in the country) as well as access to social support.

<p>Employment While on the FV Work Visa, many victims were permitted to work, but most were not offered employment as employers were deterred by the uncertainty of their future visa status. Proving their right to work also meant potential employees seeing their 'FV' visa category, perpetuating the stigma they face as a victim.</p>	<ul style="list-style-type: none"> • “She could apply to work when she got the [FV work] visa. But every time she rocks up to a place to apply [for a job], they ask if she has a visa. She hands over her visa, and it's got 'victims of FV' on the top, so then they know she is a victim.” • “This wāhine now has a 6-month work visa but unless she gets an MSD grant and gets a job, nothing will change. She was absolutely rapt when she got the work visa...okay she's got 6 months, but then what, what if she doesn't get a job?”
<p>Alternative visas For victims who had gained a FV Work Visa but were declined a FV Resident Visa, a Work Visa or Student Visa was often their only hope of being able to stay in Aotearoa with their children. While some did pursue these, they were usually untenable. We are aware of Refugee clients who are currently at risk of being forced to return to their country of origin right now unless INZ can grant them a work or permanent visa.</p>	<ul style="list-style-type: none"> • “It takes up to 2 years to go through the residency process. The work visa is for a year, if they don't get a job, then Immigration weigh that status on their ability to get residency. For a work visa to continue, you have to find a job that will secure you for the next year. Some clients are at very high risk [during this process] and it makes it hard to do work. It takes lots of time, and lots of things can happen – she might decide to go back to her husband [as a result].” • “One woman we are currently working with. It's a bit sad situation – our man at Immigration has told us there is nothing he can do. She is working as a chef, unless she gets a job that pays \$47 per hour, which is hard in a small town, she will have to go home. She has a small five-year-old.” • “Our client got the FV work visa, but her FV resident visa was declined. We've been trying to get her a Skilled Work Visa – her current employer has been saying they would sponsor her for months, but they still haven't filled out the paperwork and her FV work visa is about to expire. She's gone back to living with him [the perpetrator] because it was so uncertain with her visa and so she can feed her kids – even though she had a FV work visa we weren't able to get any WINZ support for her while she was in the safe-house and now she's back living with him she's no longer eligible for this.”
<p>Ministry of Social Development (MSD) entitlements Although FV Visa holders were eligible for MSD entitlements – many faced barriers or delays to gaining any financial or housing support. Given these</p>	<ul style="list-style-type: none"> • “There are still ongoing costs that we are supporting with. The only thing that has been granted is the FV work visa. She could possibly be entitled to an Emergency Benefit if WINZ approves that,

<p>are women victimised within NZ, it is imperative they be given the necessary resources for this safety and stability.</p> <p>Sometimes these barriers were created by MSD caseworkers who did not have knowledge about the FV Visas and associated entitlements, creating a lack of consistency around the provision of entitlements while awaiting a decision about a FV Visa application.</p> <p>Despite INZ's changes to the FV Work Visa in February 2023 to include victims whose perpetrators are temporary visa holders, MSD has not updated its entitlement criteria to match this change – these need to align in order for victims to access this.</p>	<p><i>but while she is on the Emergency Benefit she is not entitled to any transitional housing, so until she gets a job, she won't be able to have her own house."</i></p> <ul style="list-style-type: none"> • <i>"Because she was a victim of FV she was allowed on the social housing register, BUT not eligible for emergency housing because of her temporary visa, and not on a proper benefit so not entitled to other entitlements. There was lots of to and fro to get her social housing, and access to social housing was only granted while her visa was current – which was only a couple of months. Housing was the biggest issue. She wasn't allowed to work while with her husband, she couldn't risk working from the safe house, it wasn't until she changed situation [because of the FV resident visa being granted] and got into housing that she was able to find a job."</i> • <i>"The special assistance grant is case by case. Okay for one client [with a FV Work Visa], and then another client [with a FV Work Visa] declined – I think because her partner wasn't a resident."</i>
<p>Hidden visa costs</p> <p>The prohibitive legal and medical fees associated with an application make FV visa applications unviable for most victims:</p>	<ul style="list-style-type: none"> • <i>"The main reason she was successful is because her immigration advisor she was working with charged no fees. It would have been \$2.5k otherwise, she wouldn't have been able to go through with the visa if she had to pay. When she came into Refuge, [because of her partnership visa conditions and the financial abuse] she only had \$130 in her bank account and was living off the Refuge funding we were able to secure for her from Refuge funds."</i>
<p>Refuge</p> <p>Women's Refuge kaimahi feel great distress at not being able to provide the safety someone needs when leaving a violent relationship. For temporary migrant visa holders, FV services are severely limited in their ability to be able to help. Kaimahi can do everything in their power to support victims, but if responses from systems and government services does not enable this and actively makes women more unsafe, then Refuge is limited in the support it can truly offer.</p>	<ul style="list-style-type: none"> • <i>"NGOs can't provide everything someone one needs, because of their visa statuses."</i>

To reduce risk and increase safety from FV for migrant victims:

INZ urgently needs to:	INZ also needs to:
<ul style="list-style-type: none"> Remove the 'Safe to Return' clause of the FV Resident Visa. Extend the length of the FV Work Visa. Include the victims' children on FV Visas. When there is FV, prioritise visa processing timeframes – removing documentation double-ups (e.g. allow documents supplied for FV Work Visas to be used for FV Resident Visa applications) and giving proactive communication and updates. Review and clarify FV evidence requirements and align these with comparable legislation such as the Domestic Violence Victims Protection Act 2018 (DVVPA). Remove the words 'Family Violence' from FV Visas issued to victims to avoid disadvantaging them with employers. Bring MSD entitlements into alignment with the FV Visas (e.g. so that FV Work Visa holders with perpetrators who are temporary visa holders are also eligible for MSD Entitlements). 	<ul style="list-style-type: none"> Consult with Community Law, the New Zealand Family Violence Clearinghouse, and specialist FV services in the upcoming review of the FV Visa Policy. Allow FV Visa applications to be made online and centralise the processing of both these FV visas (so they are not processed in different parts of the country). Mandate advanced comprehensive FV training for all INZ staff developed in conjunction with the specialist sector. Establish FV specialist capacity within INZ and their staff who can be a direct, and continuous point of contact, and develop links to local SAM tables. Cover all FV Visa costs for victims, such as medical and legal fees associated with applications. Work with MSD to provide FV support options for victims currently on other temporary visas (including Partnership Visas), and child-care support for FV Visa holders who are Mums.

We thank Immigration New Zealand for considering these issues and safety recommendations – and look forward to the upcoming FV Visa policy review in 2025.

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ⁱ Women's Refuge, "Annual Report 2023-2024," *National Collective of Independent Women's Refuges*. <https://womensrefuge.org.nz/wp-content/uploads/2024/10/Annual-Report-2024-ONLINE.pdf>

ⁱⁱ 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>; 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; 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>; 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>;

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

^{iv} Hon Melissa Lee, "Latest Census Data Highlights New Zealand's Growing Ethnic Diversity," *Beehive* (2024): <https://www.beehive.govt.nz/release/latest-census-data-highlights-new-zealand%E2%80%99s-growing-ethnic-diversity>

^v Susan Morton, Jacqueline Ramke, Jennifer Kinloch, Cameron C. Grant, Polly Atatoa Carr, Heidi Leeson, Arier Chi Lun Lee, and Elizabeth Robinson, "Growing Up in New Zealand cohort alignment with all New Zealand Births," *Australian and New Zealand Journal of Public Health*, 39, no. 1 (2015): 82-87. <https://doi.org/10.1111/1753-6405.12220>

^{vi} Family Violence Death Review Committee, "Sixth Report/Te Pūrongo tuaono: Men Who Use Violence/Ngā Tāne ka Whakamahi i te Whakarekerekere," *Health, Quality, and Safety Commission New Zealand*. https://www.hqsc.govt.nz/assets/Our-work/Mortality-review-committee/FVDR/Publications-resources/FVDR6thReport_FINAL.pdf; Family Violence Death Review Committee, "Fifth Report Data: January 2009 to December 2015," *Health, Quality, and Safety Commission New Zealand*. https://www.hqsc.govt.nz/assets/Our-work/Mortality-review-committee/FVDR/Publications-resources/FVDR 2017_10_final_web.pdf

^{vii} 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>; Immigration New Zealand, "Recent Migrant Victims of Family Violence Project 2019: Final Report," *Ministry of Business, Innovation, and Employment*. <https://www.mbie.govt.nz/dmsdocument/12138-recent-migrant-victims-of-family-violence-project-2019-final-report>

^{viii} Research and Policy Team, "Safety and Family Violence: Visa Support for Migrant Victims," *National Collective of Independent Women's Refuges* (2024). <https://womensrefuge.org.nz/family-violence-risk-safety-series/>

^{ix} Research and Policy Team, "Migrant Victims of Family Violence: Brief to MBIE," *National Collective of Independent Women's Refuges* (2023). <https://womensrefuge.org.nz/submissions/>