

Challenges to the proof of violence, and social stigma for ethnic migrant women in the current Victims of Family Violence (VFV) visa policy in Aotearoa New Zealand

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ABSTRACT

INTRODUCTION: Applications for the victim-survivor family violence visa (VFV) are low from Middle Eastern, African, and Latin American (MELAA) communities compared to other groups. This does not reflect the number of family violence experiences in these communities reported by community-based practitioners (Ayallo, 2019); rather, low application numbers reflect cultural factors that impact the ability of ethnic victim-survivors¹ to access this visa policy.

APPROACH: Data were drawn from a study exploring the cultural contexts within which ethnic migrant women engage with the VFV visa policy. The study used narrative inquiry and semi-structured interviews to explore 20 participants' experiences with the VFV visa policy process. Participants included 10 victim-survivors and 10 supporting non-medical practitioners.

FINDINGS: Analyses showed that victim-survivors face significant barriers in accessing this visa. Proving violence and an inability to return to their country of origin due to social stigma are complex and challenging factors for ethnic migrant women. The cultural reasons discussed in this article include that psychological abuse is dominant, violence occurs transnationally, and the social stigma experienced extends well beyond the victim-survivors' individual and immediate circumstances.

IMPLICATIONS: Given the potential of this visa policy initiative to provide safety for victim-survivors, recommendations for change are proposed for compassionate approaches.

KEYWORDS: Family violence and immigration policy; ethnic women and family violence; immigration and social work

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The importance of attending to the unique nature of violence experienced by ethnic migrants has come to the fore in family violence and immigration scholarship globally (Ayallo, 2021; Menjívar & Salcido, 2002; Segrave, 2017). For instance, research shows that women in partnerships who depend on their abusive “sponsor” for legal status are especially vulnerable to family

violence (Ayallo, 2021; Erez & Harper, 2018; Menjívar & Salcido, 2002; Segrave, 2017). Accordingly, numerous studies underscore the link between known risk factors to family violence in general (Garcia-Moreno et al., 2006) and resettlement challenges (Ayallo, 2021; Simon-Kumar, 2019). These additional co-articulating sociocultural and political factors increase the vulnerability of migrant

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women in abusive relationships (Bhatnagar, 2021; Jayasuriya-Illesinghe, 2018; Kapur et al., 2017; Kiamanesh & Hauge, 2019; Raj & Silverman, 2002). Additionally, many argue that migration systems and regulations may create and sustain conditions of violence and gendered harm (Couture-Carron et al., 2022; Menjívar & Salcido, 2002; Rahmanpour et al., 2019).

Immigration visa status significantly contributes to the limited (or lack of) reporting and help-seeking among victim-survivors, mainly when they rely on the abusive partner for sponsorship, have no long-term rights in the host country and are not eligible for welfare (financial, medical, or housing) support (Ayallo, 2021; Jelinic, 2021; Voolma, 2018; Whelan, 2019). In such circumstances, perpetrators have been found to weaponise the immigration system to threaten, coerce and control victim-survivors in multiple ways (Segrave, 2021). These include threats of deportation if the sponsorship is withdrawn (Simon-Kumar, 2019). Therefore, understanding family violence in these communities requires attention to the migration system, which potentially empowers or disempowers perpetrators and produces conditions that can either effectively deny or provide victim-survivors access to safety (Segrave, 2021).

In Aotearoa New Zealand, a special category visa was introduced in 2002 to enable the victim-survivor to leave an abusive relationship before the probation period without losing their legal status and risking deportation. A victim-survivor can be granted a temporary work visa for up to six months and a resident visa under the VFV visa policy upon meeting specific requirements for each category (VFV Work and VFV Resident Visa). The visa is granted independently from the ex-partner's visa status. However, some critical evidence required includes proof of being in a genuine partnership and that the relationship has ended because of family violence (proof of violence) (Ayallo, 2019). Notably, before late February 2023, only

partners of Aotearoa New Zealand citizens and residents could access this visa. The recent changes now allow a victim-survivor on a partnership-based visa with another temporary migrant to access the VFV Work visa (Citizens Advice Bureau, 2023). The VFV policy is comparable to similar policies in Australia, the UK, Canada, and the US, offering a potential immigration pathway for migrant victim-survivors. Overall, migration and family violence research from these countries agree they are commendable initiatives. However, several limitations have been found in these visa provisions that perpetrators could use for leverage or control. A significant limitation is that most of these options are founded on the immigration status of the sponsoring abusive partner (Ayallo, 2021; Bhatnagar, 2021; Segrave, 2021).

While the policy provisions in each country differ, the commonly identified barriers are similar to those in Aotearoa New Zealand. These include lengthy and slow application processes. For instance, while awaiting the outcome of their application, victim-survivors have little to no social and financial support, which may leave them in more dire circumstances, causing them to delay leaving abusive relationships or being susceptible to use of financial access as leverage. This is mainly because they are ineligible for social welfare, health care or other government-subsidised services. Therefore, they cannot adequately sustain themselves if they leave the relationship (Abraham & Tastsoglou, 2016; Ayallo, 2021; Jayasuriya-Illesinghe, 2018; Scott et al., 2018; Segrave, 2017). Dependent children cannot be included in the VFV application. For women with children, the fear of losing custody or being separated from the children is a significant barrier (Cook Heffron et al., 2022; Mirza, 2016).

Mistrust of law enforcement and related authorities is a commonly reported theme in literature due to racism and discriminatory practices, such as the assumption that violence is part of their culture (Simon-

Kumar, 2019). Victims-survivors with insecure immigration status may avoid help-seeking as they are unsure whether this information will be used for immigration enforcement (Amuedo-Dorantes & Arenas-Arroyo, 2019; Hulley et al., 2022; Ingram et al., 2010). Similar mistrust is noted among close associates who witness the violence, often wary of giving evidence, especially when their immigration status is insecure (Ingram et al., 2010; Whelan, 2019). Research attributes this to a lack of detailed understanding of the policy provisions. Many studies found that, in many cases, information on these visa policies is inaccessible, or there is a lack of greater public awareness of options for victim-survivors (Ayallo, 2021; Ghafournia & Easteal, 2021; Hulley et al., 2022; Oliver, 2020; Segrave, 2017).

In Aotearoa New Zealand, the victim-survivor must show proof of violence and, if applying to stay permanently, prove that they cannot return to their country of origin due to social stigma (or inability to support themselves financially or fear of being abused or excluded from the community). Family violence can be proven through judicially (evidence procured through the court system) and non-judicially (a statutory declaration by approved professionals) (Ministry of Business Innovation and Employment 2020). Many studies show that the judicial route is often privileged, yet is also the most challenging for migrant victim-survivors. In addition, the level of proof is considerably high and privileges physical violence over other forms of family violence, especially psychological abuse (Ayallo, 2021; Gray et al., 2014; Hague et al., 2010; Jelinic, 2021). Most of the required evidence to show an inability to return to the country of origin overlooks collectivist cultural understandings of stigma, social ostracism, and dishonour (Anitha, 2011; El-Abani et al., 2020; Mirza, 2016; Simon-Kumar, 2019).

In Aotearoa New Zealand, there is limited research to understand the cultural reasons why meeting judicial or non-judicial

requirements remains a significant barrier for ethnic victim-survivors. Using data from a narrative study with 10 victim-survivors and 10 non-medical helping professionals, this article seeks to fill this gap by discussing the specific cultural nature of family violence in these communities.

Methodology and method

The themes reported in this article emerged inductively from a study guided by narrative inquiry, a methodology positioned within a constructivist stance, narratively inquiring into, understanding, and interpreting lived experiences within larger cultural, social, and institutional narratives (Clandinin, 2006; Clandinin & Caine, 2008; Connelly & Clandinin, 1990; Savin-Baden & Niekerk, 2007). This methodology allowed the hearing of the participants' VFV visa policy experiences (personal narratives) and linked these to family violence and immigration (societal meta-narratives). The data collection method was semi-structured interviews. The Unitec Research Ethics Committee (UREC) approved the research in 2022.

Participants and recruitment

Using a purposive sampling approach, the researcher recruited two groups of participants. The first set included 10 participants who met the following inclusion criteria: identified as female (women) from one or more of the MELAA cultural groups and had successfully or unsuccessfully engaged with one or both VFV visas (victim-survivors). The second group of participants included 10 practitioners from a non-medical profession who have experience in actively supporting victim-survivors to apply for one or both VFV visas (practitioners).

Participants' characteristics: All 10 victim-survivors initially held a temporary visa, eight on a partnership visa and two on a visitor visa. Six sponsor partners were citizens, and four were residents.

Seven participants reported one form of abuse, psychological, and three had also experienced physical and sexual abuse. After leaving the abusive relationship, all 10 participants applied for the VFV work visa, with six approved and four declined. The six later applied for the VFV residence visa and were eventually approved. The four declined applications, primarily for not meeting the required evidence, successfully explored other visa pathways (open work visa—not under VFV visa) with the support of legal aid. The waiting time for application outcomes was between three months and two years. The professionals interviewed included three immigration lawyers, two family lawyers, two youth workers, and three social workers. The analysis identified the following critical elements related to meeting the current VFV visa policy requirements. All names used below are pseudonyms.

In recruiting potential participants, the first author drew on professional relationships and networks with practitioners and community-based organisations that provide social, legal, and educational services for ethnic migrant communities in Auckland, Hamilton, and Wellington. Information about the research was presented to individuals who matched the inclusion criteria through these networks. The final group of participants self-referred were provided with comprehensive information about the research, consented, and voluntarily participated in the study. A total of 20 participants were involved in this study.

Data collection

The first author conducted the semi-structured interviews (in person or on Zoom). Most participants chose the Zoom option due to the Covid-19 pandemic. Participants scheduled interviews at their preferred times. Guiding questions (semi-structured) were sent to them in advance. Using a dialogic approach, the

questions and prompts were adapted to the group of participants (victim-survivors or non-medical professionals) and as data collection progressed. Generally, the questions queried both sets of participants on their initial engagement with the VFV visa policy and the challenges and barriers encountered in the process. All participants were interviewed individually, except in two scenarios where the victim-survivors requested to be interviewed together with the practitioners who supported them during the visa application process. Generally, interviews lasted between one and three hours. All interviews were conducted in English and were digitally recorded and transcribed by a professional transcription service in English. Data were stored and protected following UREC ethical guidelines.

Data analysis

Informed by narrative inquiry and inductive thematic data analysis approaches (Clandinin & Caine, 2008; Clarke et al., 2015; Connelly & Clandinin, 1990), data analysis involved a continuous careful examination of the digital recordings, interview transcripts and researcher notes. Narrative inquiry begins with a narrative view of the participants' experience—actively listening and recording the stories of their engagement with the VFV visa policy application process. Using a thematic analysis process, these were situated, understood, and interpreted within larger cultural, social, and institutional narratives in existing literature and research. In this process, initial guiding questions sent to participants were used to code, identify patterns, and develop themes. Participants' engagement with the VFV visas, specific cultural circumstances, and the challenges identified emerged from this analytical process. The author ensured rigour and trustworthiness using reflexive practice, including regular debriefing and consulting with practitioners and researchers with relevant expertise (Creswell & Poth, 2016).

Findings

Immigration Sponsorship

All 10 victim-survivors were initially on a visa approved based on their intimate relationship. All 10 participants stated that they did not know the details of their visa provisions except that leaving the relationship would jeopardise their immigration status and risk deportation. This included a lack of knowledge about other visa pathways should the relationship break down before the probation period. The source of information on visa details was often their partner, the sponsor applicant. Eight out of 10 participants stated that their partner used this one visa condition to prevent them from reporting or leaving the relationship. Three participants described their experiences in the following statements. Malaika noted,

I had no information ... like what to do or where to go for support. I only knew what my partner said ... When the abuse became too much, and I told him I would report it, he would say to me ... I am a New Zealand citizen, and you are not ... Who do you think the police will believe or listen to? Me ... Your visa will just be cancelled, you will have a criminal history, and you will be sent back to B [country of origin] ...

Mila also narrated,

Honestly ... when a woman moves here with their partner, everything seems rosy ... it is a honeymoon ... I just relied on the information my partner provided ... Until things turned so ugly ... then I was like, where do I go for help? No one gave me that information ...

All 10 practitioners interviewed also stated that the women they had supported through the process came to them without prior knowledge of this visa policy. Suma noted,

I have supported about 12 women applicants, and I have never had a client

come in aware of any immigration options for them, especially this [VFV] visa. Every time, I have had to explain the visa policy and the requirements ... and, in most cases, explain to the woman what applying for this visa will mean for them ... if they have children, what it means for them too. The information is not even readily available on the website ... It was only last year [2019] that I managed to find some information on the website. Again ... the information is not in plain English or multilingual ... it is hard to access ... especially if English is a second language.

This finding is supported by other studies showing that perpetrators often use their victim's unstable immigration status to threaten deportation if the violence is reported or disclosed (Ayallo, 2021; Raj & Silverman, 2002; Segrave, 2021; Triandafyllidou, 2022). As ethnic migrants with little knowledge of Aotearoa's justice system and support services, the participants were uninformed of the legal procedures that may prevent the deportation or criminalisation of migrants experiencing family violence (Jelinic, 2021; Segrave, 2017; Simon-Kumar, 2019).

The lack of proper and accessible information about the VFV visa policy also prevents other community members who may witness the violence from reporting or supporting the victim-survivor, mainly because they are unsure how this may affect their immigration status or, for practitioners, what it means for their practice. This was the case for Vita, who described the following experience:

Several people from my community knew what he was doing. Some of them were our neighbours ... in fact, on several occasions when it [abuse] was happening, my children and I escaped and stayed the night with them ... When I went to the police ... left the relationship, I asked [X, name of the friend] if she could give evidence, and she refused. She said they

did not want to get in trouble with the community, the police and immigration. They were just in the process of applying for their PR [permanent residency] ...

Mrembo, a practitioner, also observed:

There are many challenges asking even professionals for a statutory declaration, mainly because most are unsure what this means for them ... I mean, what are you committing to? Generally, there is a lack of understanding of what statutory declarations are. Unfortunately, I have encountered some practitioners who are uncomfortable signing a statutory declaration based on what a woman disclosed to them ... especially when there is no hard evidence. This is sad, given that statutory declarations are the most realistic proof they can afford ... in fact, the one we have used with most women because of the nature of violence experienced and the need to get them to safety quickly...

Indeed, research has shown that a lack of wider public awareness and knowledge of these visa pathways and their specific provisions not only makes it difficult for victim-survivors to access appropriate safety support but also prevents people who witness the violence, including practitioners, from offering adequate support victim-survivors need (Bhatnagar, 2021; Ingram et al., 2010; Kiamanesh & Hauge, 2019; Ministry of Business Innovation and Employment, 2020; Simon-Kumar, 2019).

Forms of family violence

Psychological abuse was mainly reported by the victim-survivors and the practitioners. Even the three victim-survivors who had also experienced physical and sexual abuse narrated that the abuse was initially psychological and then escalated. Most participants cited significant difficulties reporting or explaining this abuse to others because of the absence of tangible evidence. The violence was also perpetrated

by multiple people and happened across national borders. The following three comments by some of the participants best capture this aspect:

Things were okay when I first arrived; then I began making friends ... and that is when it all started. He always demanded to know what we talked about and where we went ... he checked my phone and messages. He kept reminding me that he was responsible for being in NZ and could report me to immigration anytime. We even completed a residency application [paper], but he never sent it. He kept it in a locked drawer and would bring it out whenever I questioned him. Then my in-laws came to visit, and things got worse. He put so many conditions. My mother-in-law must come with me everywhere, and I had to make phone calls in the presence of my mother-in-law. Then one day, he beat me, and my in-laws beat me too. That is when I decided to go to a women's refuge. I went to the police to report ... and they asked for solid evidence ... Of course, I did not have any ... even the one time he beat me did not leave a scar ..., but he had abused me for years ... (Mina)

Some victim-survivors may delay leaving the abusive relationship because of the multiple people involved in the abuse. Vita reflected:

When I decided to leave with my children ... somehow, word spread to all our families living in NZ and C [country of origin]. I started receiving calls from his family almost 35-40 times daily. They kept telling me to withdraw the complaint and that we could work it out as a family. His family was of high status, too...so they also began to threaten me... His mother said, "If you ever return here, the boys will not be yours. They are our blood, and we will take them away. This is your marriage, and you must keep these things within the family ... you do not go around telling others about family issues. If you were here, you would not have survived

this long.” They also threatened my family living in C. I feared for myself, my children, and my family living in C. I even considered not leaving then ... just until I quietly sorted out the visa...

To highlight the transnational effect, Sabina noted:

What was happening to me was also happening to my parents back in A [country of origin]. My father used to go to the temple every morning, but he could not do this anymore. Everyone was talking about me ... how I was a bad woman for leaving my husband ... So, the shame was too much for my parents. They stopped going to the temple and many other social and community gatherings.

The lack of in-depth understanding of the differences between violence experienced by ethnic and non-ethnic victim-survivors has been found in the literature. Simon-Kumar (2019) argued that, while the forms of violence may be similar, their presentation takes specific cultural forms. In the case of these participants, an understanding of intimate partner violence (IPV) cannot ignore the cultural meaning of partnerships and marriage. It is collective, involving the two individuals and their families living in the country of origin and the host country. Therefore, IPV is likely to involve more than one perpetrator. Consequently, proving psychological abuse is complex and highly challenging when more than one person is involved and occurs transnationally (Ayallo, 2021; Erez & Harper, 2018; Raj & Silverman, 2002; Simon-Kumar, 2019).

Most participants, victim-survivors and practitioners in the study indicated that the psychological abuse extended to finances. Nine out of the 10 victim-survivors were not working at the time of their visa application and did not have a separate source of income. They primarily depended on the sponsoring partner for financial support and were not eligible for subsidised government

support. A key finding was that this was one of the crucial determinants of whether the victim-survivor reported and left the abusive relationship. This study highlighted this in two areas: proving the genuineness of the relationship and income while awaiting the application outcome.

Nine out of the 10 women highlighted that, in addition to not having separate financial resources, the evidence of shared utilities such as bills and leases—often used to prove the genuineness of the relationship—was in the partner’s name. Many mentioned that they did not realise the importance of having their names on such things, this was not apparent to them until they were going through the family violence visa process. Wena noted,

There was nothing with my name on it ... they wanted joint bank accounts, bills, tenancy stuff ... I needed these documents to show that I was in a genuine relationship ... so whom should I ask, my abusive ex, who abused me? I could not ... he would use this to keep me in the relationship ... and this is where some of us get stuck.

Jelinic (2019) reported a similar finding, noting that this is set up deliberately in some cases so the partner can maintain control over the victim-survivor. In other cases, being new to the country, the victim-survivor is not yet confident to act independently, and this can be compounded by limited information and language barriers. This disadvantages the application process, where this is one of the requirements—proof of a genuine relationship. Obtaining this information during abuse or after the victim-survivor has left the relationship is extremely difficult and increases their vulnerability (Ayallo, 2021; Menjívar & Salcido, 2002; Segrave, 2017; Voolma, 2018).

The application process is a lengthy and uncertain. Findings show that the wait time for approval was between one month and two years. Among the most interesting

comments were those of the following two participants.

This uncertainty led Lina to delay applying for the visa. She said,

It was a Catch-22 ... I had my children to think about; I had no other means of providing for them, and we could not live in the refuge forever ... so I was like do I stay? Do I ride it out until we all get residency through my ex then I can leave? Everything just seemed so uncertain ... it was a difficult decision. It was a risk for me and my children to stay; it was a risk for us to leave.

Warabu described what she lost during the application process, which included a court process to get a conviction as proof of abuse. The process took two years.

While I was waiting ... I could not work a proper job or study ... do anything with my life. I did casual jobs, cleaning houses ... anything that was available. I could not afford rent, so I flatted with many people ... seven people, five people ... because it was cheaper. I will tell you this ... I lost time ... I wanted to return to school I could not ... My age is gone. I came here when I was 38 years old ... 10 years later, I have not done anything meaningful with my life because I did not have a visa to do many things. I feel like because of the abuse, I have wasted my life.

These examples echo the findings of similar research (Scott et al., 2018). Lina and Warabu feared being in more dire circumstances, mainly financially to the point of contemplating delaying help-seeking. The uncertainty of the process and the long waiting period for getting their work visa leaves the victim-survivor in a state of instability, which increases their vulnerability to continued abuse (Ingram et al., 2010). In some cases, victim-survivors have been found to reconcile with the abuser until their immigration status is more

secure, at this point, the abuse is often severe (Jayaweera & Oliver, 2013).

Proving social stigma

All 10 victim-survivors stated that they struggled to prove their inability to return to their country of origin due to stigma and hardship. Primarily, they noted that the types of evidence INZ required to show stigma were mostly about whether they had money or qualifications or if their country of origin was “accepting” of women. As such, stigma was judged based on economic terms and using the country of origin as a reference point. So that if the woman held a qualification that the officials thought could get them a job in their home country and did not come from a country widely known to discriminate against women, their argument for inability to return to their country of origin was met with disbelief and their application was likely to be declined. This was the case for the four declined VFV work visa applications. The practitioners interviewed had similar views to the victim-survivors, providing some insightful comments about cases where they have had to undertake rigorous country research to prove social stigma. The following is one of the most interesting comments on this factor. Mimi, a practitioner, commented,

The current requirements to prove social stigma is like making an economic argument. What I have observed is that it depends on where in the world the woman is from. For example, I have supported women from countries X, Y, Z, and N [country names]. Meeting this criterion was straightforward ... mainly because these countries are on the news constantly concerning abuse of women’s rights. I have two cases as examples. I had one application that I thought would be challenging because the woman was highly educated, held a high position before coming to NZ, and lived alone for many years. But no ... I was surprised that the application went through without any questions because she came from Y

country—a Muslim-majority country. In a second example, the exact circumstances ... the only difference is that the woman was from [country A] ... not known for any women's rights issues ... and so the visa was declined. We had to explore a different visa pathway. So ... I think there are degrees of reductive stereotypes being applied most of the time.

Some victim-survivors stated that they were almost required to talk negatively about their country of origin to prove their inability to return home. Mariam, whose VFV visa application was declined for lack of sufficient proof of social stigma, narrated,

I went into the interview [assessment] thinking I was talking to someone on my side. I wanted them to see how capable I was ... That I would be an asset ... I talked about how resilient I had been, my strengths, and my strong support networks. Well ... that backfired on me. The response was that... "Well, if you are that capable, you can return home. You will be fine at home ... if you are resilient, you will manage."

Doron, a practitioner, commented on this, having supported many victim-survivors with similar experiences as Mariam.

... I must keep reminding the clients about this ... They must talk negatively about their country of origin, community, family, and culture. In my experience, if you say anything positive about your support network and community, then ... they can help you overcome any social difficulties ... It puts them in an awful position.

Conversely, all 10 victim-survivors identified cultural views of partnerships and marriage as a primary source of stigma for women, as opposed to the economic view primarily used in the visa assessment of stigma. For instance, the woman is the gatekeeper in the relationship. This was the case for Vee:

I did not mind going home ... if I had evidence to show people back home that I was not a bad woman. In my culture, divorce ... separation is tough for women ... it is not acceptable ... and I would be blamed. So, I told the officials, I need this as proof to explain why I have separated, why this happened and why I have left the country ... that is all I needed ... to say that I am not a bad woman so that people will not treat me differently.

Indeed, research shows that the expectation to portray one's community, country, and culture negatively is a significant barrier to help-seeking for migrant women. Some of the reasons for this include the shame and stigma associated with divulging family issues publicly, fear of being ostracised as a family, and an entrenched "defensiveness" by migrant communities to maintain cultural "purity" against the dominance of European/Western host cultures (Ayallo, 2021; Jayaweera & Oliver, 2013; Simon-Kumar, 2019). In this context, disclosing violence may be equated to exposing the community, resulting in a loss of social status and possible reprisal from family and friends (Simon-Kumar, 2019; Tam et al., 2016). Consequently, returning home is not viable for victim-survivors, and stigma should not be tested primarily in economic terms (Voolma, 2018). Even for those with academic qualifications, social ostracism and dishonour can result in limited employment opportunities in the home country, resulting in low-paid jobs and few monetary resources for leaving an abusive relationship (Segrave, 2021).

Discussion

This study on the cultural contexts within which ethnic victim-survivors engage with the VFV visa policy supports the literature regarding ethnic women's experiences with the current family violence immigration policy provisions in other countries (Ayallo, 2021; Bhatnagar, 2021; Segrave, 2017; Voolma, 2018; Whelan, 2019). Findings from this study demonstrate that, in the Aotearoa

context, the process of proving that violence occurred, and social stigma is complex for ethnic women. Victim-survivors' access to this visa provision is challenged by certain cultural factors that often prevent them from meeting the judicial (or non-judicial) evidence required for visa approval. These factors include psychological forms of violence being the most prevalent and challenging to prove; more than one family member often perpetrates that violence; and the violence experienced usually occurs transnationally—extending to the country of origin. These reasons significantly impact their ability to gather the critical evidence required for the VFV visas. These findings validate research that emphasises the link between ethnic migrant women's experiences of family violence and immigration status (Ayalo, 2021; Erez & Harper, 2018; Ingram et al., 2010; Simon-Kumar, 2019). It fills the gap in the literature and research in the Aotearoa context by explaining the cultural nature of the barriers to accessing the VFV visa as one of the intervention strategies for addressing immigration status as a risk factor.

Participants indicated that their immigration status and pathways depended on their partner's immigration status. In this regard, the following conclusion can be drawn. Perpetrators use immigration status as a form of psychological abuse. The implication that the immigration options available to the woman (for instance, to be deported or not, upon separation), depends on the relationship increases abusers' control and power over the victim-survivor (Ayalo, 2021; Bhatnagar, 2021).

The study highlighted the lack of direct information provision or greater awareness of rights and other possible immigration options to ethnic migrants, compounded by being new to the country and, therefore, limited knowledge of the systems. Because of this, although the VFV visa policy exists, there are still misconceptions about the meaning of some of its critical provisions. For instance, there is a lack of awareness of the purpose and responsibility of a statutory

declaration. Findings showed that even some authorised practitioners hesitate to support evidence in the form of statutory declaration as they are unsure, for instance, if this will mean being called to testify as witnesses in a judicial process. In reality, because of the most common form of violence experienced, psychological abuse, a statutory declaration would be the most practical proof of violence for ethnic victim-survivors. Therefore, a great deal of community-based education is required within ethnic communities about partnership visas, the VFV policy, and the availability of social and legal aid programmes for ethnic communities. This includes providing locally accessible information (formats, language, and settings) at several points in the migration journey and resettlement process (Bhatnagar, 2021; Ghafournia & Easteal, 2021; Reina et al., 2014; Segrave, 2017).

Participants in this study noted that tangible proof of violence, such as physical injury or reported and ongoing treatment directly caused by the abuse, and a criminal conviction are the most persuasive proof in the visa-assessment process that violence occurred. The findings in the study lead to the conclusion that ethnic victim-survivors are most likely to experience psychological abuse often with no tangible evidence and, therefore, are most likely to use a statutory declaration (Simon-Kumar, 2019). Insisting on substantial evidence reinforces a culture of disbelief, a barrier to help-seeking (Hague et al., 2010; Jayaweera & Oliver, 2013).

Ethnic victim-survivors have specific cultural lenses and norms determining their response to family violence. The collective understanding of marriage and partnerships influences the nature of abuse and how the victim-survivor responds to abusive relationships. Consequently, the partner's family can be part of the perpetration of abuse and leaving an abusive relationship is also leaving the family-in-law and the community (Simon-Kumar, 2019). In most cases, as demonstrated in this study, this happens transnationally.

The patriarchal lens typical in most ethnic communities influences the way marriages and partnerships are viewed, that it is the woman's role to make the relationship work and keep the family together and therefore, that the women are responsible for relationship breakdown. This perception makes it difficult for women to leave and report abuse (Tam et al., 2016).

Regarding social stigma, reporting or disclosing abuse has massive consequences for a victim-survivor and their entire family in the host country and often in the country of origin. This reality challenges the measure of social stigma based primarily on monetary and personal capability. Honour and shame are central concepts in most ethnic communities (Hulley et al., 2022; Rahmanipour et al., 2019; Raj & Silverman, 2002; Simon-Kumar, 2019). Therefore, the shame and embarrassment brought on the family and community can lead to exclusion in other areas, including employment. Consequently, some of the women participants in this study described how the VFV visa is also a form of proof to their families that the relationship breakdown was not their fault, a form of evidence to prevent such exclusion. This leads to the conclusion that cultural competence in ethnic communities is a crucial expertise for anyone involved in the VFV policy process, including immigration officers (Reina et al., 2014).

Evidence in this study links financial stability to reporting abuse and help-seeking. Participants either hesitated to leave the relationship for fear of living in more dire circumstances or were living in extreme poverty after leaving because of a lack of social and financial support. Their partnership visa conditions restricted their work opportunities, and they were ineligible for government subsidy. This did not change during the VFV visa application period. They did not have access to crucial resources that would have enabled them to establish themselves or demonstrate their potential. Such resources mentioned by participants

include employment opportunities, education support, and job training support. This leads to the conclusion that lacking access to income support or welfare benefits decreases the chances of victim-survivors coming forward, creating further apprehension to seek help and dependence on the abuser (Segrave, 2017). For a victim-survivor who is isolated and does not feel confident enough to act independently in a new country, access to education, employment, and other forms of training may build capacity and increase chances of help-seeking (Bhatnagar, 2021; Ingram et al., 2010).

Conclusion

This study has demonstrated that the high burden of proof on the victim-survivors with stringent evidence requirements related to the genuineness of the relationship and abuse is a barrier due to the factors associated with the nature of abuse experienced and the precarious immigration status. Statutory declarations are most practical for these communities to prove violence and hardship. Similar to a recommendation in Australia, this would mean revising the list of "approved professionals" to include community-based practitioners accessible to these communities (Gray et al., 2014; Segrave, 2017). In the Canadian 'humanitarian and compassionate' process, for instance, there is no specific list of evidence to prove abuse or other requirements, no form of evidence is privileged, and more evidence is considered better. The application process is also expedited to prevent the instability caused by long wait times (Bhatnagar, 2021; Government of Canada, 2021b; Neufeld, 2009). Further research is required to explore the practicality of implementing a similar humanitarian application process in the Aotearoa context.

There are some limitations which need to be considered concerning the reported findings. First, the study focused on MELAA communities and only a limited

sample within these communities. Therefore, it cannot present information explaining all the factors determining these communities' engagement with VFV visas. Also, the findings and conclusions from these participants can only be cautiously generalised to all victim-survivors from all ethnic communities in Aotearoa. Finally, the study was based on the experiences of ethnic victim-survivors who were self-referred and willing to share their experiences. These women also have engaged with relevant social and legal support services, such as women's refugee and legal aid services. This data cannot be extrapolated to ethnic victim-survivors who have not sought institutional help or have access to advocacy services. Therefore, generalisations should be made with caution.

Despite these limitations, the present study's findings provide new information on the cultural contexts within which ethnic victim-survivors engaged with the VFV visa policy, highlighting why the current tests are challenging to meet for many. The mix of both victim-survivors and non-medical practitioners' perspectives in this study provides confidence that the findings are representative of some of the key people at the community level, often involved in the reality of gathering evidence for the VFV visa application process, which attests to the study's rigour. The brief critical overview of comparative policies in other countries allows for some comparisons demonstrating rigour.

There are suggestions for addressing some of the limitations of the VFV visa policy that arise from the perceptions and experiences of the 20 participants, victim-survivors and practitioners. A more humanitarian and compassionate approach, comparable to some current policies such as the protected persons (Asylum seekers) policy (New Zealand Immigration, 2023) and Canada's humanitarian and compassionate policy (Government of Canada, 2021a), is recommended. This would be fee exempt

and offers open work permits, healthcare coverage, access to education, and work and income benefits and payments until their application is processed. Such critical provisions provide sustainability, prevent further abuse due to financial dependency, allow the victim-survivors to establish themselves, and give them more time to consider their immigration options (Bhatnagar, 2021; Neufeld, 2009).

Notes

¹ The term is used here to refer to individuals who have experienced family violence and successfully or unsuccessfully engaged with the VFV visa policy. In this paper, the term is used interchangeably with woman/women as appropriate (reflecting that, in this study, all victim-survivors were women).

² This research was conducted before these changes were announced. The 2019 research conducted by the Author informed some of the discussion forums where these changes were proposed. See <https://nzfvc.org.nz/news/nzfvc-webinar-addressing-needs-migrant-victim-survivors-family-violence>

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References

- Abraham, M., & Tastsoglou, E. (2016). Addressing domestic violence in Canada and the United States: The uneasy co-habitation of women and the state. *Current Sociology*, 64(4), 568–585.
- Amuedo-Dorantes, C., & Arenas-Arroyo, E. (2019). Police trust and domestic violence: Evidence from immigration policies. *IZA Discussion Papers, No. 12721*. Institute of Labor Economics (IZA), Bonn.
- Anitha, S. (2011). Legislating gender inequalities: The nature and patterns of domestic violence experienced by South Asian women with insecure immigration status in the United Kingdom. *Violence Against Women*, 17(10), 1260–1285.
- Ayallo, I. (2019 December 3-6). *A perspective on S4.5 residence category for Victims of Domestic Violence (VDV) policy: Addressing domestic violence against 'ethnic' women* [Conference paper] SAANZ, Auckland, NZ.

- Ayallo, I. (2021). Intersections of immigration law and family violence: Exploring barriers for ethnic migrant and refugee background women. *Aotearoa New Zealand Social Work, 33*(4), 55–64.
- Bhatnagar, A. D. (2021). *Navigating the intersections: Supports for immigrant women experiencing intimate partner violence*. Simon Fraser University. https://summit.sfu.ca/_flysystem/fedora/2022-08/input_data/21291/etd21365.pdf
- Citizens Advice Bureau. (2023). *What is the Victims of Family Violence Work Visa?* Retrieved August 25 from <https://www.cab.org.nz/article/KB00042971>
- Clandinin, D. J. (2006). Narrative inquiry: A methodology for studying lived experience. *Research Studies in Music Education, 27*(1), 44–54.
- Clandinin, D. J., & Caine, V. (2008). Narrative inquiry. In L. M. Given (Ed.), *The Sage encyclopedia of qualitative research methods* (pp. 542–545). SAGE Publications.
- Clarke, V., Braun, V., & Hayfield, N. (2015). Thematic analysis. In *Qualitative psychology: A practical guide to research methods* (3rd ed., pp. 222–248). Sage.
- Connelly, F. M., & Clandinin, D. J. (1990). Stories of experience and narrative inquiry. *Educational Researcher, 19*(5), 2–14.
- Cook Heffron, L., Wachter, K., & Rubalcava Hernandez, E. J. (2022). “Mi Corazón se Partió en Dos”: Transnational motherhood at the intersection of migration and violence. *International Journal of Environmental Research and Public Health, 19*(20), 13404. <https://doi.org/10.3390/ijerph192013404>
- Couture-Carron, A., Zaidi, A. U., & Ammar, N. H. (2022). Battered immigrant women and the police: A Canadian perspective. *International Journal of Offender Therapy and Comparative Criminology, 66*(1), 50–69. <https://doi.org/10.1177/0306624x20986534>
- Creswell, J. W., & Poth, C. N. (2016). *Qualitative inquiry and research design: Choosing among five approaches*. Sage Publications.
- Ei-Abani, S., Jacobs, S., Chadwick, K., & Arun, S. (2020). Migration and attitudes towards domestic violence against women: A case study of Libyan migrants in the UK. *Migration and Development, 9*(1), 111–130.
- Erez, E., & Harper, S. (2018). Intersectionality, immigration, and domestic violence. In *The handbook of race, ethnicity, crime, and justice* (pp. 457–474). John Wiley & Sons.
- Garcia-Moreno, C., Jansen, H. A., Ellsberg, M., Heise, L., & Watts, C. H. (2006). Prevalence of intimate partner violence: Findings from the WHO multi-country study on women’s health and domestic violence. *The Lancet, 368*(9543), 1260–1269.
- Ghafournia, N., & Easteal, P. (2021). Help-seeking experiences of immigrant domestic violence survivors in Australia: A snapshot of Muslim survivors. *Journal of Interpersonal Violence, 36*(19–20), 9008–9034.
- Government of Canada. (2021a). The humanitarian and compassionate assessment: Dealing with family relationships. <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/permanent-residence/humanitarian-compassionate-consideration/processing/assessment-dealing-family-relationships.html>
- Government of Canada. (2021b). Program delivery update: Victims or survivors of family violence – Humanitarian and compassionate grounds. <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/updates/2021-family-violence-compassionate-grounds.html>
- Gray, L., Easteal, P., & Bartels, L. (2014). Immigrant women and family violence: Will the new exceptions help or hinder victims? *Alternative Law Journal, 39*(3), 167–171.
- Hague, G., Gangoli, G., Joseph, H., & Alphonse, M. (2010). Raising silenced voices: South Asian women immigrating after marriage. *Ethnicity and Inequalities in Health and Social Care, 3*(1), 25–35.
- Hulley, J., Bailey, L., Kirkman, G., Gibbs, G. R., Gomersall, T., Latif, A., & Jones, A. (2022). Intimate partner violence and barriers to help-seeking among Black, Asian, minority ethnic and immigrant women: A qualitative metasynthesis of global research. *Trauma, Violence, & Abuse, 24*(2), 1–15.
- Ingram, M., McClelland, D. J., Martin, J., Caballero, M. F., Mayorga, M. T., & Gillespie, K. (2010). Experiences of immigrant women who self-petition under the Violence Against Women Act. *Violence Against Women, 16*(8), 858–880.
- Jayasuriya-Illesinghe, V. (2018). Immigration policies and immigrant women’s vulnerability to intimate partner violence in Canada. *Journal of International Migration and Integration, 19*, 339–348.
- Jayaweera, H., & Oliver, C. (2013). Mapping the conditions of stay and the rationale for entitlements and restrictions for family migrants in the United Kingdom. University of Oxford: COMPAS, UK.
- Jelinic, A. B. (2021). Navigating the family law provisions: Migrant women’s voices. *International Journal for Crime, Justice and Social Democracy, 10*(4), 131–145.
- Kapur, S., Zajicek, A., & Hunt, V. (2017). Immigration provisions in the violence against women act: Implications for Asian Indian marriage migrants. *Journal of Women, Politics & Policy, 38*(4), 456–480.
- Kiamanesh, P., & Hauge, M. I. (2019). “We are not weak, we just experience domestic violence”—Immigrant women’s experiences of encounters with service providers as a result of domestic violence. *Child & Family Social Work, 24*(2), 301–308.
- Menjívar, C., & Salcido, O. (2002). Immigrant women and domestic violence: Common experiences in different countries. *Gender & Society, 16*(6), 898–920.
- Ministry of Business Innovation and Employment. (2020). *Recent Migrant Victims of Family Violence Project 2019: Final Report*. <https://www.mbie.govt.nz/dmsdocument/12138-recent-migrant-victims-of-family-violence-project-2019-final-report>
- Mirza, N. (2016). The UK government’s conflicting agendas and harmful immigration policies: Shaping South Asian women’s experiences of abuse and “exit”. *Critical Social Policy, 36*(4), 592–609.
- Neufeld, H. (2009). Inadequacies of the humanitarian and compassionate procedure for abuse immigrant spouses. *Journal of Law & Social. Policy, 22*, 177. <https://doi.org/10.60082/0829-3929.1006>

- New Zealand Immigration. (2023). Information for asylum seekers. <https://www.immigration.govt.nz/new-zealand-visas/preparing-a-visa-application/living-in-new-zealand-permanently/information-for-refugees-and-asylum-seekers/asylum-seekers>
- Oliver, C. (2020). Irrational rationalities and governmentality-effected neglect in immigration practice: Legal migrants' entitlements to services and benefits in the United Kingdom. *The British Journal of Sociology*, 71(1), 96–111.
- Rahmanipour, S., Kumar, S., & Simon-Kumar, R. (2019). Underreporting sexual violence among "ethnic" migrant women: Perspectives from Aotearoa/New Zealand. *Culture, Health & Sexuality*, 21(7), 837–852.
- Raj, A., & Silverman, J. (2002). Violence against immigrant women: The roles of culture, context, and legal immigrant status on intimate partner violence. *Violence Against Women*, 8(3), 367–398.
- Reina, A. S., Lohman, B. J., & Maldonado, M. M. (2014). "He said they'd deport me": Factors influencing domestic violence help-seeking practices among Latina immigrants. *Journal of Interpersonal Violence*, 29(4), 593–615.
- Savin-Baden, M., & Niekerk, L. V. (2007). Narrative inquiry: Theory and practice. *Journal of Geography in Higher Education*, 31(3), 459–472.
- Scott, M., Weaver, S., & Kamimura, A. (2018). Experiences of immigrant women who applied for Violence Against Women Act (VAWA) self-petition in the United States: Analysis of legal affidavits. *Diversity and Equality in Health and Care*, 15(4), 145–150.
- Segrave, M. (2021). Temporary migration and family violence: How perpetrators weaponise borders. *International Journal for Crime, Justice and Social Democracy*, 10(4), 26–38.
- Segrave, M. T. (2017). *Temporary migration and family violence: An analysis of victimisation, vulnerability and support*. Monash University.
- Simon-Kumar, R. (2019). *Ethnic perspectives in family violence in Aotearoa New Zealand*. New Zealand Family Violence Clearing House. <https://nzfvc.org.nz/issues-paper-14-ethnic-perspectives-family-violence-aotearoa-new-zealand>
- Tam, D. M., Tutty, L. M., Zhuang, Z. H., & Paz, E. (2016). Racial minority women and criminal justice responses to domestic violence. *Journal of Family Violence*, 31, 527–538.
- Triandafyllidou, A. (2022). Temporary migration: Category of analysis or category of practice? *Journal of Ethnic and Migration Studies*, 48(16), 3847–3859.
- Voolma, H. (2018). "I must be silent because of residency": Barriers to escaping domestic violence in the context of insecure immigration status in England and Sweden. *Violence Against Women*, 24(15), 1830–1850.
- Whelan, I. (2019). The effect of United Kingdom immigration policies on migrant access to sexual and reproductive healthcare. *BMJ Sexual & Reproductive Health*, 45(1), 74–77.