

**“I Must Be Silent because of Residency”:  
Barriers to Escaping Domestic Violence in the Context of Insecure  
Immigration Status**

Halliki Voolma

**Note**

This article is based on Halliki Voolma’s doctoral research at the Centre for Gender Studies, Department of Politics and International Studies, University of Cambridge (2011-2015).

This research was supported by a Gates Cambridge Scholarship, a Royal Geographical Society Postgraduate Research Award and research grants from the Department of Geography, University of Cambridge.

**Abstract**

This article is based on comparative qualitative research examining domestic violence against women with insecure immigration status in England and Sweden. Empirical data was collected through in-depth semi-structured interviews with 31 survivors from 14 different non-EU countries, and 57 professional stakeholders including 19 frontline support service providers. This article reveals a multi-layered process of actualizing women's right to live free from violence, with survivors required to be formally eligible for support services, having to prove their eligibility and overcome informal barriers such as the fear of deportation, as well as gain access to accurate information about rights and services.

## **A Survivor's Story**

Shanar<sup>1</sup> (38, England – *Iran* [P13])<sup>2</sup> travelled to England from Iran with her daughter Yasmin in 2013 to join her husband, Yousef. Yousef had refugee status in the UK and Shanar and Yasmin were granted refugee reunion visas.

Yousef began to abuse Shanar and Yasmin in different ways as soon as they arrived in England. He threatened to keep Yasmin in England, but send Shanar back to Iran. One day he forced Shanar out of the house and when she pleaded with him to let her in, he shouted at her saying she could return to the house only if she agreed to accept everything he said and did, including having another woman living with him. Their neighbors saw her crying on the street and called the police. Yousef was held by the police for two days, but as the house was in his name, Shanar and Yasmin had no option, but to leave. Shanar did not know about her rights in the UK, or about support services she could approach: “I didn’t know language, I didn’t know where to go”. Yousef had not allowed her to be in contact with other Iranians.

Shanar and Yasmin were not eligible for basic domestic violence support of safe accommodation and financial support because of the No Recourse to Public Funding requirement in England that applies to migrants with insecure status. The police found Shanar and Yasmin a hotel room to stay in for one week and subsequently a shelter with some independent funding was able to take them in. Shanar applied for asylum in the UK for her and Yasmin. They started receiving £60 a week from the National Asylum Support Service and Shanar told me she was very grateful for this support, but that it was difficult to get by. At the time of the interview Shanar and Yasmin had been been waiting for eight months for their first meeting with the Home Office to discuss their asylum case.

## **Domestic Violence in the Context of Insecure Immigration Status**

Physical and/or sexual violence by an intimate partner affects almost a third of women worldwide (WHO, 2013). The biggest survey ever conducted on violence against women in the EU showed that out of all women who have been in a relationship, 22% have experienced physical and/or sexual violence and 43% have experienced psychological violence by an intimate partner since the age of 15 (EU FRA, 2014).

While the worldwide reach of domestic violence is well documented (WHO, 2013; Watts & Zimmerman, 2002; Heise, Ellsberg, & Gottemoeller, 2002), this does not mean that all women experience violence in the same way or to the same extent. Anitha (2011) argues that the impact of domestic violence can vary depending on “the specific forms it takes, the meanings attached to specific acts of abuse, the often-varying service responses to women from different cultural backgrounds and to different forms of violence against women” (p. 1261). Due to a web of political, economic and social forces, women with insecure immigration status are especially vulnerable to domestic violence (Basile & Black, 2011). Erez et al. (2009) observe that “immigration shapes how women understand domestic violence, their access to resources, and responses to domestic violence” (p. 32). A key issue that this article addresses is that women’s options for leaving domestic violence situations in the context of insecure immigration status are often very limited.

This article focuses on ‘women with insecure immigration status’ in England and Sweden. I define ‘insecure status’ as not having citizenship, or permanent residency, where permanent residency means the right to live and work in a specified country for an unlimited period. My focus is on non-EU citizens with uncertain status residing in England or Sweden. This includes women on spousal, work or students visas, asylum seekers, survivors of trafficking,

undocumented women and visa ‘overstayers’. These categories all feature in the migration journeys of survivors interviewed for this study. In the UK, ‘insecure immigration status’ is an official term referring to people who do not have Indefinite Leave to Remain, defined as permission to remain in the UK without a time restriction on the length of stay (Gov.uk, 2015). Migrants without Indefinite Leave to Remain in the UK are restricted from accessing welfare state benefits, and thus also domestic violence support services. The term ‘insecure immigration status’ is not an official term in Sweden, but I conceive of as having temporary or no legal status, as opposed to permanent residency or citizenship. Conceptually what is significant about the concept of insecure immigration status is the uncertainty inherent to a temporary status – a woman not knowing whether she can stay long-term provides perpetrators of violence with a further tool of abuse: exploiting women’s fears of deportation. Domestic violence is defined in this article to encompass both physical and non-physical forms, perpetrated by both intimate (ex-)partners and family members. The paper draws on the definition of domestic violence included in the 2011 Council of Europe Convention on preventing and combating violence against women and domestic violence:

‘domestic violence’ shall mean all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim (Article 3)

It is well established in the literature on domestic violence that the period when a woman is preparing to leave or just after she leaves an abusive relationship is the most dangerous time (e.g. Johnson, 2005). The fear of deportation tied to insecure immigration status makes seeking support through contacting authorities or services especially precarious - there is a risk that domestic violence will be supplanted by state violence in the form of deportation

(Burman & Chantler, 2005). Furthermore, domestic violence support services such as shelters are commonly financed through public funds which, depending on the national context, women with insecure immigration status may not have access to (WAVE, 2010). As women with insecure immigration status are less likely to have informal networks of support to reach out to in cases of domestic violence (Raj & Silverman, 2002; Menjivar & Salcido, 2002), curtailed access to services can mean survivors have no option, but to stay in abusive relationships or risk homelessness and destitution. For women with insecure immigration status exposed to domestic violence, “abuse and immigration interact in a vicious circle” (Gill & Sharma, 2006: p. 191) and their plight cannot be understood or adequately responded to by separating ‘immigration’ and ‘domestic violence’ as areas of public policy. An intersectional perspective is necessary for understanding migrant women’s marginalization and why they find it difficult to access services (WAVE, 2010). According to Kelly (2013) “toxic conjunctions of sexism, racism, language access and immigration status narrow women’s possibilities for naming violence and seeking support” (p. 5). Erez et al. (2002) helpfully summarize the major barriers (im)migrant women face in accessing safety and justice:

For battered immigrant women, the complexities of immigration laws designed to help immigrant victims, the lack of access to the full welfare safety net, and cultural and linguistic barriers to accessing court assistance weaken fundamental rights such as “equal protection” or “equality before the law” (p. 292).

This article, based on qualitative research, examines the formal and informal barriers women with insecure immigration status experience when escaping domestic violence in England and Sweden. This article addresses the question: What are the conditions and constraints of women with insecure immigration status leaving abusive homes and accessing domestic

violence support services? Henry Shue (1996) argues that security and subsistence are ‘basic rights’ because they are essential ‘background conditions’ for the enjoyment of any other right. Shue (1996) defines ‘physical security’ as “a right that is basic not to be subjected to murder, torture, mayhem, rape, or assault” (p. 20). By ‘subsistence’, Shue means “unpolluted air, unpolluted water, adequate food, adequate clothing, adequate shelter, and minimal preventive healthcare” (1996: p. 23). Both of these ‘basic rights’ are commonly threatened or violated in domestic violence situations - physical security through physical violence or the threat thereof, as well as physical isolation being imposed as part of the abuse, and subsistence through financial abuse, or not being able or ‘allowed’ to work to earn a living. Women’s right to live free from domestic violence cannot be guaranteed without ensuring access to safe accommodation (physical security) and the means to survive (subsistence).

Thus the point of departure of this article is the understanding that access to safe accommodation and financial support are essential conditions for enabling survivors of domestic violence to leave domestic violence situations and must be ensured for all women by state welfare systems and legal provisions, regardless of immigration status. On actualizing rights as supposed to merely proclaiming them, Sabates-Wheeler & MacAuslan (2007) write that “specified rights and entitlements are only as useful as the access structures that surround them” (p. 31). They highlight the importance of examining the constraints and conditions of access to specific social protection instruments for migrants (*Ibid.*). This article investigates the structures and processes of women with insecure immigration status accessing essential support services for domestic violence in England and Sweden.

## Research Contexts

This article is based on research conducted in the UK (England) and Sweden between 2012 and 2015.<sup>3</sup> The choice of a two-country design for this research was in line with the study's aim to develop a multi-scalar analysis of the focus problem, including identifying links between different levels of analysis ranging from individual lived experiences to national and international legal frameworks. This article focuses on survivors' pathways out of abusive relationships in the context of insecure immigration status and as the details of the nexus between domestic violence, the welfare state and insecure immigration status are different in every national context, gathering data in two countries provides a fuller understanding of the issue at hand.

Both the UK and Sweden have been countries of net migration since the 1950s (MIPEX, 2015a; 2015b). The percentage of residents who are non-EU citizens is similar in the two countries: 3.8% in the UK and 4% in Sweden (Eurostat, 2014). Foreign-born residents make up 12.5% of the population in the UK and 15.9% in Sweden (Ibid.). It should be noted that 92% of the UK's foreign-born population live in England (Migration Observatory, 2014). The domestic violence service provision systems are different in the four nations of the UK so it is coherent to focus on one nation in an international policy comparison and England has by far the biggest share of migrants.

Violence against women statistics in the two countries are also comparable. According to the EU FRA's 2014 survey, 29% of women in the UK, and 28% of women in Sweden reported having experienced physical and/or sexual violence by a current or previous intimate partner since the age of 15 (EU FRA, 2014). In the same survey 46% of women in the UK reported psychological violence, and 51% of women in Sweden by a current or previous intimate



partner since the age of 15 (*Ibid.*). In both countries consecutive governments have proclaimed their commitment to ending violence against women (Government Offices of Sweden, 2015; UK Home Office, 2015a), and domestic violence support service systems are well-established, with the first shelters in both countries having been opened in the 1970s (WAVE, 2014).

The laws and policies relevant to the interview data discussed in this article concern access to welfare state services of women with insecure immigration status, and conditions of spousal visas which the majority of the women interviewed for this study were affected by. In the UK context, a key issue for survivors of domestic violence with insecure immigration status is the No Recourse to Public Funding (“NRPF”) requirement. Survivors of domestic violence subject to the NRPF rule have no entitlement to most welfare benefits, tax credits or housing assistance measures that are paid for by the state<sup>4</sup>. This means that they cannot access domestic violence shelters (which are financed through public funds) or financial support: crucial conditions for being able to leave a domestic violence relationship. The NRPF rule applies to many migrants including those on spousal or partner visas, people on student visas and their dependents, people on work visa and their dependents, refused asylum seekers and over-stayers. National surveys have indicated that on average there are around 600 women per year who have NRPF and are affected by domestic violence, though the figure is thought to be much higher in reality in view of underreporting (Amnesty International & Southall Black Sisters, 2008; Siddiqui, 2013).

In April 2012, the UK government introduced the Destitution Domestic Violence Concession (“DDV Concession”) which enables migrant spouses subject to the spousal visa probationary

period with NRPF the right to access benefits and social housing for three months while they applied for Indefinite Leave to Remain in the UK. This development represented a victory for a twenty year NGO campaign on this issue, led by Southall Black Sisters, a specialist non-profit organization working to support Asian and African-Caribbean women survivors of gender-based violence.

As the DDV Concession only applies to survivors on spousal visas, many other survivors with insecure immigration status still lack a pathway to safety and support. A survey conducted by the Campaign to Abolish No Recourse to Public Funds showed that for the period between 1st November 2012 and 31st January 2013, 64% in a sample of 242 survivors of domestic violence with insecure immigration status (with 176 children) did not qualify for the DDV Concession (Southall Black Sisters, 2013).<sup>5</sup>

In Sweden, most survivors of domestic violence have access to support services regardless of immigration status, because access to welfare state services is based on residence within a municipality, not on permanent residence or citizenship as in the UK. In Sweden the grey area is for undocumented migrants - most shelters are not able to house undocumented survivors because the benefits system does not cover them.

A policy issue that is common to the UK and Sweden in relation to the problem of domestic violence against women with insecure immigration status is the spousal visa probationary period. Migrants who move to the UK or Sweden on spousal visas to join their spouses or fiancés (in Sweden unmarried partners are also eligible, though the relationship must be judged as “serious”) are subject to a probationary period of residency, five years in the UK

and two years in Sweden, which means that in the case of marriage dissolution they no longer have a right to remain and face deportation.

An exemption to this deportation rule was introduced for survivors in the UK in the form of the Domestic Violence Rule in 2002. This rule enables women to apply for Indefinite Leave to Remain during the (then two-year) probationary period if they can prove that domestic violence was the cause of the relationship's dissolution. The range of acceptable evidence was extended in 2003, but the necessary evidence still requires successful contact with support services, and a record of the disclosure by these services (Anitha, 2011).

An exemption in the form of the Swedish domestic violence rule (under the Swedish Aliens Act 2005) exists in Sweden whereby a permanent residence permit may be granted in the case of relationship dissolution in the first two years if the principal cause of relationship break-down is exposure to violence. However, to be granted an independent residency permit survivors must meet a number of criteria, including providing evidence of 'serious enough and repeated violence' and a 'substantial relationship duration' which create evidentiary barriers to survivors leaving violent relationships (Burman, 2012). These criteria are justified in the preparatory works of the legislation in relation to reducing the risk of bogus marriages (*Ibid.*). Scholars and practitioners in Sweden have been critical of the spousal visa probationary period, citing it as a key barrier to domestic violence survivors leaving abusive relationships (Eriksson, 2012). As in the UK, the key criticism espoused is that the uncertainty of women's immigration status compounds the control that perpetrators wield over them, particularly in the context of their often-limited Swedish language skills and lack of knowledge of the system (*Ibid.*).

## Method

Empirical data was collected through semi-structured interviews with women who had experienced domestic violence while having insecure immigration status, and professional stakeholders of the issue. The sample of interviewees consisted of 88 individuals: 31 survivors and 57 stakeholders. In Sweden the sample was made up of 18 survivors and 23 stakeholders, in England 13 survivors and 22 stakeholders were interviewed. The remaining 11 stakeholder participants were thematic experts from European and international organizations. Interviewing different groups allowed for the triangulation of information from a number of viewpoints about survivors' pathways out of abusive relationships in the context of insecure immigration status.

For the sample of survivors, the aim was to recruit women who were non-EU citizens, had insecure immigration status in England or Sweden, and were of age 21 or above. The final sample of survivors consisted of women between the ages of 22 and 48 from 14 different non-EU countries: Afghanistan, Bolivia, Chile, Ecuador, Iran, Iraq, Morocco, Nigeria, Pakistan, Syria, Tunisia, Turkey, Yemen and Zimbabwe. 20 of the survivors had at least one child. The women interviewed had been living in England or Sweden for a period ranging from 8 months to 23 years. In Sweden, 13 survivors had migrated to Sweden for marriage, two were asylum seekers and two came as economic migrants looking for work. In England eight survivors had migrated for marriage, one to seek asylum, one survivor came to join her husband who had refugee status, one woman came as an economic migrant looking for work, one survivor was trafficked to England as a child for purposes of sexual exploitation, and one woman came to be closer to her daughter. All of the survivors suffered domestic abuse in Sweden or England while having insecure immigration status.

The sample of professional stakeholders consisted of individuals I identified as experts or stakeholders in relation to the issue of domestic violence against women with insecure immigration status, from the following types of organizations: frontline and umbrella non-governmental organizations, local and national government or statutory agencies, political parties, the legal sector, and European and international organizations. The perspectives of frontline support service providers are particularly relevant for this article on the conditions and constraints of access to services, as these stakeholders have worked with many survivors with insecure status and are thus able to observe key challenges and trends. The sample included 19 staff members of specialist domestic violence support services (8 in Sweden and 11 in the UK).

This was not a representative sample of survivors or of professional stakeholders. However, the aim of the interviews was not to make generalizations from the sample to the population, but rather to explore the experiences of survivors of domestic violence with insecure immigration status and the perspectives of professional stakeholders, to be able to identify common themes for further analysis.

A combination of purposive and snowball sampling was utilized to select stakeholder interviewees for this study. In the case of purposive sampling, the study's aims and the researcher's knowledge of the relevant individuals guides the process of recruitment (Tansey, 2007). This strategy was used to identify a key set of stakeholders by virtue of their positions in particular organizations. A snowball sample was then initiated to pinpoint the identity of other important stakeholders and facilitators of access to survivors for interview.

Each interview lasted roughly 40-50 minutes. The survivor interviews were oriented around the following topics: background and immigration status, dynamics of abuse, pathways out of

abusive homes, current situation, and future prospects. I worked with interpreters for 13 of the 31 survivor interviews as these participants did not speak fluent English or preferred to be interviewed in their native language. Interpreters for survivor interviews were professional support service providers themselves or approved by these professionals.

Individually-tailored interview question guides were prepared for each stakeholder interview. These were based on the same broad topics, but also reflected the individuals' particular lines of work and expertise. Support service providers who work directly with migrant survivors of domestic violence were asked about their experiences of working to support this group of survivors, and their perspectives on national and local policies on immigration, domestic violence and access to the welfare state. They were asked about trends in migrant women's pathways out of abusive relationships and to describe an appropriate support package for them. National political/legal stakeholders were asked about national legal and policy frameworks and the key challenges in addressing the problem of domestic violence against immigrant women, such as the tension between immigration control and human rights. Politicians were asked about their parties' policies and the justifications for these policies. EU/international stakeholder interviews were asked about the strengths and limitations of the existing EU and international frameworks and how the different scales of legislation and policy relate.

Audio recordings of interviews were transcribed verbatim. Thematic analysis, as described by Braun and Clarke (2006) was used to analyze the interview transcripts, with the process involving identifying themes emerging from iterative readings of the interview transcripts. Thematic analysis was deemed a suitable method as it can summarize important features of a large data set, reveal not only similarities, but differences within a body of data, and can

generate unanticipated insights (*Ibid.*). The stages of thematic analysis during iterative readings included note-taking about content and initial interpretative ideas, assigning codes to meaningful features of the data, sorting codes, and organizing themes so that some were combined to form main-themes, others became sub-themes and still others were discarded.

This study was carried out in accordance with high ethical standards necessary for research on violence against women (Fontes, 2004; Jaquier, Johnson & Fisher, 2011) and the research protocol gained ethical approval from the University of Cambridge Department of Geography (UK) ethics board, as well as the Lund (Sweden) regional ethics board.

## **Results**

The rights are there for everyone and then it's up to politicians and to the society to make it accessible to everyone

Political Adviser, Sweden Green Party, Stockholm [P69]

### **England - survivors 'lucky' to be eligible for support services**

The No Recourse to Public Funding rule was a prominent theme in support service providers' narratives of the barriers women with insecure immigration status face when seeking support for domestic violence in England. A key aspect of this discussion was the distinction drawn between survivors on spousal visas and those with other immigration statuses, with one stakeholder choosing the word 'luck' to describe the eligibility requirements for domestic violence services in England: "Luckily she was on a spousal visa. But many of them are not, they came [for] family reunion, or are students or dependents" (Advice Coordinator, specialist migrant and ethnic minority ("MEM")<sup>6</sup> support service, London [P33]).

Support service providers described cases of survivors they had tried to support who were not on spousal visas and thus were not eligible for the “DDV Concession” to enable them to leave abusive relationships and access support services. Some service providers shared case examples, such as the following description of the experiences of a young woman who was in the UK on a family reunion visa and suffered domestic abuse, but was not able to access any welfare services while waiting for the outcome of her asylum application.

We have a client who came as a family reunion. A young girl, actually. She suffered from domestic violence, police was involved, all this stuff. We referred her to a solicitor, the solicitor went with her through the options and decided to make a claim for asylum. But she hasn't got any support... she stays with friend, how she manage financially all this stuff? She eats with them, she's sleeping in the sitting room.

Advice Coordinator, specialist MEM support service, London [P33]

The DDV Concession was referred to by stakeholders as a significant policy advancement with those who had worked with eligible survivors saying that new policy was working well in practice:

obviously, she needs to meet the criteria of coming here on a spousal visa, but, we haven't had a single woman who has been refused the 13 week support... . They are making really quick decisions in the Home Office

Project Coordinator, domestic violence support service, Cambridgeshire [P36]

However, there was a consensus among service providers that the Concession does not go far enough in terms of who it covers:



it's a step forward, because some women are getting help that didn't get help before. But, it just doesn't go far enough... if you're on an around-the-world trip from London, you don't sit down in Watford and celebrate.

Director, national violence against women charity, London [P32]

Shanar's experiences, outlined in the case study at the start of this article, illustrate the impact of the No Recourse to Public Funding policy on survivors of domestic violence. Having been exposed to domestic violence from when she first arrived in England, Shanar was not eligible for state-funded services to enable her to access support because of her insecure immigration status, and as she was not on a spousal visa, she was also not eligible for the Destitution Domestic Violence Concession. She was 'lucky' in having been able to access some support to be able to contact a lawyer and thus apply for asylum, which entitled her to some limited support from the National Asylum Support Service.

What explains the logic that only those on spousal visas are eligible for domestic violence support services? If it is based on concerns about migration 'pull-factors' and 'sham marriages', it strikes as very unlikely that someone would migrate to England with the plan to suffer domestic violence, and somehow 'achieve' this aim, or come to England knowing about the DDV Concession and trick all the authorities into believing a false account of domestic violence. Domestic violence service providers are experts in their field and can identify fabricated cases. Furthermore, this discussion concerns basic levels of support necessary for survival, rather than a generous package of benefits that might 'attract' individuals in other countries to leave their lives behind and migrate to the UK.

The U.S., Canada, Denmark and Austria have all introduced exemptions for survivors of domestic violence from NRPF requirements (Siddiqui, 2013). In 2004, specialist MEM

women's support service Southall Black Sisters proposed an amendment to the UK Domestic Violence, Crime and Victims Bill to exempt survivors of domestic violence from the NRPF requirement (*Ibid.*). However, despite cross-party support for the amendment, the UK government rejected it due to the perception that it would undermine the 'integrity' of the immigration and benefits' rules (Siddiqui, 2013). As long as some survivors are excluded from access to domestic violence support services because of their immigration status, the aim of immigration control precedes that of ending violence against women. This can be seen as state complicity in domestic abuse, as the exclusion from services prevents survivors from being able to leave violent homes.

#### **Sweden - Social rights based on residence, but not for undocumented migrants**

As outlined earlier, in Sweden access to domestic violence support services is not dependent on immigration status - even a temporary residence permit is enough to trigger an obligation from the local authority to protect that individual: "everyone who is in the municipality, the community, has the right to get all the services that we can provide. So the citizenship is not an issue at all." (Representative, Sweden Christian Democrats Party Women's Association, Stockholm [P67]).

The Swedish Social Services Act 2001 specifies that local government must protect women and children exposed to violence. However, this does not include undocumented migrants, with one support service provider telling me: "if she's like undocumented, that's a big problem here in Sweden. That means nobody is going to be paying for her staying with any shelter" (Support worker, specialist MEM support service, Stockholm [P60]). Other support service providers spoke about the lack of clarity on how they should respond to undocumented women seeking support for domestic violence.

I think this is the same for many shelters, we don't really know how to handle this, if people here illegal, they don't have any money and of course they have a right to have immediate care, but after that, we don't know how to deal with it

Support worker, domestic violence shelter, Linköping [P49]

### **Spousal visa probationary period**

Even for those formally eligible for access to domestic violence support services, they need to know they are and prove they are, which creates further stages in the process between the proclamation of social rights and their actualization through access to services. It is notable that even though the rules governing formal eligibility for welfare state services are different in England and Sweden, the key barriers constraining access to services beyond formal eligibility requirements discussed in interviews were very similar. The spousal visa probationary period was cited as the key 'formal' (legal or policy) barrier in this regard in both countries, though it was more extensively discussed among stakeholders in Sweden. Further to this the fear of deportation and the lack of information were cited as the key 'informal' barriers to women with insecure immigration status accessing services.

The key issue with the spousal visa probationary period for survivors of domestic violence discussed in the interviews is that it makes women afraid of reporting the violence or approaching support services because they are concerned about being deported. 20 (13 in Sweden, seven in England) of the 31 survivors interviewed for this study suffered domestic violence in England or Sweden while being on spousal visas. The Director of a specialist MEM support service in Malmö, Sweden, likened this period to slavery, and talked about the aftermath of the probationary period for women who experience abuse: "The two year rule means... slavery in Sweden. Two years is too much time for you rape some woman... after

two years, they are not the same person, they cannot work, they have psychological problems” [P53].

A representative of the Swedish Christian Democrats Party’s Women’s Association echoed other stakeholders in emphasizing the importance of women exposed to violence being able to access support as soon as it occurs.

if you are a woman getting married to Swedish man and get separated after one year... you’re deported, and the man knows this of course. So, he will keep the woman in custody, or as a hostage for two years. And then, if the woman knows about her rights, she will leave him after two years and get help from the shelter... She hasn’t got the courage or the knowledge to do this before this two year limit and that’s the problem. We want her to get help the first day if the man is not good to her. Why be a hostage for 2 years? [P67]

In Sweden, the term ‘wife import’ is used to describe men who are Swedish citizens, or have permanent residency, bringing women (often from poorer countries) to Sweden and entrapping them in abusive relationships, sanctioned by immigration law through the probationary period. The significance of the concept of ‘import’ in this context is powerfully illustrated by a case described by a representative of the Swedish National Organization for Women’s Shelters and Young Women’s Shelters:

I had a man in the [municipality] where I’m from... the wife he came with, she was the eighth woman he took into Sweden... because you can come in and then you can say ‘No, I don’t want you’ and they can extradite her, then comes another one, and another one... and that’s what we call wife import. [P58]

While the term “wife import” is not used in England, Nadira’s (30, England - *Pakistan* [P7]) story shows evidence of the practice existing there too:

I'm his sixth wife. And I didn't know that he had five marriages before... all were Pakistani girls... There was one girl, he had her visa cancelled, she didn't come here, and then the other she came here for six months and then they took her back

The Swedish government-commissioned inquiry “to explore the incidence of violence, threats and violations affecting foreign women and their children who have been granted residence permits on the grounds of ties with a person resident in Sweden” (Eriksson, 2012: p. 21), concluded that the probationary period exacerbates unequal power relationships in intimate relationships:

The legislation means that it is the foreigner, and most often a woman, who alone bears the risk if the relationship ends during the first years, and moreover alone, or together with her child, must bear the consequences of violence. The person with whom an immigrant has ties, usually a man, is, on the other hand, able to make use of the legislation through his superior situation. Our investigations indicate that the number of men who systematically exploit the legislation is by no means small (Eriksson, 2012: p. 26-27).

The spousal visa probationary period can be thought of as an example of the internal functioning of the border - a tool of immigration control that functions inside the national territory, shaping migrants' experiences in England and Sweden (Bosniak, 2007; Balibar, 2004). The threat of deportation is built into the law constraining women's right to live free from violence through making survivors reluctant to report violence or seek support. In this way, the state, through its immigration policy, exacerbates the situation of women in domestic violence situations.

### **Fear of deportation**

As regards the spousal visa probationary period, the threat of deportation is concrete and real. Discussions with survivors and stakeholders revealed, however, that the fear of deportation

reaches beyond that linked to the probationary period, and can function as a broader omnipresent fear connected to survivors' insecure status. Survivors talked about the threat of deportation being used as a direct abuse tactic, and about the constant fear of deportation tipping the power balance in the relationship. Maryam (41, Sweden - *Iran* [P15]) clearly articulated the disempowerment linked to the insecurity of status: "I must be silent because of residency". Amira's (37, Sweden - *Iraq* [P22]) description of her husband threatening deportation chimes with many other survivors' stories: "He threatened me to call the police to get me back to Iraq and he wouldn't give me the visa or citizenship here. He threatened me with not continuing the process."

Support service providers told me that some migrant survivors in England opt out of applying for benefits under the Destitution Domestic Violence Concession for fear of the Home Office becoming aware of their existence and deporting them if their application is not successful:

Some women opt out... because the Home Office will then be aware of them... I've had one client refuse benefits that because she didn't want her details to be put on the system because if she then didn't get her leave to remain then they said they'd deport her.

Staff group interview, specialist MEM support service, Yorkshire [P37]

A key aspect of survivors' and support workers' discussions of the fear of deportation was the emphasis on the fact that women with insecure immigration often cannot simply 'go back' to their countries of origin. None of the 31 survivors interviewed for this study felt that returning to their country of origin had been an option when they were experiencing domestic violence, or since. The reasons ranged from having nothing to go back to, no way of supporting themselves or their children, to the risk murder due to 'shame' brought onto families through divorce. Yasmin (32, England - *Pakistan* [P8]) explained why returning to

Pakistan is not an option for her and her son: “I can’t do there anything. There’s no future for my son as well. I can’t earn money there because there’s not life for a single woman”. Ayoosh (39, Sweden – Iraq [P14]) answered “I’d get killed” when I asked her about the possibility of returning to Iraq. She continued: “It’s impossible for me to go back because he’s not respected because I left him”.

### **Lack of information**

Another key finding concerns the informational barriers that survivors of domestic violence with insecure immigration status in both England and Sweden face in their pathways out of abusive relationships. What was remarkable about this theme was that it explains to some extent why survivors in Sweden, where all legal residents have formal access to welfare services, experience complex pathways to accessing support. If women do not know their rights, they are much less likely to approach authorities and services if they experience domestic violence. In this way, having information about one’s rights and about the services is a crucial part of accessing rights. The importance of information about rights and available services, and the lack of accessible information on these topics, was a prevalent theme among survivors and stakeholders in both countries.

I didn’t know what are my rights... Migrants don’t have any information... the Swedish people they can just bring the person from the other place. Because they don’t know the language they can give the information or not. They can build the whole situation for that person. It is a new form of slavery... You have not language, you have not contacts

Farideh, 29, Sweden - *Iran* [P30]

Survivors talked about their lack of knowledge and information about the national ‘system’ in the host country: how the authorities operate, where things are located, how to access

services. Some survivors explicitly said they would have left earlier had they known that they have options outside the abusive home.

When I got my spouse visa, how come I didn't get any information at that time?... had I known at that time I would have gone to somebody sooner about what I could do, because otherwise I'd be dependent on my husband, I didn't know anything, I only had what he was telling me... When I used to ask him about my visa, he would say that only I can do it and I'm not going to do it. And I couldn't ask too much because it would just cause a fight.

Rashida, 34, England - *Pakistan* [P5]

The lack of information was connected to isolation and language barriers, making researching and finding information much more difficult. The interview data also revealed that perpetrators may prevent survivors from attending language classes or from using research tools such as the internet. I quote at length a support worker working at specialist MEM support service in Yorkshire who discusses the consequences of the lack of available information:

somebody coming in from outside of England... may not understand the basic fundamentals of your rights... because you don't already have information or knowledge of what you're entitled to... you have to rely on what you've been told. Whether it's hearsay, whether it's neighbors telling you, or you're asking a friend, whether it's your husband telling you or your in-laws telling you, you can only go by what you've been told... Access to information, because it's so limited, you really are like you are looking in the blind... You don't know who to trust, whether to ask or not ask. And if you do ask whether it will get back to your husband or in-laws... Language barriers, information barriers and then not being aware of what services are actually out there. Because you don't know that you can actually call the police itself, you know, you won't be deported... Because sometimes they'll



see the police as the agent of the state, an authority, somehow linked to the Home Office [P37]

The emphasis here on the false choice between relying on what you've been told, often by your abuser, and 'looking in the blind' throws the importance of accurate accessible information in different languages into sharp relief. Many migrant survivors have very limited informal networks of support, so their only source of information is their abuser and sometimes his family who may participate in the abuse: "I don't have friends, or neighbors, nothing" (Jaheda, 23, Sweden - *Tunisia* [P20]). With these informational barriers in mind, it is not surprising that in neither England nor Sweden was there a set path for survivors finding out about and accessing support services for domestic violence. In many cases an element of luck was involved, for instance if they happened to have a friend who knew about a specialist support service.

Coming back to Shanar's story, she argued that informing women about their rights in a new country would be key to improving the response to survivors of domestic violence who have insecure immigration status. She suggested that perhaps this could be done in the embassy in women's country of origin before they migrate. She added, "but then husbands won't bring them here if they know their rights" – a thought-provoking observation about the power dynamics that are involved in marriage migration.

Shanar's priority looking forward is her daughter, Yasmin: "I have done everything for my daughter". Yasmin would like to become a doctor, and Shanar recounted her daughter's words about her time in the England: "Here people have helped me and I would like to help people in the future".

## **Conclusion**

For survivors of domestic violence who have insecure immigration status, access to essential domestic violence support services is complex and depends not only on formal eligibility, but on informal conditions and constraints which affect the range of options available to survivors. Empirically examining survivors' pathways to accessing domestic violence support services in the context of insecure immigration status is necessary for identifying the barriers that need to be addressed in order to actualize women's right to live free from violence. In England and Sweden, suffering violence currently does not guarantee eligibility for support services and formal eligibility for support and protection does not mean actual access. The multi-layered process of actualizing the basic rights of physical security and subsistence (Shue, 1996) for these women includes formal eligibility for support services, proving eligibility, overcoming barriers such as the fear of deportation and gaining access to accurate information.

Interviews with survivors and professional stakeholders confirmed that access to essential services of safe accommodation and financial support is undercut in England by the No Recourse to Public Funding requirement. Despite the broadened access enabled by the Destitution Domestic Violence Concession introduced in 2012, survivors not on spousal visas continue to be formally excluded from basic support services to enable them to leave abusive homes. The more inclusionary system in Sweden which attaches eligibility for social services to residence in a municipality covers most women with insecure immigration status, but undocumented survivors remain formally outside the scope of state support. The situation of undocumented migrants in England, Sweden, and across Europe acutely highlights the continuing relevance of Arendt's ([1951] 1968) notion of a right to have rights, or lack thereof. Survivors' narratives showed that even women with valid documents may find

themselves de facto ‘rights-less’ if, for instance, isolated in the home as a result of abuse, with no knowledge of their rights or access to information in a language they understand.

It also emerged that the fear of deportation linked to a specific policy requirement - the spousal visa probationary period in both countries - is part of a broader fear derived from the insecurity of immigration status which perpetrators fuel as part of the abuse. Despite exemptions to the deportation rule of the probationary period for domestic violence survivors in both countries, the lack of targeted information dissemination to visa holders means that many survivors do not know they are eligible to apply for independent permanent residency if they experience domestic violence.

It is not unreasonable to expect all survivors, including undocumented survivors, on the territory of Sweden or England to be afforded at least time-limited access to safe accommodation and financial support to enable them to leave violent relationships. Despite the complex barriers to accessing services and thus basic rights described in this article, all 31 survivors who participated in this study managed to do so. It took years for some and months for others, and yet all of the women interviewed for this study were the ‘lucky’ ones for being able to access support services. What about those women who are not so lucky?

Examining this problem in two different national contexts has enabled the identification of commonalities in survivors’ experiences, among women with insecure immigration status of 14 different nationalities and multiple specific migration contexts residing in two EU countries. The connecting threads among the experiences of these diverse women in terms of the barriers to accessing services despite differences in state regulations, support the case for an international analysis and response to the issue of domestic violence against immigrant women.

## References

- Amnesty International & Southall Black Sisters (2008). *No Recourse – No Safety: The UK Government Failure to Protect Women From Violence*. Retrieved from [http://www.amnesty.org.uk/uploads/documents/doc\\_18308.pdf](http://www.amnesty.org.uk/uploads/documents/doc_18308.pdf)
- Anitha, S. (2010). No recourse, no support: state policy and practice towards South Asian women facing domestic violence in the UK. *British Journal of Social Work*, 40, 462-479.
- 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.
- Arendt, H. ([1951] 1968). *The origins of totalitarianism*. London: Harcourt.
- Balibar, E. (2004). *We the People of Europe: Reflections on Transnational Citizenship*. Princeton: Princeton University Press.
- Basile K. C. & Black M. C. (2011). Intimate Partner Violence Against Women. In C. M. Renzetti, J. L. Edleson & R. Kennedy Bergen (Eds.), *Sourcebook on Violence Against Women* (2<sup>nd</sup> ed.) (pp. 95-109). London: SAGE.
- Bosniak, L. (2007). Being here: ethical territoriality and the rights of immigrants. *Theoretical Inquiries in Law*, 8(2), 389-410.
- Braun, V. & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3, 77-101.

- Burman, M. (2012). Immigrant women facing male partner violence – gender, race and power in Swedish alien and criminal law. *feminists@law*, 2(1). Retrieved from <https://journals.kent.ac.uk/index.php/feministsatlaw/article/view/55>
- Burman, E. & Chantler, K. (2005). Domestic violence and minoritization: legal and policy barriers facing minoritized women leaving violent relationships. *International Journal of Law and Psychiatry*, 28, 59-74.
- CEDAW (Committee on the Elimination of Discrimination against Women) (2013). *Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland* (CEDAW/C/GBR/CO/7). Retrieved from [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fGBR%2fCO%2f7&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fGBR%2fCO%2f7&Lang=en)
- Dutton, M. A., Orloff, L. E. & Hass, G. A. (2000). Characteristics of help-seeking behaviours, resources and service needs of battered immigrant Latinas: legal and policy implications. *Georgetown Journal of Poverty Law & Policy*, VII(2).
- Erez, E. (2002). Migration/immigration, domestic violence and the justice system. *International Journal of Comparative and Applied Criminal Justice*, 26(2), 277-299.
- Erez, E., et al. (2009). Intersection of Immigration and Domestic Violence: Voices of Battered Immigrant Women. *Feminist Criminology*, 4(1), 32-56.
- Eriksson, E. (2012). *Women and children in law's borderland (Kvinnor och barn i rättens gränsland) - Report of the Inquiry on women who are victims of violence after being granted a residence permit in Sweden by association* (SOU 2012:45).

Retrieved from <http://www.regeringen.se/contentassets/>

f44791bd55cd4b48a612378a393498f0/kvinnor-och-barn-i-rattens-gransland-sou-201245

EU FRA (European Agency for Fundamental Rights) (2014). *Violence against women: an EU-wide survey*. Retrieved from <http://www.refworld.org/docid/5316ef6a4.html>

Eurostat (2014). Migration and migrant population statistics. Retrieved from [http://ec.europa.eu/eurostat/statistics-explained/index.php/Migration\\_and\\_migrant\\_population\\_statistics#Migrant\\_population](http://ec.europa.eu/eurostat/statistics-explained/index.php/Migration_and_migrant_population_statistics#Migrant_population)

Fontes, L. A. (2004). Ethics in Violence Against Women Research: The Sensitive, the Dangerous, and the Overlooked. *Ethics & Behaviour*, 14(2), 141-174.

Gill, A. & Sharma, K. (2006). Response and Responsibility: Domestic Violence and Marriage Migration in the UK. In S. Walsum & T. Spijkerboer (Eds.). *Women and Immigration Law: New Variations in Classical Feminist Themes* (pp. 183-203). London: Glasshouse Press.

Gov.uk (2015). Apply to settle in the UK. Retrieved from <https://www.gov.uk/settle-in-the-uk>

Government Offices of Sweden (2015). *Åsa Regnér Speech at the UN Commission on the Status of Women, 9th March 2015*. Retrieved from <http://www.regeringen.se/tal/2015/03/tal-vid-fns-kvinnokommissions-csw-arliga-mote/>

Heise, L., Ellsberg, M. & Gottmoeller, M. (2002). A global overview of gender-based violence. *International Journal of Gynecology and Obstetrics*, 78(1), 5–14.

- Jaquier, V., Johnson, H. & Fisher, B. S. (2011). Research methods, measures, and ethics. In C. M. Renzetti, J. L. Edelson & R. Kennedy Bergen (Eds.), *Sourcebook on Violence Against Women* (2<sup>nd</sup> ed.) (pp. 23-44). London: SAGE.
- Johnson, C. H. (2005). *Come with daddy: Child murder- suicide after family breakdown*. Perth: University of Western Australia Press.
- Kelly, L. (2013). Moving in the shadows: Introduction. In Y. Rehman, L. Kelly & H. Siddiqui (Eds.). *Moving in the shadows: violence in the lives of minority women and children* (pp. 1-11). Surrey: Ashgate.
- Menjívar, C. & Salcido, O. (2002). Immigrant women and domestic violence: common experiences in different countries. *Gender & Society*, 16(6), 898-920.
- Migration Observatory (2014). *Migrants in the UK: An Overview*. Retrieved from <http://migrationobservatory.ox.ac.uk/briefings/migrants-uk-overview>
- MIPEX (Migrant Integration Policy Index) (2015a). *Sweden - Key findings*. Retrieved from <http://www.mipex.eu/sweden>
- MIPEX (Migrant Integration Policy Index) (2015b). *United Kingdom - Key findings*. Retrieved from <http://www.mipex.eu/united-kingdom>
- 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.

Sabates-Wheeler, R., & Feldman, R. (2011). Introduction: Mapping Migrant Welfare Onto Social Provisioning. In R. Sabates-Wheeler & R. Feldman (Eds.). *Migration and Social Protection: Claiming Social Rights Beyond Borders* (pp. 3-35). Hampshire: Palgrave Macmillan.

Sabates-Wheeler, R. & MacAuslan, I. (2007). Migration and social protection: exposing problems of access. *Development*, 2007, 50(4), 26–32.

Shue, H. (1996). *Basic rights: subsistence, affluence and U.S. foreign policy* (2<sup>nd</sup> ed.). Chichester, West Sussex: Princeton University Press.

Siddiqui, H. (2013). Ending the stark choice: domestic violence or destitution in the UK. *openDemocracy*. Retrieved from: <https://www.opendemocracy.net/5050/hannana-siddiqui/ending-stark-choice-domestic-violence-or-destitution-in-uk>

Southall Black Sisters (2013). *Abolish no Recourse to Public Funds Campaign*. Retrieved from <http://www.southallblacksisters.org.uk/campaigns/abolish-no-recourse-to-public-funds/>

Tansey, O. (2007). Process Tracing and Elite Interviewing: A Case for Non-probability Sampling. *PS: Political Science & Politics*, 40(4), 765-772.

Thiara, R. K., Condon, S. A. & Schröttle, M. (2011). Introduction. In R. K. Thiara, S. A. Condon & M. Schröttle (Eds.). *Violence against women and ethnicity: commonalities and differences across Europe* (pp. 226-240). Berlin: Barbara Budrich Publishers.



- UK Home Office (2014). *Guidance - Public funds*. Retrieved from <https://www.gov.uk/government/publications/public-funds--2/public-funds>
- UK Home Office (2015a). *A Call to End Violence against Women and Girls Progress Report 2010–15*. Retrieved from [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/409510/VA\\_WG\\_Progress\\_Report\\_2010-2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/409510/VA_WG_Progress_Report_2010-2015.pdf)
- UK Home Office (2015b). Domestic violence and abuse. Retrieved from <https://www.gov.uk/domestic-violence-and-abuse>
- Watts, C. & Zimmerman, C. (2002). Violence against women: global scope and magnitude. *The Lancet*, 359, 1232-1237
- WAVE (Women Against Violence Europe) (2010). *Reality check on European services for women and children survivors of violence: A Right for Protection and Support?* (Country Report 2010). Retrieved from [http://www.wave-network.org/sites/wave.local/files/WAVE\\_COUNTRY%20REPORT%202010\\_NEU.pdf](http://www.wave-network.org/sites/wave.local/files/WAVE_COUNTRY%20REPORT%202010_NEU.pdf)
- WAVE (Women Against Violence Europe) (2013). *Reality check on European services for women and children survivors of violence* (Country Report 2013). Retrieved from [http://www.wave-network.org/sites/default/files/WAVE%20Country%20Report%202013\\_1.pdf](http://www.wave-network.org/sites/default/files/WAVE%20Country%20Report%202013_1.pdf)
- WAVE (Women Against Violence Europe) (2014). *Specialized women's support services and new tools for combating gender-based violence in Europe* (Country Report 2014). Retrieved from [http://www.wave-network.org/sites/default/files/WAVE%20Country%20Report%202014\\_Final\\_02.07.15.pdf](http://www.wave-network.org/sites/default/files/WAVE%20Country%20Report%202014_Final_02.07.15.pdf)

WHO (World Health Organization) (2013). *Global and regional estimates of violence against women: Prevalence and health effects of intimate partner violence and non-partner sexual violence*. Retrieved from [http://apps.who.int/iris/bitstream/10665/85239/1/9789241564625\\_eng.pdf](http://apps.who.int/iris/bitstream/10665/85239/1/9789241564625_eng.pdf)

## **Legal references**

Council of Europe Convention on preventing and combating violence against women and domestic violence 11 May 2011. Retrieved from <http://www.refworld.org/docid/4ddb74f72.html>

Sweden Aliens Act 2005: 716. Retrieved from [http://www.government.se/contentassets/784b3d7be3a54a0185f284bbb2683055/aliens-act-2005\\_716.pdf](http://www.government.se/contentassets/784b3d7be3a54a0185f284bbb2683055/aliens-act-2005_716.pdf)

## Notes

---

<sup>1</sup> All names referred to in this article to delineate survivors' narratives are pseudonyms.

<sup>2</sup> Interview data is presented as quotes from specific interviews, accompanied by a tag providing some details of the interviewee and a participant number in the format [Px] where x is the participant number. In survivor interview tags the survivor's pseudonym, their age, country of residence, country of origin and participant number is listed. For instance, the tag "Ngozi, 27, Sweden - *Nigeria* [P18]" refers to participant number 18 who is a 27-year-old woman living in Sweden, but originally from Nigeria. For stakeholder quote tags, information about the organisation the participant works for, and their role within the organisation is listed, as well as the geographical location of the organisation.

<sup>3</sup> Some interviews with representatives of international organizations were conducted in New York, and some of the interviews were conducted over Skype or phone.

<sup>4</sup> Public funds in the UK include the following: income-based jobseeker's allowance, income support, child tax credit, universal credit, working tax credit, a social fund payment, child benefit, housing benefit, council tax benefit, council tax reduction, domestic rate relief (Northern Ireland), state pension credit, attendance allowance, severe disablement allowance, personal independence payment, carer's allowance, disability living allowance, an allocation of local authority housing, local authority homelessness assistance (UK Home Office, 2014).

<sup>5</sup> In 2013, the United Nations Committee on the Elimination of Discrimination against Women recommended that the UK should "Extend the concession to the 'no recourse to the public funds' policy to all women who are subjected to gender based violence and exploitation" (CEDAW, 2013: p. 10).

<sup>6</sup> The phrase 'specialist (MEM) violence against women support service' or variants of it is used in this article for interview tags describing interviews with service providers who specialise in supporting migrant and minority ethnic (MEM) women.