



## Immigration status and domestic violence

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*Marriage migrants in the UK are highly vulnerable to domestic violence because state immigration and welfare policies leave them with few rights. This exacerbates the gendered power imbalances within marriages.*



Million Women Rise rally in Trafalgar Square, London in 2013. Paul Davey/Demotix. All Rights Reserved.

It is often argued that domestic violence equally affects women from every class, race, ethnicity, religion, and nationality—an appeal to universality that privileges gender as the lens through which to understand such violence. While gender is a key factor in shaping women's experiences of violence, the forms, meanings, and impact of such violence as well as women's capacity to resist, contain, or end it are shaped by particular contexts. One such crucial context is the immigration and welfare policy of the state.

### The entwined evolution of immigration and welfare policy in the UK

Women who come to the UK to join their husbands or fiancés are subject to a five-year probationary period of residency. If their marriage breaks down during this period, they no longer have the right to remain in the UK and face deportation to their country of origin. In the interim, they are barred from accessing public funds by the No Recourse to Public Funds [NRPF] requirement. The NRPF stipulation is part of an array of measures intended to prevent marriage from becoming a means of settlement and has a gendered impact on women facing domestic violence.

In the past, women who left abusive relationships within the probationary period were routinely deported to their country of origin, often to face further abuse from their families for not 'making the marriage work'. The situation changed in 2002, when the then Labour government passed the Domestic Violence Rule in response to campaigns from women's rights organisations. This made it possible for a woman to apply for Indefinite Leave to Remain (ILR) in the UK *if she could prove that her marriage had broken down because of domestic violence*.

The prohibition on access to public funds, however, remained in force even for these women. Women's refuges could not house them, and thus they were left destitute while they were expected to apply for ILR. Southall Black Sisters, Amnesty International, and allied organisations [campaigned](#) to change this, resulting in the Destitute Domestic Violence (DDV) concession of 2010. This gives women access to benefits, and thus women's refuges, for three months while they apply for ILR.

Many women, however, remain excluded from the DDV concession. A [survey](#) conducted by the Campaign to Abolish No Recourse to Public Funds, for example, showed that for the period between 1 November 2012 and 31 January 2013, 64 percent of 242 victims of domestic violence with insecure immigration status (with 176 children) did not qualify for the DDV concession.

These women were excluded because the concession only applies to those who entered the UK on a spousal visa. Women who entered the country on other visas and then married have no recourse to it. Other categories of migrant women who cannot avail themselves of this protection include overstayers, whose visas may not have been renewed by the perpetrators as a form of control over them, and overseas domestic workers, who frequently experience gender-based violence or abuse and exploitation by their employers. Women who have been trafficked into the country are also not adequately protected. All these types of women must still choose whether to stay within an abusive relationship, or leave and possibly face destitution and deportation. The probationary period increased from two years to five in 2012—prolonging the threat of deportation by a further three years—which is a key, migrant-specific barrier to leaving a relationship marked by domestic violence.

## Constructing vulnerability: role of state policies

Media reports on the domestic violence faced by women with insecure immigration status frequently suggest that 'tradition' (e.g. arranged marriage) is at fault. However, current research with South Asian immigrant women in the United States and elsewhere [reveals](#) that the prevalence of domestic violence in these relationships is unrelated to how arranged or self-chosen they were. Similar arguments have been made about '[mail-order brides](#)'. This suggests that it is differential immigrant status that increases vulnerability to domestic violence, rather than the arrangement of marriages or the practice of 'ordering' brides online.

Recent marriage migrants often face additional barriers to accessing protection, such as low proficiency in English, lack of knowledge of services, and social stigma associated with the breakdown of marriage. For women who manage to seek assistance, the restrictive immigration and welfare policies may mean that help available to resident women facing domestic violence is not available to them.

## Privileging the perpetrators

It is also important to recognise how state policies can construct particular vulnerabilities for women facing domestic violence that increase the potential power of perpetrators. Research conducted for Oxfam in 2008 [indicates](#) that women with insecure immigration status face specific patterns of abuse—such as domestic servitude, slavery-like conditions, forced labour, and more intensified forms of domestic violence—that are underlined with threats of arrest and deportation. Men explicitly utilise threats related to women's immigration

status to prevent them from seeking help and to reinforce their absolute power and control over them. These techniques of control and forms of violence can be attributed to the imbalance of power between the perpetrators and the women, an imbalance created by immigration laws that leave women with very few viable alternatives and reinforce the patriarchal structures within their communities.

For women experiencing domestic violence, the immigration policies of the UK create additional sufferings and 'human wrongs'. There is an urgent need for legal reforms that adequately accommodate their rights. While the DDV concession has had a significant impact on certain categories of marriage migrants, a long-term solution to the problem requires challenging the very structures of inequality that make space for individual acts of abuse. Canada has been able to legislate to remove this inequality by giving marriage migrants the right to apply for permanent residence at the point of entry. Following the Canadian example, removing women's dependency on 'sponsors'—aka spouses—is surely the most effective way to take away the power that enables perpetrators to carry out their abuse.

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