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“IPV in ethnic minority communities, what are the risks, and is alcohol a feature?”

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Immigration Law & Marriage Migration Legal Procedure

- UK Immigration Law reserved
- Immigration Rules 281-285 (procedure for migrating spouse)
- July 2012 – 5 year probationary period for ILR
- Previously 2 year probationary period for ILR
- Husband/spoon is British Citizen or person present & settled in UK
- Migrant spouse has no recourse to public funds during waiting period
- Destitute Domestic Violence Concession introduced for victims of DV (July 2012)
  - Immigrant spouse requires to evidence admission as a spouse
  - Relationship was subsisting at the beginning of the leave
  - Evidence that the marriage broke down as a consequence of DV during the probationary period

Immigration Rule 289A
Data Analysis: Risk Factors
Immigrant Women living in Scotland

1. Family difficulties
2. Legal difficulties
3. Cultural & social difficulties
Extended Family Environment
Cauldron of Pressure

- Physical Abuse
- Emotional Abuse
- Sexual Abuse
- Financial control
- Verbal abuse
- Isolation
- Agency support?
- Immigration rules
- Multiple perpetrators
- Immigrant status
- Language Barriers
- Domestic Servitude
- Izzat, Family Honour
- Shame
- Ostracisation

Husband’s Extended Family
Insecure immigration status
Extended Family Household

- Cultural practice for migrating women to live within husband’s family
- Unique familial environment
- Patriarchal/Matriarchal
- Complex hierarchical structure
- Mechanism/funnel & additional layer for abuse
- More than one protagonist of abuse
- Extended family system trap women through
  - Isolation & Subordination
  - Victimisation
  - Loyalty to family & culture/Stigmatised & blamed
  - Financially controlled – no financial means of escape
  - Misled by family members re law & legal processes
  - Living in fear
The Law

- No legal status
- Lack/limited knowledge of the spouse visa immigration rules
- Lack/limited knowledge of requirement of husband to apply for permanent residency prior to the expiry of the period
- Unaware of the no recourse to public funds stipulation
- “He knew the rules. He knew..” (Zeena)
- Lack of knowledge of redress to the Scottish civil and criminal law for legal protection

  “the problem is, if this problem of domestic abuse occurs between two British Citizens the man and the woman know what their rights are they can both take steps and women can protect themselves......a woman in my position [marriage migrant] they don’t know their rights in this country.....” (Reena)

- Lack of knowledge of the Destitute Domestic Violence Rules to assist spouse visa holders experiencing domestic violence
- Evidence abuse during marriage to obtain ILR as victim of DV
Izzat

- Behaviour learned from country of origin
- Unwritten code of behaviour - respect – reputation management
- Police & control relationships & behaviour
- Impedes autonomy
- Women punished & discredited for interference with cultural norms
  - “If the family find out that the girl likes someone then this is going to come on her character. They will say that she is a loose character girl..... she didn't do anything wrong, they are still going to say that she don't have a good character” (Aisha)
- Redefined upon migration
- Not reciprocated by extended family members
  - “There was lots of honour and respect in my own family. When I got married and came here it was not the same from their end. They expected me to live within certain rules which were not respectful toward me.” (Meena)
- Lack of respect/concern for safety, health & well being
- Family reputation managed through abuse
Abuse/Mistreatment experienced by migrant women within extended family system

- All of the women interviewed are victim survivors of abuse.
- All of the women experienced domestic abuse perpetrated by their husband.
- Domestic abuse perpetrated by & instigated by family members
  - Mother in Law
  - Father in Law
  - Sister in Law
  - Brother in Law
- One woman enjoyed a good relationship with her in-laws who were supportive of her.
- The abuse or mistreatment of women also occurred within the home of other relations and in public places.
- The women believed they had no option but to stay within the abusive household
Physical abuse of migrant women
Multiple Perpetrators within extended family

- **Strangled whilst drunk**
  - He tried to catch my neck and strangle me when I was sleeping. He would catch me when he was drunk.

- **Physically Beaten by mother in law & in-laws**
  - I didn’t obey her.
  - Beaten with sticks, shoes, pulled hair, scratched with nails, pinched, hands burned.
  - Subjected to violent treatment.

- **Physically beaten by husband**
  - Slapped, kicked, punched.
  - Slap me or go bang – he would walk past me and elbow me.
  - He was hitting me during my pregnancy.

- **Sexual Violence**
  - Rape & sexual assault

- **Cultural significance**
  - He put my scarf around my neck and said ‘you left me, you disrespected me, you put my families name down.’ (Simran)
Verbal abuse of migrant women

Multiple Perpetrators within extended family

- **Criticism & Degradation**
  - Appearance – put downs – goaded/taunted
  - Lack of English
  - Birth family social status
  - Economic status of birth family
  - Education

- **Shouting**
  - Told to get out of the house
  - Anger & Aggression
  - Screamed at

- **Minimising the Abuse**
  - Doing dramas & this and that
Emotional abuse of migrant women
Multiple Perpetrators within extended family

- Control
- Coercive Behaviour
- Isolation
- Patriarchal bargaining
- Deceived & Manipulated
- Abandoned
- Domestic servitude
- Lack of support

_Yemshaw v London Borough of Hounslow_

“it has long been known that psychological abuse within a domestic context can cause at least as much long term harm to the victim (most commonly the woman) as physical abuse” 2011 UKSC 3
Economic control of migrant women

Multiple Perpetrators within extended family

- Prevented from leaving home to shop
- Ask permission to go shopping
- Plead for essential items
- Wait for weeks/months & go without
- Arguments over requests for money/personal items
- Hand over her wages to her husband
- ‘Gain trust’ of husband & in-laws before given money
Barriers - Why women stay

- Family Honour/Izzat
- Stigma & shame – “I wouldn’t be accepted if I went back home’ (Simran)
- Violence is silenced -
  - “I told them I was going to get help. I was told don’t do this, it. It will create a bad name for the family. I have observed here what they called good traditions of family honour” (Reena)
- Lack of knowledge about rights in the UK & ability to access services
  - ‘I didn’t know anything at the time about this country, anything, not a single thing, I didn’t know where to go, how to go, what thing I have to do. I was so confused and so much upset...there was nothing here that I knew what to do. I was thinking about to go back, I was thinking, everyone there blaming me and I have to listen a lot from my community, because in my community it is quite hard.....because single or divorced they are always blaming the women and the girls.’ (Sophia)
- Misrepresentation of her rights by perpetrators
  - Not believed
  - Receive an inappropriate response from services
    - Citizens Advice Bureau - I am not a citizen
    - Scottish Women’s Aid – I am not Scottish
“Spouses and partners
Who are victims of domestic violence
Should not feel constrained
To remain in abusive situations
For 2 years solely......to qualify for
Indefinite leave to remain”

Ishtiaq v Secretary of State for Home Department
(per Lord Dyson LJ)
Immigrant women, Immigration Law & Domestic Abuse in Scotland

- **Legislative Framework**
  - Absence of a suitable gender perspective
  - Fails to reflect the social reality of migrant women
  - Immigrant women are disadvantaged

- **Abuse/Mistreatment**
  - Interlocking relationships among gender, class, race, ethnicity, socio economic status
  - Significance of extended family system as an additional layer of abuse

- **Women in ME communities**
  - Family honour & izzat
  - Excluded from the legal process