

Rights and needs of migrant victim-survivors of family violence within immigration policies and practices webinar transcript*

(*Transcript edited for clarity. Times below are not accurate by about 2 minutes, 40 seconds due to recording delays.)

Webinar was recorded 28 November 2022

Find details about and watch the recording of the webinar on our website: <https://nzfvc.org.nz/our-work/webinars/migrant-victim-survivors>

1

00:02:56.930 --> 00:03:08.289

Charlotte Moore: Tēnā koutou katoa, nau mai, haere mai and welcome to today's Webinar exploring the rights and needs of migrant victims, survivors of family violence within immigration policies and practices.

2

00:03:08.610 --> 00:03:16.770

Charlotte Moore: My name is Charlotte Moore. I am the Kaiwhakahaere for the New Zealand Family Violence Clearinghouse, and it is my pleasure to be hosting our Webinar today.

3

00:03:17.040 --> 00:03:26.209

Charlotte Moore: We have 5 fabulous panellists joining us today, who I will introduce shortly. But before I do, I'll just run through some housekeeping for our Webinar.

4

00:03:26.350 --> 00:03:34.759

Charlotte Moore: And just a little note, I'm actually recovering from Covid at the moment, so if I am a little bit croaky, I do apologize.

5

00:03:35.970 --> 00:03:42.470

Charlotte Moore: In our Webinar, as attendees, your microphones and cameras are off. No one can hear or see you.

6

00:03:42.580 --> 00:03:51.819

Charlotte Moore: You can use the chat box to share comments. You can set those comments to go to all panellists and attendees, or just the host and panellists.

7

00:03:52.150 --> 00:03:56.680

Charlotte Moore: You can use the chat box if you have technical issues, and we will try to help.

8

00:03:57.420 --> 00:04:01.820

Charlotte Moore: Please use the Q&A box for questions for the panellists.

9

00:04:01.850 --> 00:04:07.309

Charlotte Moore: Our panellists will answer questions at the end, but you can ask questions at any time.

10

00:04:08.460 --> 00:04:12.680

Charlotte Moore: We are trying the zoom automatic closed caption service.

11

00:04:12.740 --> 00:04:17.300

Charlotte Moore: You can turn this on by clicking the CC button on the bottom of your screen.

12

00:04:17.420 --> 00:04:24.720

Charlotte Moore: We are not sure how well this will work. We will provide an edited transcript with the video recording.

13

00:04:26.450 --> 00:04:30.779

Charlotte Moore: This webinar is being recorded, and we will email the link to you.

14

00:04:31.640 --> 00:04:41.379

Charlotte Moore: We understand the issues we'll be discussing today can be challenging or triggering. You can mute the sound or leave the Webinar at any time. A recording will be available.

15

00:04:41.610 --> 00:04:48.809

Charlotte Moore: We will provide a list of where to go for help at the end of the Webinar, and we will also post contact details in the chat now.

16

00:04:50.310 --> 00:04:58.670

Charlotte Moore: Please note that if we consider any comments to be disrespectful or offensive, we reserve the right to remove people from the Webinar at our discretion.

17

00:04:59.390 --> 00:05:09.869

Charlotte Moore: Our NZFVC staff, Megan Sety and Oanh Le are in the background helping manage the tech issues, responding to your chat messages, and helping with the Q&A session.

18

00:05:11.120 --> 00:05:18.609

Charlotte Moore: I also want to acknowledge that many of you when registering for this Webinar, asked about supports and resources to help victims.

19

00:05:18.890 --> 00:05:25.479

Charlotte Moore: As many of you already know, these are currently limited, and our panellists will talk about these limitations more.

20

00:05:25.840 --> 00:05:32.460

Charlotte Moore: If you have questions about specific situations, you can email us, and where appropriate, we will forward this on to the panel.

21

00:05:34.330 --> 00:05:41.490

Charlotte Moore: Today, we will be talking about the challenges and barriers faced by victims of family violence in New Zealand's immigration policies.

22

00:05:41.830 --> 00:05:50.870

Charlotte Moore: I want to note that there are many issues unique to the experiences of migrant victims of family violence, but today's session is specifically focused on immigration.

23

00:05:51.140 --> 00:06:02.439

Charlotte Moore: Most of our discussion will focus on immigration policies, but the panellists will also highlight related policies where there are opportunities for change, including legal, financial and social assistance.

24

00:06:03.760 --> 00:06:21.700

Charlotte Moore: Members of ethnic communities and organisations working with ethnic and migrant women, including Shakti and Shama, have long highlighted specific risks of violence for migrant victims, including immigration-based abuse and the barriers within the current policies that impact victims' ability to access help.

25

00:06:22.620 --> 00:06:35.719

Charlotte Moore: Alongside the voices of community experts, there have also been numerous research reports over many years, identifying barriers in immigration policies, including the 2007 report 'Living at the Cutting Edge.'

26

00:06:35.890 --> 00:06:41.269

Charlotte Moore: Research from the Ministry of Business, Innovation and Employment, of which Immigration New Zealand is a part, identified policy issues and INZ operational processing issues that

present barriers to migrant victims obtaining family violence visas, describing how current policies and practices can contribute to preventing migrant women from seeking or receiving help.

27

00:06:58.480 --> 00:07:05.500

Charlotte Moore: Most recently, a Parliamentary Select Committee, as part of an inquiry into migrant exploitation, has also highlighted issues.

28

00:07:06.510 --> 00:07:17.060

Charlotte Moore: The UN Committee on the Elimination of Discrimination against Women has also raised concerns about immigration settings in their concluding observations on New Zealand's last periodic report.

29

00:07:18.890 --> 00:07:19.890

Charlotte Moore: However, despite increasing awareness of the risks and barriers for victims and repeated calls for change, there has been very little movement in immigration settings and policies addressing family violence for migrant victims.

30

00:07:32.590 --> 00:07:34.570

Charlotte Moore: So where does that leave us today?

31

00:07:35.350 --> 00:07:43.020

Charlotte Moore: There is a lot of change happening now with immigration policies, but none of the current changes are addressing victims of family violence.

32

00:07:43.420 --> 00:07:53.120

Charlotte Moore: Under the current policies, there is instead a risk that victims may lose their right to live in New Zealand and may be forced to leave the country, potentially leaving behind their children.

33

00:07:54.330 --> 00:08:01.150

Charlotte Moore: Advocates for change are continuing to draw attention to the challenges faced by migrant women experiencing family violence.

34

00:08:01.370 --> 00:08:16.080

Charlotte Moore: Green MP Jan Logie has recently introduced a member's bill protecting migrant victims of family violence, to provide stronger protections for people in migrant communities who experience family violence. Although this bill has yet to be drawn from the biscuit tin.

35

00:08:17.240 --> 00:08:26.820

Charlotte Moore: Te Mahere Whai Mahi Wāhine, the Women's Employment Action Plan includes an action to review the immigration settings for migrants in New Zealand who experience family violence to ensure that appropriate support is available, including visa categories that are more commonly

granted to women by the Ministry of Business, Innovation, and Employment, Manatū Wāhine - Ministry for Women, and the Ministry for Ethnic Communities.

36

00:08:42.320 --> 00:08:51.870

Charlotte Moore: We also have a new national strategy to eliminate family violence and sexual violence- Te Aorerekura, which was launched in December last year.

37

00:08:52.330 --> 00:09:06.759

Charlotte Moore: However, although Te Aorerekura identifies control of visa immigration status as a distinct form of abuse and acknowledges the need for improved service responses for ethnic communities, including migrant victims of family violence, there are no specific changes to immigration policies and settings included in the current action plan.

38

00:09:14.100 --> 00:09:23.929

Charlotte Moore: Finally, Immigration New Zealand has indicated there will be a review of partnership-based visa settings, including the victims of family violence work visa, in 2023.

39

00:09:24.480 --> 00:09:30.170

Charlotte Moore: So, does this review offer us hope that we may finally see an opportunity for meaningful change?

40

00:09:30.740 --> 00:09:39.939

Charlotte Moore: Joining me today to talk about the challenges faced by migrant victims of family violence, and the changes that need to be made to ensure their safety, is a wonderful panel of experts who I will introduce now, if they would turn on their cameras.

41

00:09:48.980 --> 00:09:50.420

Charlotte Moore: Welcome everyone.

42

00:09:54.270 --> 00:10:09.620

Charlotte Moore: Vasudha Gautam is the Client-care Coordinator of the refugee and immigration legal advice service at Community Law Wellington and Hutt Valley. She's experienced in supporting and advocating for family violence victims and is herself, a victim survivor.

43

00:10:11.050 --> 00:10:29.479

Charlotte Moore: Silvana Erenchun Perez is the strategic manager of Shama Ethnic Women's Trust. Shama provides culturally appropriate support, advocacy and programs to ethnic women, their children and families. Silvana has also previously worked as a journalist, giving voice to groups not represented in traditional media.

44

00:10:30.740 --> 00:10:44.860

Charlotte Moore: Sarah Croskery-Hewitt is a lawyer who worked with Community Law on access to justice for survivors of family and sexual violence and helped establish a specialist immigration law service at Community Law for migrant women experiencing violence. She's also currently completing research on immigration policies and family violence.

45

00:10:50.840 --> 00:10:51.920

Charlotte Moore: Dhilum, have we got your camera working?

46

00:10:58.480 --> 00:11:00.909

Charlotte Moore: Hopefully Dhilum can join us online soon.

47

00:11:00.990 --> 00:11:08.190

Charlotte Moore: She is a lawyer who currently works with Community Law Wellington and Hutt Valley in their refugee and immigration legal advice service.

48

00:11:08.320 --> 00:11:21.679

Charlotte Moore: She assists migrant survivors of domestic violence with visa applications and appeals to the immigration and protection tribunal and also works on migrant exploitation work with unemployment and will be doing research in this area as well.

49

00:11:22.720 --> 00:11:55.199

Charlotte Moore: Finally, Megan Williams is a lawyer and a law reform advocate at Community Law Centres o Aotearoa, working in the areas of immigration and refugee law, social welfare and housing law, family violence and access to justice. She previously led the refugee and immigration legal advice service at Community Law Wellington and Hutt Valley, including work related to family violence visas, and she helped set up the specialist family violence visa service for migrant women. So, welcome everyone and so glad to have you all joining us today.

50

00:11:56.340 --> 00:12:06.449

Charlotte Moore: To begin with today, I'd like to hand over to Vasu. You've spoken previously about your own experiences as a migrant experiencing family violence. Would you start us off by sharing your own experiences of having insecure visa status and having to navigate New Zealand's immigration policies while trying to achieve safety and security for yourself and your children?

51

00:12:19.690 --> 00:12:25.699

Vasudha Gautam: Thanks, Charlotte. Kia ora, I'm Vasu.

52

00:12:25.970 --> 00:12:37.870

Vasudha Gautam: I was myself, along with my boys, a migrant victim of family violence, and my own personal experience is a good example of what's wrong with the current restrictions on the family violence visa.

53

00:12:38.870 --> 00:12:47.180

Vasudha Gautam: I was a middle-class Indian woman, put into an arranged marriage by my parents to someone who I very soon found out, was an abusive thug.

54

00:12:47.470 --> 00:12:56.470

Vasudha Gautam: After 10 years of an abusive marriage, his company sent him to work in New Zealand, and I moved here with him along with my 2 young sons.

55

00:12:56.760 --> 00:13:01.360

Vasudha Gautam: He was on a temporary work visa, and my visa depended on his.

56

00:13:01.470 --> 00:13:09.870

Vasudha Gautam: The abuse and violence I faced from him continued here in New Zealand and started to get even more extreme.

57

00:13:10.510 --> 00:13:15.560

Vasudha Gautam: As well as physical violence, I wasn't allowed to have friends or talk to neighbours.

58

00:13:16.010 --> 00:13:20.250

Vasudha Gautam: After being in New Zealand for 2 years, he applied for a residence visa.

59

00:13:20.400 --> 00:13:35.129

Vasudha Gautam: In deciding whether I should try to flee this abusive marriage, I faced the same fears and obstacles that all victims of violent relationships face. Could I get out of the house with my boys into a place of safety?

60

00:13:35.670 --> 00:13:43.290

Vasudha Gautam: But on top of that, my immigration status, which was tied to my husband's, made things even more difficult and uncertain.

61

00:13:43.640 --> 00:13:52.929

Vasudha Gautam: I feared leaving the relationship before he was granted residence, and thought that if I had stayed until then, I and my boys would have more security

62

00:13:53.640 --> 00:14:03.320

Vasudha Gautam: In the end one night, when things reached their worst, I had to leave with my 2 boys, 6 and 12, as I wasn't sure we would all survive the night.

63

00:14:04.040 --> 00:14:08.680

Vasudha Gautam: Soon I found out that I was not eligible for the family violence visa.

64

00:14:08.930 --> 00:14:12.909

Vasudha Gautam: Because of that, I wasn't entitled to support from work and income.

65

00:14:13.460 --> 00:14:19.290

Vasudha Gautam: Now, I had no money and I had to borrow to be able to buy food for my boys and me.

66

00:14:20.120 --> 00:14:27.510

Vasudha Gautam: I had to find work urgently, and my mother came to New Zealand to help with my young boys so that I could work.

67

00:14:27.700 --> 00:14:39.110

Vasudha Gautam: I had to work long hours, but that meant I couldn't be there for my boys during a time when their home life had been turned upside down, and they felt very vulnerable.

68

00:14:39.950 --> 00:14:51.889

Vasudha Gautam: Early each morning as I left to go to work, I had to say goodbye to my 6-year-old, who would start crying and break out into a sweat because he wasn't sure I would be coming back.

69

00:14:52.410 --> 00:14:57.570

Vasudha Gautam: I wish I could have been there for my children at the time when they needed me most.

70

00:14:57.930 --> 00:15:07.140

Vasudha Gautam: There was also a criminal trial, and I and my older boy had to give evidence, and there were also a lot of family court processes to go through.

71

00:15:07.700 --> 00:15:14.889

Vasudha Gautam: At this time, I was also worried that my boys could be kidnapped by their father on their way to or from school.

72

00:15:15.060 --> 00:15:20.380

Vasudha Gautam: I had to leave it to my mother, a woman in her sixties, to keep them safe.

73

00:15:20.900 --> 00:15:24.720

Vasudha Gautam: So, I had to work, but finding work was not easy.

74

00:15:24.920 --> 00:15:35.669

Vasudha Gautam: Because I couldn't get a family violence visa, which lasts for 6 months, I was only able to get short-term work visas and I had no certainty that they would be renewed.

75

00:15:36.000 --> 00:15:45.649

Vasudha Gautam: That made my position very insecure, and made it difficult to find work, as most employers were not interested in employing someone with short-term visas.

76

00:15:46.580 --> 00:15:59.660

Vasudha Gautam: I have been working at Community Law for over 6 years now, and I have met a number of other migrant women who, like me, were victims of family violence and tied to abusive partners who were on temporary visas.

77

00:15:59.950 --> 00:16:06.719

Vasudha Gautam: It became clear to me that my own personal story was just an example of a bigger immigration policy problem.

78

00:16:06.790 --> 00:16:18.869

Vasudha Gautam: I have seen these women face the same uncertainty as I had to face, not knowing how they will be able to support themselves and their children or whether they can even stay in New Zealand or not.

79

00:16:19.520 --> 00:16:26.819

Vasudha Gautam: I hope that sharing my story brings more attention to this issue and helps to bring about meaningful change.

80

00:16:27.290 --> 00:16:28.190

Vasudha Gautam: Thank you.

81

00:16:30.910 --> 00:16:47.749

Charlotte Moore: Thank you so much Vasu for sharing that personal story which really does highlight the realities for migrant women experiencing violence and just those significant barriers to being able to achieve safety and wellbeing. Thank you very much for that.

82

00:16:48.570 --> 00:17:04.500

Charlotte Moore: Sarah. If we could move to you next, it would be really helpful, I think for all of us, and our viewers especially, to have a kind of overview of what current immigration policy looks like, and where some of those sticky points are. So, if I could hand over to you.

83

00:17:04.520 --> 00:17:15.710

Sarah Croskery-Hewitt: Kia ora Charlotte and Kia ora Vasu. For sharing your story, thank you so much. I think that gives our audience really great context for what we're going to be discussing over the next hour.

84

00:17:17.000 --> 00:17:36.499

Sarah Croskery-Hewitt: As you mentioned, Charlotte, under current immigration policy, unfortunately, victim survivors of violence who don't yet have residence are often at risk of losing their right to remain in New Zealand if they separate from a violent partner. And this is because their visa and their pathway to residence will often depend on the partner's support.

85

00:17:37.330 --> 00:17:53.859

Sarah Croskery-Hewitt: This means that if they separate, they are at risk of losing the life they've built in New Zealand, their employment, any support network they have in New Zealand. They might even face separation from their children or return to a home country where they'd face very serious hardship or stigma.

86

00:17:54.080 --> 00:18:00.040

Sarah Croskery-Hewitt: And obviously this is a huge barrier to migrant women seeking help if they experience violence.

87

00:18:00.260 --> 00:18:23.110

Sarah Croskery-Hewitt: And just a note on that I am using gendered language and will be throughout my discussion. I'm in no way meaning to suggest that people of all genders cannot experience family violence. I'm just using this language to reflect the dominant experience of the clients who we've assisted at Community Law and the gender dynamic in the majority of appeals that relate to family violence visas.

88

00:18:24.380 --> 00:18:34.299

Sarah Croskery-Hewitt: So New Zealand has a specific 'victims of family violence' visa scheme that applies to certain victim survivors who are in this situation.

89

00:18:34.400 --> 00:18:47.070

Sarah Croskery-Hewitt: But, as you've heard from Vasu's story, it excludes quite a large proportion of women, and New Zealand's scheme is actually a lot narrower than similar policies in countries like Australia, the UK, and the USA.

90

00:18:47.810 --> 00:19:06.910

Sarah Croskery-Hewitt: So, there's 2 'victims of family violence' visas. Firstly, there's a 6 month, very short-term work visa, and a wider group of victim survivors can access that. Secondly, there is a 'victims of family violence' residence visa, which allows an applicant to remain in New Zealand permanently.

91

00:19:06.920 --> 00:19:15.460

Sarah Croskery-Hewitt: But it's quite a bit harder to access. In fact, I think there's been an average of about 43 per year over the last 5 years have been successful.

92

00:19:15.560 --> 00:19:23.849

Sarah Croskery-Hewitt: Women seeking the residence visa normally have to apply for the work visa first, because the residence can take quite some time to process.

93

00:19:25.090 --> 00:19:39.819

Sarah Croskery-Hewitt: I've put the key visa criteria onto this slide so that everyone can follow along. Bear with me, I know it's a little bit lengthy, but these criteria come from the immigration instructions which are approved by the Minister of Immigration.

94

00:19:40.270 --> 00:20:00.889

Sarah Croskery-Hewitt: So, the first requirement is that an applicant must have been in a partnership with a New Zealand citizen or resident, which, as you heard from Vasu's story, means that women whose partner is on a temporary visa, can't access a family violence visa, even if they were on a pathway to residence, or even if they'd already submitted a residence application.

95

00:20:01.160 --> 00:20:23.489

Sarah Croskery-Hewitt: At Community Law, we've encountered many, many women in this situation who are facing very severe violence but separating and losing their right to remain in New Zealand is just too high a risk for them and their children. So, they determine that it's not safe to separate, or they have reconciled, in some cases, with their partner because of the risks of having to leave New Zealand.

96

00:20:24.150 --> 00:20:30.090

Sarah Croskery-Hewitt: The second requirement is, the applicant must have intended to seek residence based on her relationship.

97

00:20:30.970 --> 00:21:09.069

Sarah Croskery-Hewitt: The third requirement is that they have separated due to family violence, and only 4 types of evidence of family violence are accepted. There either needs to be a New Zealand conviction for family violence offending, a letter from New Zealand police stating that they are satisfied that family violence has occurred, a final protection order- not a temporary one, only a final one is acceptable, or 2 statutory declarations from certain designated professionals that state that the professionals are satisfied family violence has occurred. Plus, there also needs to be an additional declaration from the applicant herself.

98

00:21:09.960 --> 00:21:26.689

Sarah Croskery-Hewitt: These professionals have to be independent of one another, so they have to be from different services, and they need to be either registered as social workers, doctors, nurses, psychologists, counsellors, or some designated women's refuge, and Shakti staff can do them.

99

00:21:28.150 --> 00:21:49.610

Sarah Croskery-Hewitt: The fourth requirement is where New Zealand is especially different, and much more restrictive than other comparable countries, and this is the requirement that for residence, an applicant has to show she's unable to return to her home country because she would be at risk of abuse or exclusion because of social stigma, or she would have no means of financial support.

100

00:21:49.840 --> 00:22:07.910

Sarah Croskery-Hewitt: A really high threshold has tended to be applied to the 'unable to return home' test. Women need to show they would face quite a severe situation to meet it. And realistically, this limits access to the visa only to women from regions that are perceived as especially hostile to separated women.

101

00:22:08.670 --> 00:22:24.010

Sarah Croskery-Hewitt: It's also the criteria that seems to exclude the most victim survivors. So, of the published appeal decisions relating to family violence visas, this requirement has been the main reason for 80% of the applications under appeal being declined.

102

00:22:24.670 --> 00:22:42.140

Sarah Croskery-Hewitt: And as I mentioned, there's no requirement like this in countries with comparable visa schemes. So internationally, family violence visa schemes focus more on ensuring that no woman who had a pathway to residence is penalized by being sent home if she reports violence.

103

00:22:42.730 --> 00:22:55.630

Sarah Croskery-Hewitt: Personally, I think that New Zealand's 'unable to return home' requirement means that ours functions a bit more like a form of refugee status for a smaller number of women who can show significant risks in their country of origin.

104

00:22:56.330 --> 00:23:13.849

Sarah Croskery-Hewitt: So, there's several other requirements that I haven't put on the slide, as they don't tend to cause as many difficulties, but sometimes they can. These are the requirements that an applicant needs to be physically in New Zealand, needs to be of an acceptable standard of health, and needs to be of good character.

105

00:23:13.860 --> 00:23:31.500

Sarah Croskery-Hewitt: At Community Law, we have seen the requirement to be physically in New Zealand can be quite problematic for women who experience a form of abuse called 'transnational abandonment', and that's something that I will return to a little later. But I'll leave it there for now, and hand over back to you, Charlotte.

106

00:23:34.730 --> 00:23:48.669

Charlotte Moore: Kia ora, thanks, Sarah. You can start to see where there's a huge number of hurdles that have to be overcome to actually be able to make use of these visa systems.

107

00:23:48.800 --> 00:24:06.109

Charlotte Moore: Silvana, I might switch to you. The visa criteria includes a requirement to prove the victim is unable to return to their home country, including a risk of abuse or exclusion. Can you talk about why this is difficult or impossible to prove for some women?

108

00:24:06.630 --> 00:24:16.749

Silvana Erenchun Perez - Shama: Thank you, Charlotte. Kia ora everyone. Well, like Sarah was saying, that is one of the main reasons why women get denied their residency here in New Zealand.

109

00:24:16.960 --> 00:24:33.470

Silvana Erenchun Perez - Shama: There is many regions, or not many, but there is a few regions around the world where women get really, really- by legislation or by their own government- really punished if they leave their husband, or if they stop the violence; or to stop the violence, they stop the relationship.

110

00:24:33.680 --> 00:24:48.030

Silvana Erenchun Perez - Shama: So, countries from the Middle East or with Islamic governments— maybe it's easy. But for people from countries from Latin America, or even India or Fiji, where we're supposed to have democratic governments, it's not seen as dangerous for us to go back home.

111

00:24:48.110 --> 00:24:49.860

Silvana Erenchun Perez - Shama: But it's very depending.

112

00:24:50.040 --> 00:25:05.620

Silvana Erenchun Perez - Shama: There is no way to prove, that maybe your community is dangerous, maybe because you come from a family which is really religious and the religion is very important, and you will get segregated. And, they are not going to sign a letter saying, "Yes, my daughter is going to be at risk," because they don't see that badness.

113

00:25:05.690 --> 00:25:07.379

Silvana Erenchun Perez - Shama: So how you can prove that?

114

00:25:07.440 --> 00:25:17.449

Silvana Erenchun Perez - Shama: Also, we know that many of our clients have received threats in terms of if they go back to their countries. But again, it's very hard to prove the future, or how we can prove these threats?

115

00:25:17.470 --> 00:25:23.580

Silvana Erenchun Perez - Shama: And that makes it very difficult for women, to go back, but you can't prove it, because-

116

00:25:23.590 --> 00:25:45.529

Silvana Erenchun Perez - Shama: I have seen women from Latin America that sometimes getting a birth certificate takes like 6 months to come into New Zealand. So, there is also those bureaucratic or post issues that make it really hard to get those through, or to get witnesses that they will be brave enough to challenge the community where they live in, to say "Yes, things here will not be good for this woman."

117

00:25:45.590 --> 00:26:00.490

Silvana Erenchun Perez - Shama: So, I think, especially for women, for example, from the US, like I said from Latin America—it is really really hard to go because our countries are not so against, but even from India, and Fiji that some people might think like “Oh, actually those country’s cool”

118

00:26:00.500 --> 00:26:22.259

Silvana Erenchun Perez - Shama: Well, it's very different if you come from Mumbai. But if you come from a little village in a rural area where they, where there is discrimination, and again, the stigma could be very, very hard on that woman. So yes, that makes it very, very hard for us to prove. And that, like Sarah was saying, you can't just go back to your country because you may not be able to come back, so you can't even go and get the proof yourself.

119

00:26:22.259 --> 00:26:47.100

Silvana Erenchun Perez - Shama: You need to rely from here to try to do your best— all this within the 6 months that that work visa give you, at the same time that you are fighting with the courts, and so many different issues that you are facing when you are trying to leave that relationship. So, it is really hard to expect women to be able to give that fight as well as to do that proof, considering everything that they are going through at the moment.

120

00:26:48.600 --> 00:26:57.249

Charlotte Moore: Kia ora Silvana, could you also talk about the risk for women being returned or deported to their home country without their own children?

121

00:26:58.580 --> 00:27:24.629

Silvana Erenchun Perez - Shama: Well, so again, usually women or people who have experienced violence and they are trying to address the situation—they are going through multiple courts and multiple processes, and those processes not always communicate in between each other. So, for example, the immigration could decide that Chile, in my case, for example, is a perfectly safe country to go back, because I will not face a risk of losing my life or exclusion.

122

00:27:24.780 --> 00:27:38.389

Silvana Erenchun Perez - Shama: But at the same time, if I am not having a good situation, or if I don't, have much support, the family court may decide that my children are going to be best placed here in New Zealand with the family, for example, of the perpetrator, or with the network.

123

00:27:40.180 --> 00:27:48.590

Silvana Erenchun Perez - Shama: You know, us ethnic communities, many times we face discrimination and part of the discrimination that we face is thinking that our countries are never as good as New Zealand.

124

00:27:48.750 --> 00:27:56.959

Silvana Erenchun Perez - Shama: So, when the family court is thinking on the best for the children, many times, they do think that New Zealand will be the best for those children.

125

00:27:56.990 --> 00:28:15.479

Silvana Erenchun Perez - Shama: But even as a woman, if I have to leave New Zealand, and I am not sure how it is going to be back home. I may be a scared that the situation is not going to be good. I may need to think maybe I need to decide to leave my kids here because they are going to be better looked after than what I can provide there.

126

00:28:15.710 --> 00:28:33.320

Silvana Erenchun Perez - Shama: We also have seen men that threat women, or the perpetrator that threat women you know, in terms of "I will not let you take the children. I will go." So, there is so many situations where the woman could be leaving home without the children.

127

00:28:33.370 --> 00:28:44.339

Silvana Erenchun Perez - Shama: I remember when I first started working at Shama in 2015. I used to tell women "Don't worry. Speak up if you're facing violence because we are here. We are going to help you. Everything is going to be okay"

128

00:28:44.670 --> 00:28:59.209

Silvana Erenchun Perez - Shama: Until the first woman that was going to be, not deported because she wasn't going to be waiting until deported, but her visa got cancelled and she was one of those people that they were unable to prove, that she was unable to go home. She was from Fiji.

129

00:28:59.390 --> 00:29:10.360

Silvana Erenchun Perez - Shama: and she did told me, "Silvana, if you would have told me the truth, I would have wait for another 6 month until I get my visa, and I will take the punch for 6 more months, and that will mean that I could stay here."

130

00:29:10.720 --> 00:29:24.719

Silvana Erenchun Perez - Shama: That for me was a shock. After that, I need to change the way that I speak, and now I have to tell them- "Look. Violence is never good. You need to speak up, but there may be the risk that you need to go home", and many of those women, then they will not speak up.

131

00:29:25.200 --> 00:29:27.039

Silvana Erenchun Perez - Shama: It's too much- that risk.

132

00:29:27.070 --> 00:29:40.729

Silvana Erenchun Perez - Shama: I know that not everyone get deported, but we feel that's deportation because we are being asked to leave this country, you know, and without consideration of the networks that were here, the family that I may have, or the friends, whanau, the world.

133

00:29:45.890 --> 00:30:06.229

Charlotte Moore: I can, yes, absolutely understand that the risk of separation from children is an incredible barrier for women to actually be able to become free from violence. You know, if that risk is that their children will remain here, 'will I have to go home?' being a significant deterrent. Thanks, Silvana.

134

00:30:07.420 --> 00:30:18.659

Charlotte Moore: Vasu, if we could come back to you, can you tell us about the issues with the current visa requirement that victims are eligible, only if their partner is a New Zealand citizen or New Zealand permanent resident?

135

00:30:19.430 --> 00:30:31.479

Vasudha Gautam: Yeah. So, if your partner is not a citizen or a resident of New Zealand, there is no clear pathway to get a family violence visa which lasts for 6 months.

136

00:30:31.500 --> 00:30:43.199

Vasudha Gautam: This makes women stay in unsafe relationships with the abuser and not leave, or sometimes they even decide to go back to their home country, where it's unsafe for them as well.

137

00:30:43.340 --> 00:30:50.030

Vasudha Gautam: This was the case in my case that I wasn't eligible for the family violence visa.

138

00:30:50.290 --> 00:31:19.939

Vasudha Gautam: So, I had to be dependent on short term visas, and it's difficult to find work on short-term visas. When we see a client at Community Law Wellington and Hutt Valley, and we say that "leave the relationship, we'll have to make a request to the minister, because it will be on the minister's discretion" that they sometimes never come back to us as they find the process too uncertain and also that this process can take a very long time.

139

00:31:19.980 --> 00:31:32.799

Vasudha Gautam: It took 1 year for me to get residence, and I had to go through criminal trial, family violence/my family court processes without knowing whether I will be getting residence or not.

140

00:31:32.910 --> 00:31:39.419

Vasudha Gautam: As they cannot get the family violence visa, they can only get short term visas, which have to be renewed frequently.

141

00:31:39.650 --> 00:31:50.520

Vasudha Gautam: This was the situation I was in, and as I said, I got my residence through Community Law Wellington and Hutt Valley making an application to the minister.

142

00:31:50.830 --> 00:31:55.300

Vasudha Gautam: So, it just makes things really uncertain for women.

143

00:31:55.450 --> 00:32:07.599

Vasudha Gautam: We see women struggling with this decision to separate as they are then scared of the consequences, with the process being too long, and not sure whether in the end they will get residence or not.

144

00:32:08.810 --> 00:32:09.490

Vasudha Gautam: Yeah.

145

00:32:13.250 --> 00:32:15.910

Charlotte Moore: Thanks Vasu.

146

00:32:16.560 --> 00:32:26.370

Charlotte Moore: Sarah, we can come back to you. What are the issues with the evidence that visa applicants are required to provide that demonstrate family violence?

147

00:32:27.300 --> 00:32:45.780

Sarah Croskery-Hewitt: Yeah. So, as I mentioned earlier, there's only 4 accepted forms of evidence of family violence, and they all require the applicant to have either sought help through the justice system, or from 2 designated professionals, and there's no discretion for immigration officers to accept other forms of evidence.

148

00:32:45.880 --> 00:32:57.879

Sarah Croskery-Hewitt: And that could be a huge barrier to accessing the visas because there's a lot of really good reasons why a victim survivor might—it might not have been practical for her to access the justice system or 2 different services.

149

00:32:58.320 --> 00:33:33.069

Sarah Croskery-Hewitt: Most obviously, she might have been scared to seek help from police or services because she knew it could jeopardise her visa if the violence was known by immigration. So that can happen in a couple of different ways— if she reported her partner's violence and he received a conviction, he could then fail to meet the character requirements to sponsor partnership visas in future. Alternatively, we've also seen instances of immigration deciding that there's been violence, and that means that a relationship doesn't meet the 'genuine and stable relationship' test that's required for partnership visas.

150

00:33:33.110 --> 00:33:43.829

Sarah Croskery-Hewitt: So that's obviously, you know, front of my mind for migrant victim survivors when they are considering disclosing to someone, is the risk that it could get back to immigration and jeopardize their visa.

151

00:33:44.550 --> 00:33:54.960

Sarah Croskery-Hewitt: She might also struggle to access police help or other services because of limited English, or might have feared racism, or a lack of understanding from police or services.

152

00:33:55.150 --> 00:34:01.579

Sarah Croskery-Hewitt: She might have had negative experiences seeking help in the past or negative experiences with police in her home country.

153

00:34:01.980 --> 00:34:22.569

Sarah Croskery-Hewitt: There can be financial or transport reasons that means she can't access 2 designated professionals, and it's important to remember that the professionals that are accepted are people like doctors, psychologists, and counsellors, so they're often expensive to see, and often women don't qualify for publicly funded health care when they're on a temporary visa.

154

00:34:22.739 --> 00:34:39

Sarah Croskery-Hewitt: There's also problems with the really narrow range of professionals that are acceptable. So, for example, experienced women's refuge or Shakti staff can provide declarations, but services like Shama and Shine Refuge and not able to.

155

00:34:39 --> 00:34:53.159

Sarah Croskery-Hewitt: We've also had clients who saw registered psychotherapists who were extremely experienced in family violence and had worked in the area for decades, but because they're not a counsellor or a psychologist—they're a psychotherapist—they're not accepted.

156

00:34:54.860 --> 00:35:04.910

Sarah Croskery-Hewitt: In terms of the justice system forms of evidence, like final protection orders or convictions, they can take months to a year or more to secure.

157

00:35:04.920 --> 00:35:20.360

Sarah Croskery-Hewitt: And another problem we see is that protection orders are often not made final. So, what happens is, normally a temporary protection order is made very quickly, but that's not sufficient evidence for the policy, and then later down the track, the family court makes a decision about whether to make it final.

158

00:35:20.670 --> 00:35:25.469

Sarah Croskery-Hewitt: They often don't, not because there's any doubt about violence having occurred.

159

00:35:25.840 --> 00:35:35.849

Sarah Croskery-Hewitt: But, if there hasn't been much post separation violence recently, the family court might decide the order is no longer necessary. That doesn't mean violence didn't occur.

160

00:35:36.190 --> 00:35:49.860

Sarah Croskery-Hewitt: Sometimes, also, we've seen family lawyers encouraging women to settle for an unenforceable undertaking not to use violence, rather than pursuing the final protection order, which might mean they don't then have the evidence for a family violence visa application.

161

00:35:50.360 --> 00:35:59.510

Sarah Croskery-Hewitt: So, I really think there needs to be a discretion introduced for immigration to accept other kinds of evidence like there is in several other countries.

162

00:36:02.280 --> 00:36:10.129

Charlotte Moore: Thanks, Sarah. We also know, of course, that there's quite regional variability in terms of access to specialist services for support.

163

00:36:10.240 --> 00:36:27.279

Charlotte Moore: So, where women or migrant victims are located around the country is going to also impact on their ability to find those safe places for, you know, to reach out or to find the support that they need that is appropriate for their needs as well. Thanks, Sarah.

164

00:36:28.130 --> 00:36:34.229

Charlotte Moore: Megan, if we could come to you now, what kind of legal help can victims' access?

165

00:36:34.680 --> 00:36:35.910

Megan Williams: Thanks, Charlotte.

166

00:36:35.970 --> 00:37:16.189

Megan Williams: First of all, just wanted to acknowledge the complexity of the situations that women are often in. And I think Vasu, Sarah and Silvana have really outlined or indicated some of the complexities that are involved in the application. So, it's very difficult for people to navigate these applications on their own, particularly when separating and are dealing with multiple stressors and other legal processes often, with having to go through potentially family court processes, or even criminal court prosecutions of their abusers.

167

00:37:16.280 --> 00:37:37.149

Megan Williams: So, legal support, we think, is really essential, and unfortunately legal aid is not available. So, while legal aid is available for family court processes like protection orders, it's not available for the immigration side of things.

168

00:37:37.550 --> 00:37:49.509

Megan Williams: Most of the women that we see have experienced financial abuse and have very restricted finances—certainly not the ability to pay an immigration lawyer.

169

00:37:49.760 --> 00:37:50.970

Megan Williams: And—

170

00:37:52.410 --> 00:38:19.689

Megan Williams: There are Community Law centres that can provide assistance with these applications, but it is a fairly specialist area of immigration policy. Not all Community Law centres can provide this kind of specialist service that centres like Wellington and Hutt Valley do. And one of the difficulties for Community Law is that we're not funded to do this work, and our funding model does not fit well with these kinds of applications.

171

00:38:22.770 --> 00:38:38.729

Megan Williams: These applications tend to take a really long time—a lot of hours of legal work goes into these applications, and our funding is really limited to seeing one client, once, in the space of a year.

172

00:38:38.760 --> 00:38:45.390

Megan Williams: So, it is a struggle for Community Law centres to provide the specialist advice that's required.

173

00:38:46.570 --> 00:38:50.909

Megan Williams: And there are other costs as well.

174

00:38:51.140 --> 00:39:08.989

Megan Williams: If a residence application is declined and it's appealed to the immigration and Protection Tribunal, that's a \$700 appeal fee. And I have had clients who have decided not to appeal, based on that cost, because they simply haven't had the money.

175

00:39:09.110 --> 00:39:18.340

Megan Williams: So yeah, it's an incredibly challenging area, and one that could at least be assisted by making legal aid available.

176

00:39:21.650 --> 00:39:28.839

Charlotte Moore: Thanks, Megan. Could you also talk about the issues with the temporary family violence visa?

177

00:39:29.760 --> 00:39:38.849

Megan Williams: Yeah, and I think Vasu has highlighted these really well with the problems with the visa generally only being granted for 6 months.

178

00:39:38.950 --> 00:39:47.110

Megan Williams: If an applicant applies for residence at the same time, then the work visa can be granted for 9 months.

179

00:39:47.180 --> 00:40:09.670

Megan Williams: But 6 months is a very short time to try and get your life in order after going through a separation, and, like I mentioned, all the other processes that may be going on, you know, with having to move, going through a family court process, and looking for employment. I mean, many of our clients have not been working up till this point.

180

00:40:09.740 --> 00:40:17.090

Megan Williams: Many do have to look for employment, and it's so hard to get a job if you've only got 6 months left on your visa.

181

00:40:17.260 --> 00:40:50.669

Megan Williams: But when you take into account the time it takes to look for a job, you know, by the time you're coming to interview, it may be that there's only 4 months left on your visa, and there is no guarantee that you'll be granted a further visa. If you are applying for residence, that process can still be quite uncertain at that point. So, whether an employer is willing to hire someone in that kind of uncertainty, you know, it's a very—it's a very difficult situation to be in.

182

00:40:51.040 --> 00:41:01.509

Megan Williams: But another difficulty is that the way Immigration New Zealand interprets this visa category is that those work visas can only be granted once.

183

00:41:01.590 --> 00:41:15.270

Megan Williams: And so, often people have to request another work visa. And again, there's uncertainty around that, because Immigration New Zealand view it as making an exception to instructions if they grant a visa again.

184

00:41:15.840 --> 00:41:16.950

Megan Williams: So ...

185

00:41:18.440 --> 00:41:19.770

Megan Williams: Again ...

186

00:41:20.190 --> 00:41:26.740

Megan Williams: The challenge then is trying to find work in that time.

187

00:41:26.800 --> 00:41:33.060

Megan Williams: But also, the residence visa applications tend to take quite a long time to be processed.

188

00:41:33.340 --> 00:41:38.690

Megan Williams: So, you need to stay legal- you need to have a valid visa while your residence application is being processed.

189

00:41:38.910 --> 00:41:50.129

Megan Williams: And so, it's having to go through this application process, maybe multiple times, which is a stress every time, which could be addressed by lengthening the work visa.

190

00:41:55.870 --> 00:41:57.710

Charlotte Moore: Kia ora, thanks, Megan.

191

00:41:58.250 --> 00:42:09.510

Charlotte Moore: Sarah. We'll come back to you. You mentioned earlier the issue of offshore abandonment. Do you want to talk a little bit more about what that means and why that's a current risk for victims?

192

00:42:10.140 --> 00:42:32.569

Sarah Croskery-Hewitt: Yeah, so something we've seen quite a few Community Law clients face is this form of abuse that's known as 'transnational abandonment', and it's where a partner tricks or coerces them into returning to their home country for a visit, and then once she's offshore, they refuse to get her a plane ticket back to New Zealand, or even try and get her visa cancelled while she's out of the country.

193

00:42:32.630 --> 00:42:53.930

Sarah Croskery-Hewitt: And this abandonment is done with the intention of stopping women from accessing their legal rights in New Zealand, like their rights to relationship property, or the right to participate in criminal or family court proceedings against their abusive partner, and it can also separate them from their children, or leave them to a life of really serious hardship and stigma.

194

00:42:54.960 --> 00:43:06.939

Sarah Croskery-Hewitt: Immigration policy really entrenches victim survivors' vulnerability to this kind of abuse, because once the temporary visa holder is offshore, their visa can be cancelled without consulting them.

195

00:43:07.160 --> 00:43:16.180

Sarah Croskery-Hewitt: And so, we've often seen partners trying to do this- trying to contact immigration once their partner is offshore to try and get her visa cancelled.

196

00:43:17.290 --> 00:43:25.229

Sarah Croskery-Hewitt: And because she's offshore, she can't be then apply for a family violence visa because she's not physically in New Zealand, which is one of the visa requirements.

197

00:43:25.390 --> 00:43:38.410

Sarah Croskery-Hewitt: It's a gap in policy that I think really needs to be addressed. Possibly, we could give women offshore access to the family violence work visa, and that would enable them to return and to access their legal rights in New Zealand.

198

00:43:43.230 --> 00:43:44.740

Charlotte Moore: Thanks, Sarah.

199

00:43:49.120 --> 00:43:57.280

Charlotte Moore: Vasu, what type of financial support, if any, or social support is available to victims, while they apply for the family violence visa?

200

00:44:00.670 --> 00:44:06.279

Vasudha Gautam: So, clients—like, there is no financial support available to them.

201

00:44:08.720 --> 00:44:20.769

Vasudha Gautam: If they are like— if they are partners like in my case, I was a partner of a non-resident and a non-citizen, so I had no rights to a benefit.

202

00:44:21.040 --> 00:44:29.349

Vasudha Gautam: There was nothing— that— like, no kind of financial help available for me and my kids.

203

00:44:29.390 --> 00:44:35.219

Vasudha Gautam: I mean, if you have kids, it makes the situation even worse, because then you have extra mouths to feed.

204

00:44:35.310 --> 00:44:45.689

Vasudha Gautam: Most people who are going through family violence are also facing financial abuse, so they absolutely have no money even if they leave the relationship, like it was in my case.

205

00:44:45.730 --> 00:45:10.249

Vasudha Gautam: We've had clients at Community Law Wellington and Hutt Valley who have had no money for buses to go and see their lawyer or go to the court appointments. We've had a client who was in the safe house for 18 months with a very young child dependent on them for money, for food and for travel to make it to her legal appointments.

206

00:45:11.500 --> 00:45:17.520

Vasudha Gautam: If they are on a family violence visa, they can get emergency benefit.

207

00:45:17.630 --> 00:45:27.479

Vasudha Gautam: But that must be renewed weekly. And like, they have to check in weekly with work and income to see if they can still get that.

208

00:45:27.960 --> 00:45:32.170

Vasudha Gautam: So basically, they are left with no financial support.

209

00:45:33.320 --> 00:45:50.649

Vasudha Gautam: This makes them like, in lots of cases, go back— either go back to the abuser, or not leave, and also makes condition right for the abuser to abuse them even more, knowing that, like you know, they have nowhere to go. Yeah.

210

00:45:52.480 --> 00:45:56.120

Charlotte Moore: It's setting out some quite significant forms of entrapment, isn't it?

211

00:45:56.380 --> 00:46:03.710

Charlotte Moore: If there is no financial support whatsoever for women and the stress they are already experiencing.

212

00:46:03.820 --> 00:46:16.579

Charlotte Moore: Experiencing violence, and then also having to navigate complex government systems to try and get any support at all, you know, on a weekly basis, if there's anything available at all.

213

00:46:16.620 --> 00:46:19.459

Charlotte Moore: So, some quite significant issues there.

214

00:46:20.060 --> 00:46:27.030

Charlotte Moore: Dhilum, we might switch over to you now. The Government is currently implementing some changes to immigration settings.

215

00:46:27.110 --> 00:46:34.309

Charlotte Moore: Is that changing anything for victims of violence? What are the impacts for victims applying for the family violence visas?

216

00:46:35.560 --> 00:46:39.039

Dhilum Nightingale: Kia ora Charlotte. Yes, so the great immigration reset which is the new policies that are in place in response to the borders reopening

217

00:46:47.450 --> 00:47:35.740

Dhilum Nightingale: Look, unfortunately, in my view, these policies do very little to support or acknowledge victim survivors, and victims of family violence. And they reflect quite patriarchal and

outdated attitudes in my view. Now let me let me explain. So, at the moment a work-visa holder can support a work visa for their partner, provided the visa holder is paid the median wage, which is currently just over \$27, but it will increase to almost \$30 from the end of February next year. There's a slight exemption for tourism and hospitality.

218

00:47:36.050 --> 00:47:45.460

Dhilum Nightingale: However, from December, which is obviously in a few days' time, these requirements are becoming more onerous as part of the immigration reset.

219

00:47:45.800 --> 00:48:03.099

Dhilum Nightingale: So, the reset policies are very much focused on fast tracking residency for high-skilled migrants. A key initiative is the green list, which is a list of highly skilled roles in ICT, engineering, consultancy roles, where there are not enough New Zealanders to meet demand.

220

00:48:03.130 --> 00:48:11.359

Dhilum Nightingale: So, depending on the green list, a person has either the option of a straight to residence pathway, or a 2-year work to residence pathway.

221

00:48:11.930 --> 00:48:24.959

Dhilum Nightingale: So, from December, if a work-visa holder has an occupation on the green list, or they are paid twice the median wage, then they can support a work visa with open work rights for their partner.

222

00:48:25.530 --> 00:48:29.369

Dhilum Nightingale: Otherwise, their partner is only able to get a visitor visa.

223

00:48:29.760 --> 00:48:33.850

Dhilum Nightingale: Now this leaves a person very dependent on their partner for income.

224

00:48:33.990 --> 00:48:41.620

Dhilum Nightingale: Green party MPs have said that this policy change is likely to increase the risk of family violence, and also worker exploitation.

225

00:48:41.800 --> 00:48:48.759

Dhilum Nightingale: and many people will be forced to work in breach of visa conditions in order to have financial independence.

226

00:48:49.350 --> 00:49:02.390

Dhilum Nightingale: So, in my view, this new policy is patriarchal because the visa holder, who is usually a man, will be the 'principal applicant,' and under the new policy their partner is a visitor.

227

00:49:02.650 --> 00:49:11.140

Dhilum Nightingale: So, there's a dynamic, a power imbalance here that is perpetuated, and, in fact, labelled so in the policy.

228

00:49:11.380 --> 00:49:45.120

Dhilum Nightingale: For the woman to have some financial independence, she will need to obtain an accredited-employer-work-visa themselves. This is a challenging and daunting process, much more restrictive than, I understand, the short-term visas that Vasu was able to get in her circumstances. So, under the accredited-employer-work-visa scheme, there are 3 key steps. Briefly, the employer has to be accredited, which, you know, is a fee to the employer of some \$740.

229

00:49:45.130 --> 00:49:57.080

Dhilum Nightingale: The job check has to be done, and that's another \$610, and then it's only once those 2 steps are complete, that a person can apply for a visa which costs them \$750.

230

00:49:57.700 --> 00:50:07.259

Dhilum Nightingale: Now, if they're granted one of these work visas, then they can work less than 30 hours a week, which seems to be, I think, the Government, recognizing that partners, may have childcare and other responsibilities.

231

00:50:07.580 --> 00:50:23.589

Dhilum Nightingale: But look, overall, it's a very complex scheme. I've talked to various employers in the work that I do, also through Community Law on migrant exploitation, and many people are very reluctant to engage with this very complex, lengthy scheme.

232

00:50:23.670 --> 00:50:32.280

Dhilum Nightingale: And yet, the Government is saying that partners of work visa holders have to go through all of these steps while they are on a visitor visa.

233

00:50:32.880 --> 00:50:40.670

Dhilum Nightingale: And a visitor visa is exactly how it sounds- it's for visitors. It's available for holidaymakers, people visiting family and friends.

234

00:50:42.430 --> 00:51:07.259

Dhilum Nightingale: There's an assumption that this policy fails to support women who are experiencing family violence in at least 3 ways. First, they may apply for the family work visa, but it will be harder to prove to Immigration New Zealand that while on a visitor visa, they had intended to seek residence on the basis of their relationship.

235

00:51:07.650 --> 00:51:19.439

Dhilum Nightingale: It could be easier for the abuser and also Immigration New Zealand to claim that the woman was not in a genuine, stable, and enduring long-term partnership, as Sarah has explained.

236

00:51:19.870 --> 00:51:30.060

Dhilum Nightingale: You know, these are all criteria for the visa, but I think it could be very difficult for someone to say that their relationship had all of these characteristics while they were on a visitor visa.

237

00:51:31.120 --> 00:51:45.600

Dhilum Nightingale: Second, I think it could be harder for a victim to leave an abusive relationship while on a visitor visa, because they are left in a very vulnerable— well additionally vulnerable situation. They have no access to benefits. They're reliant on their abuser for financial support.

238

00:51:45.620 --> 00:51:50.410

Dhilum Nightingale: And, as others have said, it's very difficult to search for work while on a visitor visa.

239

00:51:50.890 --> 00:51:59.440

Dhilum Nightingale: The very first question that a prospective employer will ask is, do you have the right to work—and you do not, on a visitor visa.

240

00:51:59.630 --> 00:52:15.140

Dhilum Nightingale: So, I think that this will result in increased feelings of entrapment for a person in an abusive relationship. And in turn, the abuser will be able to exert greater coercive control- basically, using that insecure immigration status as a tool of violence.

241

00:52:17.000 --> 00:52:23.759

Dhilum Nightingale: So, I think that the new policy does create these additional barriers for a victim.

242

00:52:23.880 --> 00:52:31.509

Dhilum Nightingale: It's such a massive step to go from someone who is a visitor in New Zealand to being someone who can live independently of an abuser.

243

00:52:33.050 --> 00:52:39.480

Dhilum Nightingale: You know the minister, when announcing the reset policy, said that getting our immigration settings right is a balancing act.

244

00:52:39.820 --> 00:52:46.450

Dhilum Nightingale: I don't think the needs of vulnerable women who are experiencing family violence have been appropriately considered with this policy.

245

00:52:47.870 --> 00:53:05.989

Dhilum Nightingale: And the third problem I'd like to highlight with the policy is that currently, if the abuser is on a temporary visa, such as a work visa, the victim may be able to apply for a family violence work visa as an exception to instructions. This is fully at INZ's discretion.

246

00:53:06.160 --> 00:53:18.649

Dhilum Nightingale: But we have been able to support some clients to get a visa as an exception to instructions, even where their abuser is not a citizen or resident.

247

00:53:19.650 --> 00:53:33.740

Dhilum Nightingale: But I do think it's going to be much more difficult for INZ to grant a visa as an exception to instructions under this new accredited-employer-scheme, because of that 3-step process that I've outlined.

248

00:53:33.800 --> 00:53:49.130

Dhilum Nightingale: It's not so simple to say well, 'you don't meet the family violence requirements, so here's an accredited work visa as an exception to instructions.' I just think that that's going to—INZ will find that difficult to do.

249

00:53:51.110 --> 00:53:54.080

Dhilum Nightingale: So,

250

00:53:54.690 --> 00:54:29.250

Dhilum Nightingale: to summarize. I do think that visitor visa status for most women who are partners of work visa holders, I think that that is going to, unfortunately, as the Green party MPs have highlighted, place additional barriers in place and make it harder for women to leave abusive relationships.

251

00:54:32.110 --> 00:54:43.720

Charlotte Moore: Kia ora, thanks, Dhilum. Just wondering, Sarah, how we compare internationally with these policies. What does that look like in terms of the comparative analysis?

252

00:54:44.400 --> 00:54:58.200

Sarah Croskery-Hewitt: Well, interestingly, the family violence visa policy states that its objective is to uphold our international obligations, and these are the obligations to protect children from violence, and to end discrimination against women in family relations.

253

00:54:58.810 --> 00:55:10.899

Sarah Croskery-Hewitt: But I think that, you know, our scheme is so narrow that it really fails to uphold these obligations. Children's interests aren't even relevant to any of the visa criteria- there's not really any scope to consider them.

254

00:55:11.150 --> 00:55:17.800

Sarah Croskery-Hewitt: And, most migrant women can't realistically access the protection of the visa if they experience violence.

255

00:55:18.400 --> 00:55:31.699

Sarah Croskery-Hewitt: So, what I think has maybe happened is that in writing and applying the policy, New Zealand hasn't interpreted that obligation to end discrimination against women in family relations in a correct way.

256

00:55:32.050 --> 00:55:44.680

Sarah Croskery-Hewitt: The UN Committee on the Elimination of Discrimination Against Women has made it very clear that, domestic family violence is one of these forms of discrimination against women that States must eliminate.

257

00:55:45.000 --> 00:56:03.000

Sarah Croskery-Hewitt: But I think, in the context of these visas, New Zealand has interpreted that 'discrimination in family relations' in a much narrower way, as being an obligation to protect women from cultural stigmas against divorce, rather than New Zealand's obligation to protect all women within our borders from family violence.

258

00:56:03.290 --> 00:56:09.459

Sarah Croskery-Hewitt: I think if we were really trying to protect all women from violence, we wouldn't be excluding so many from the protection of the visa.

259

00:56:10.110 --> 00:56:32.719

Sarah Croskery-Hewitt: And our criteria, like I mentioned earlier, are much narrower than comparable schemes in countries like Australia, the US, the UK, which don't have anything like that 'unable to return home' requirement, and the focus of those schemes internationally is making sure that women who had a pathway to residence don't lose it and aren't sent home as a result of reporting violence.

260

00:56:32.950 --> 00:56:37.709

Sarah Croskery-Hewitt: Whereas ours is just for women who can prove really serious risks in their home country.

261

00:56:37.970 --> 00:56:51.489

Sarah Croskery-Hewitt: And it's now been over 20 years since these criteria were written, and it's, I think, really time to look at how far behind other countries schemes that we've fallen, and especially to remove that 'unable to return home' requirement.

262

00:56:52.250 --> 00:56:59.769

Sarah Croskery-Hewitt: Another way that our system is quite different is in how few forms of family violence evidence we accept.

263

00:56:59.920 --> 00:57:09.209

Sarah Croskery-Hewitt: So, for example in the UK and Canada, there's no closed list of acceptable evidence. And similarly in the US, they will accept any credible evidence.

264

00:57:09.630 --> 00:57:15.340

Sarah Croskery-Hewitt: And, Australia also has a discretion for immigration officers to accept quite a wide range of evidence.

265

00:57:15.390 --> 00:57:22.539

Sarah Croskery-Hewitt: So, it's another area where I think we have a lot to learn from other country's systems and need to review our policy to keep up.

266

00:57:26.090 --> 00:57:27.629

Charlotte Moore: Kia ora. Thanks, Sarah.

267

00:57:28.070 --> 00:57:51.200

Charlotte Moore: I guess, looking at what we can change, or what needs to change going forwards. If I can hand over to Megan and Dhilum. What possible options is the Government considering to address these issues? And what are some of the benefits or challenges with those options? Megan, do you want to maybe start, and Dhilum can come in after?

268

00:57:51.340 --> 00:58:00.629

Megan Williams: Kia ora, thanks. So, we understand that this policy, this category is due to be reviewed next year in 2023.

269

00:58:01.210 --> 00:58:15.750

Megan Williams: The difficulty that we have with that is that subsequent ministers have committed to review this visa category for a really long time. I started working in this area in 2012, and Nathan Guy was the minister at the time, and he publicly

270

00:58:15.930 --> 00:58:39.290

Megan Williams: stated that there would be a review and some INZ staff at the time that I was corresponding with, thought that that review, was ongoing, but nothing ever came of it. There's, you know, there's also been a number of all of government consultations, the joint venture as well. And so, while we're hopeful that we'll see a review. I guess

271

00:58:39.300 --> 00:58:52.290

Megan Williams: we haven't heard any detail yet about that review, and it's really important that it's a comprehensive review that addresses all the issues that we've raised, not just a few tweaks.

272

00:58:54.010 --> 00:59:09.069

Megan Williams: You know, so, some of the things that we've raised that really need to be addressed is the lengths of the visa, access to the visa category by partners of temporary visa holders, not just partners of citizens and residents.

273

00:59:09.390 --> 00:59:28.830

Megan Williams: The issue around an ability to return to one's home country really needs to be addressed, and so does that narrow category of evidence. We need to see that made much broader. We would also like to see access to legal aid and access to benefits that would require legislative change.

274

00:59:29.060 --> 00:59:37.350

Megan Williams: So, Jan Logie has introduced a member's bill that actually addresses all of these issues.

275

00:59:37.400 --> 00:59:48.849

Megan Williams: It's a really comprehensive bill, and it hasn't been drawn yet from the tin. What we'd really like to see is the Government pick that bill up.

276

00:59:48.960 --> 01:00:06.299

Megan Williams: And one of the real pros—one of the positives of picking that bill up, would mean that it's protections for family violence survivors are then in legislation, and can't be changed as easily as policy can.

277

01:00:06.700 --> 01:00:31.929

Megan Williams: But legislation isn't required other than in order to get legal aid made available, and to get access to benefit- legislative change is required. But for the immigration changes that we'd like to see, legislation is not required. This can be done through policy. So those are, I guess, the 2 avenues that we see for change.

278

01:00:32.150 --> 01:00:37.359

Megan Williams: But like I said, I guess we're waiting to hear what happens next year. Dhilum, do you want to add to that?

279

01:00:40.920 --> 01:00:58.550

Dhilum Nightingale: Yes, thanks, Megan. So I think Megan's covered Jan Logie's bill really well, but if I could just maybe refer to some of the operational matters that we see very frequently with the clients that we help at Community Law Wellington and Hutt Valley.

280

01:00:58.560 --> 01:01:08.039

Dhilum Nightingale: And look, these are really down to, I think, just improvements that can be made in the way that applications are assessed.

281

01:01:08.200 --> 01:01:23.610

Dhilum Nightingale: I know that there is a high staff turnover on many of these teams that are looking at these applications. But I do think that there are some really fundamental things here that we would love to see some improvements in.

282

01:01:23.810 --> 01:01:48.990

Dhilum Nightingale: So, often there is quite a lack of empathy in officers processing these applications. So, we're seeing them ask questions about things like someone's qualifications, or where, even basic things like, where do they live? These matters are all covered very comprehensively in our client's statutory declarations.

283

01:01:49.050 --> 01:02:11.329

Dhilum Nightingale: are the officers actually reading the applications properly? Clients tell us that they're feeling like they're not being heard, or, having to go over events again and again can be re-traumatizing, and there doesn't seem to be too much deep empathy about a victim survivors' circumstances.

284

01:02:11.640 --> 01:02:25.099

Dhilum Nightingale: The default position should be that women are speaking the truth and are to be believed- not that their applications contain untruths which must be uncovered. But unfortunately, that is how some applications are treated from my perspective.

285

01:02:25.440 --> 01:02:46.930

Dhilum Nightingale: The DV program payment that Vasu and others talked about is available, but it is very difficult to access. Very recently an MSD Officer refused to grant a client time for an appointment even, to discuss her eligibility. She had just been granted the family violence work visa, and was eligible for this payment, which is equivalent to the jobseeker payment.

286

01:02:47.100 --> 01:03:00.350

Dhilum Nightingale: But the MSD Officer, even though we pointed out, where on the website there's information about the payment, because it's not sort of commonly, I guess, used.

287

01:03:00.760 --> 01:03:13.119

Dhilum Nightingale: But even with that information the officer said, 'No. You're on a temporary visa, you have no right to a benefit under this scheme.'

288

01:03:13.200 --> 01:03:41.170

Dhilum Nightingale: So, things like that are just really basic improvements and operational practices that really need to improve. Another one is, there's an extra security clearance check for clients from certain countries like Pakistan, China, Palestinian women, Arabic women— in my experience this profiling is unnecessary and the additional time it adds to an application, which can be 9 months or more— it's enormous pressure to family violence victim survivors.

289

01:03:41.560 --> 01:03:50.220

Dhilum Nightingale: Another concern is just the practicalities of getting the declarations which Sarah has talked about.

290

01:03:50.370 --> 01:04:03.709

Dhilum Nightingale: these are so hard to get when you have no income, and we are now seeing GP's, who are one of the narrow groups of professionals that can provide declarations, charging \$250 for providing a declaration.

291

01:04:03.770 --> 01:04:19.760

Dhilum Nightingale: And when you're someone who does not have an income, doesn't have access to any benefits, you're basically reliant on support services to fund the costs of a declaration like this, as well as maybe medical costs.

292

01:04:19.790 --> 01:04:37.700

Dhilum Nightingale: The cost of getting a police certificate. Australia now requires a fingerprint check, that's another \$200. If you've lived for some time in Australia, you're required— INZ has recently insisted that a client who only spent a few months in Australia

293

01:04:37.730 --> 01:05:16.659

Dhilum Nightingale: had to go to the expense of about— it was about \$200 to get a fingerprint check from Australia. Sorry, my list is quite long. The requirement to show proof of custody, which is not a family law term or evidence of rights to remove children from their country of residence is really problematic, and it requires a father who may actually have no— you know, that the parenting order may have no visitation rights or anything like that, and the father might be just, not wanting to be involved at all, and yet, able to withhold consent to a child being included in the mother's residence application.

294

01:05:16.720 --> 01:05:20.639

Dhilum Nightingale: And we have seen that happen. So.

295

01:05:21.210 --> 01:05:39.729

Dhilum Nightingale: I think Te Aorerekura to me was all about mobilizing support, coming together, us as a nation, saying- 'we care and we need to do better for victims of family violence,' and

296

01:05:39.940 --> 01:05:52.559

Dhilum Nightingale: it's really frustrating seeing all of these operational barriers put in place that prevent women from accessing the support they need.

297

01:05:52.600 --> 01:05:59.699

Dhilum Nightingale: The support that they need should not be contingent on immigration requirements or their immigration status.

298

01:05:59.970 --> 01:06:07.900

Dhilum Nightingale: That's basically not putting the needs of women victims and children first.

299

01:06:08.790 --> 01:06:28.059

Charlotte Moore: Kia ora. Thanks, Dhilum. A really succinct outlay of just some of those incredible barriers and challenges faced by migrant women in particular. Thank you to all of our panellists for your input and deep knowledge and expertise thus far in our Webinar.

300

01:06:28.070 --> 01:06:58.320

Charlotte Moore: I'm going to start having a look at some of the questions that have been popping up in our Q&A from our audience, and maybe throwing it open to you to start responding to some of these. The first—one of the first questions we have is actually about understanding what the different challenges that may be faced by migrant survivors who are from the rainbow community and seeking to leave violent partners.

301

01:06:58.480 --> 01:07:16.950

Charlotte Moore: Those issues are incredibly complex, as coming out might not be safe for them. And different issues too, in terms of whether they would be safe in their country of origin. Have any of the panellists here had experience working or supporting migrant victim survivors across these issues?

302

01:07:17.620 --> 01:07:22.739

Sarah Croskery-Hewitt: Yeah, yeah. I have at Community Law, and Dhilum as well can probably speak to this.

303

01:07:23.540 --> 01:07:46.000

Sarah Croskery-Hewitt: I guess, unfortunately, the response is that rainbow victim survivors are basically invisible in the visa policy, and the way in which the visa policy is designed can really disadvantage them and make it hard to access the visa. Despite the fact that, you know, of all of our clients, they are often the ones that would face some of the greatest discrimination if they had to leave New Zealand.

304

01:07:46.040 --> 01:07:50.990

Sarah Croskery-Hewitt: But the policy is written in a way that really focuses on heterosexual relationships.

305

01:07:51.150 --> 01:08:03.089

Sarah Croskery-Hewitt: You know, the objective statement talks about ending discrimination against women in marriage and family relations, and appeal decisions have kind of narrowed that scope even further.

306

01:08:03.110 --> 01:08:23.050

Sarah Croskery-Hewitt: The Immigration and Protection Tribunal, which is the body that hears appeals against the decline of these visas, they have said that the stigma that applicants must prove can't just be any stigma, it needs to specifically be stigma against separation in the context of family violence.

307

01:08:23.359 --> 01:08:36.780

Sarah Croskery-Hewitt: Whereas the main stigma that our rainbow clients have faced usually relates to the gender identity or their sexual orientation. So arguably, if it went to appeal, it would fall outside what the IPT has interpreted the rules as.

308

01:08:36.850 --> 01:08:50.019

Sarah Croskery-Hewitt: And that uncertainty over whether or not they can fall within the policy is obviously a massive barrier to reporting violence and to separating. But also, as the person that asked that question touched on,

309

01:08:50.029 --> 01:09:05.530

Sarah Croskery-Hewitt: just the providing evidence, from, you know, support services or community members can be really hard, particularly if you're not out yet, and the evidential requirements for proving family violence can be a huge problem in that way, because,

310

01:09:05.569 --> 01:09:24.739

Sarah Croskery-Hewitt: you know, we know that there's massive additional barriers for rainbow victim survivors in accessing the justice system or accessing professional support, and they're much more at risk of receiving responses that are discriminatory or that lack understanding. And the violence that they're experiencing may have been a lot less likely to come to the attention of the justice system.

311

01:09:25.130 --> 01:09:44.000

Sarah Croskery-Hewitt: If they're from a community where rainbow identities are really heavily stigmatized, they're much less likely to have disclosed the violence, or sought help, or potentially even, no one knows about their relationship, which can be a whole other problem, because you also have to show that you were in a relationship and intended to seek residence based on the partnership.

312

01:09:44.010 --> 01:09:54.720

Sarah Croskery-Hewitt: But if your community didn't know about the relationship, it can be hard to prove the partnership in the usual ways, like you know, support letters from community members saying that they knew about your relationship.

313

01:09:56.340 --> 01:10:07.490

Sarah Croskery-Hewitt: I'm rambling a bit, sorry. But the short answer is that the evidence requirements are a real problem and need to be made more flexible to account for what rainbow victim survivors realistically can provide.

314

01:10:09.490 --> 01:10:15.219

Charlotte Moore: Thanks, Sarah. Did any other panellists want to add anything onto that as well?

315

01:10:16.990 --> 01:10:29.039

Silvana Erenchun Perez - Shama: Sorry, Charlotte. Just— I saw that this in the question/Q&A as well, but there is an organization called Adhikaar Aotearoa, and also Indian Pride, when I start looking into this.

316

01:10:29.490 --> 01:10:39.349

Silvana Erenchun Perez - Shama: So, probably if you are a migrant person, and you are from the rainbow community, those organisations are really good to approach for support.

317

01:10:39.349 --> 01:10:41.349

Charlotte Moore: Kia ora, thanks, Silvana.

318

01:10:40.550 --> 01:10:51.429

Dhilum Nightingale: Charlotte, maybe just to briefly add. So, yes, completely agree with what Sarah said, but even though the requirements and the evidential requirements are very much around

319

01:10:51.480 --> 01:11:17.269

Dhilum Nightingale: the stigma someone would face in the context of family violence, that certainly doesn't stop us at Community Law putting absolutely everything we can into our applications and to our submissions supporting. So, in this context, if there's additional stigma because of someone's sexual orientation, absolutely, we make the case for that stigma is stigma. and

320

01:11:17.280 --> 01:11:33.980

Dhilum Nightingale: in this particular situation a couple of years ago, we were actually successful with that. So, I guess, you know, you just don't know what might be in the minds of the particular officer who is assessing the case. So, we absolutely make all of the arguments that we have available to us.

321

01:11:35.080 --> 01:12:00.349

Charlotte Moore: Kia ora, thanks, Dhilum. There's another question which I think is related to this, which is actually asking about older migrants who may be experiencing violence, not from an intimate partner, but actually from adult children, for example, and whether they have any kind of access to family violence visas, or what, what does that mean in terms of violence they may be experiencing that's not intimate partner violence.

322

01:12:02.800 --> 01:12:28.829

Megan Williams: Unfortunately, in that situation, this family violence visa isn't available. So, the criteria of this visa is that you have to have been in a relationship—in a partnership, with a New Zealand citizen or resident and intended to seek residence on that basis. And so, it doesn't apply to that elder abuse type scenario.

323

01:12:30.510 --> 01:12:45.830

Megan Williams: In the situations that I've seen, the most obvious path available has been going to the minister to ask for a special direction, because there is no other visa pathway available in that situation.

324

01:12:45.830 --> 01:12:51.570

Megan Williams: I mean, there's a whole range of issues with parent category as well.

325

01:12:51.890 --> 01:12:58.230

Megan Williams: Which, you know, it may not be the most appropriate category if that abuse is going on.

326

01:12:58.490 --> 01:13:02.830

Megan Williams: But yeah, it's a really, really difficult one. And

327

01:13:04.070 --> 01:13:11.059

Megan Williams: yeah, like I said, there's probably much more policy work that would be required around that particular issue.

328

01:13:15.590 --> 01:13:19.520

Charlotte Moore: Kia ora, thanks, Megan. Anybody else wanting to add in anything there at all?

329

01:13:22.140 --> 01:13:29.709

Charlotte Moore: We've heard a question around- could some clarification be provided around the emergency benefit provided by WINZ?

330

01:13:29.800 --> 01:13:41.359

Charlotte Moore: Can this be accessed by those that have recently got their family violence visa, or do they have to be permanent residence holders, which is what happened in a few situations this person has encountered.

331

01:13:41.800 --> 01:13:52.430

Sarah Croskery-Hewitt: I can probably take that one. So, as different people have alluded to, there is a family violence program payment which is actually a type of special needs grant.

332

01:13:52.440 --> 01:14:07.410

Sarah Croskery-Hewitt: I think it was created that way, because it was the only way a benefit could be granted without requiring legislative change. So, it was put in around 20 years ago, when the family violence visa was introduced to specifically be given to family violence work visa holders.

333

01:14:07.580 --> 01:14:17.440

Sarah Croskery-Hewitt: It was meant to be a temporary thing from what I can find of the policy discussions at that time, but somehow, we've still got the same scheme 20 years later, and it really isn't

334

01:14:17.770 --> 01:14:23.249

Sarah Croskery-Hewitt: as effective as it could be. It's really limited. When you're on that you're not on a main benefit.

335

01:14:23.290 --> 01:14:28.980

Sarah Croskery-Hewitt: So, you can't get the additional things like temporary additional support that most benefit-holders can access.

336

01:14:28.990 --> 01:14:43.449

Sarah Croskery-Hewitt: Like Vasu mentioned, you have to renew it every week, which can be a real— there have been a lot of improvements to that process. But in the past, we've found clients have had an awful time having to go into a WINZ office, see a different case manager every time,

337

01:14:43.460 --> 01:14:57.270

Sarah Croskery-Hewitt: disclose the violence to a new person, convince them that there is this benefit category they're entitled to, because most front-line workers don't know about it. Really, really taxing process for a really small payment that's a lot less than what other beneficiaries can access.

338

01:14:57.530 --> 01:15:09.750

Sarah Croskery-Hewitt: Once you've applied for residence, things are a little better. Sometimes we have had success then getting clients on to the emergency benefit, which is a regular main benefit that you don't have to renew every week.

339

01:15:09.770 --> 01:15:36.660

Sarah Croskery-Hewitt: But it's a bit tricky to do that. You have to apply. So, the wording in the legislation is that to be eligible, you need to have applied for residence, because you are required to stay in New Zealand due to unforeseen circumstances, something like that. So, once the residency application is in, it might be possible to shift to that, which is a better benefit to be on, and also comes with other entitlements around

340

01:15:37.020 --> 01:15:53.029

Sarah Croskery-Hewitt: additional financial support, social housing, that kind of thing. But if you're someone in Vasu's situation, and you can't get any kind of family violence visa- you're trying to get a get residence through some other pathway- there is nothing, no support whatsoever.

341

01:15:53.040 --> 01:15:58.799

Sarah Croskery-Hewitt: So, it really depends on whether someone's going to meet the family violence visa criteria.

342

01:16:03.000 --> 01:16:04.199

Charlotte Moore: Thanks, Sarah.

343

01:16:05.920 --> 01:16:14.200

Charlotte Moore: We've had a question- do you know if there are many people who could not receive family violence visas because of the acceptable standard of health policy?

344

01:16:18.030 --> 01:16:26.430

Megan Williams: Maybe I can address that one. In most of the applications I've seen- that hasn't actually been an issue, but

345

01:16:26.700 --> 01:16:42.900

Megan Williams: it definitely has the potential to be, particularly for people with disabilities. And I also did mean to mention that when I was talking about the issue around older people as well, that potentially could come up as another barrier.

346

01:16:44.280 --> 01:17:03.700

Megan Williams: One of the difficulties though, that we see, is around our clients being able to afford the medical checks as well. Because, as Sarah mentioned, you do need to, still, you know, show that acceptable standard of health. So, you do still need to go through that medical check process, and that's another

347

01:17:03.710 --> 01:17:28.449

Megan Williams: significant expense that women and their children face when going through this application process. So, the acceptable standard of health issue is, you know, a risk, or a barrier, or a requirement, for, you know, a whole range of different applications, including the family violence visa category. I'm not sure if anyone else on has had any difficulties with this particular requirement?

348

01:17:36.340 --> 01:17:47.609

Charlotte Moore: I'm just thinking also that, family violence as a cause of significant poor health outcomes, you know, may actually be contributing to people's ability to meet health standards.

349

01:17:48.010 --> 01:17:58.970

Charlotte Moore: You know that victimization, either physical or emotional, obviously can have significant lasting impacts. So, you know, that may come into play as well.

350

01:18:00.350 --> 01:18:21.340

Dhilum Nightingale: Maybe, it's just to note again, the costs. So, the costs of a medical and a chest x-ray together are somewhere in the region of 600 plus dollars, so that's an enormous expense for a person, especially if they're not working, if their partner is controlling the finances.

351

01:18:21.350 --> 01:18:33.260

Dhilum Nightingale: If she's contemplating separating but has this huge expense that she knows she has to meet before she can even apply for the visa. So,

352

01:18:33.270 --> 01:18:44.230

Dhilum Nightingale: it would be, it would be wonderful to see some Government support provided actually for expenses like medicals, costs of police certificates.

353

01:18:45.000 --> 01:19:03.879

Vasudha Gautam: I remember that— I'm sorry— that in my case, when I was granted residence through the minister's discretion, and then I had to— like have— provide chest x-rays for my son, who was 13 at the time, and it was a huge cost.

354

01:19:03.940 --> 01:19:19.809

Vasudha Gautam: and I was really worried that he'd— he had had pneumonia twice, so I was like, 'oh, God! What if it comes,' like, you know, I was like— it was just like another added stress that okay, you can get residence, but then you have to meet the health criteria or

355

01:19:19.820 --> 01:19:38.700

Vasudha Gautam: the character requirement that they ask you and like, what if his x-ray shows that he has pneumonia, and we won't, like you know? Will he not get the residence, or what will happen? So, I just feel like, for children like, as young as 13-year-olds, those kind of, like requirements, shouldn't be there

356

01:19:40.270 --> 01:20:05.490

Dhilum Nightingale: And then if something is— I've seen sort of medicals come back, sort of saying, 'Oh, there's something possibly going on here, but nothing conclusive.' And yet INZ has then required a consultancy report which can cost thousands of dollars, in order for there to be an acceptable standard of health- you know confirmation. So again, incredibly cost prohibitive.

357

01:20:06.160 --> 01:20:11.949

Sarah Croskery-Hewitt: If I could just make another quick point on the— Charlotte, the health impacts of violence that you talked about is—

358

01:20:12.220 --> 01:20:32.539

Sarah Croskery-Hewitt: one of the many problems with the really short duration of the family violence work visa's 6 months duration is that women can't access publicly funded health care. So, generally you have to either have a visa that allows you to be in New Zealand for 2 years, or the duration of your current visa, plus the time you've lawfully been in New Zealand, must be at least 2 years.

359

01:20:32.550 --> 01:20:37.310

Sarah Croskery-Hewitt: because that visa is only 6 months, a lot of women aren't eligible for funded health care, which

360

01:20:37.450 --> 01:20:56.980

Sarah Croskery-Hewitt: means they can't access support when they have, you know, faced health impacts of the violence they've been through, and in some cases we've even had to get involved in disputing bills from hospitals that clients have received, because they sought help after an assault. So, yeah. Another really important reason why that visa length is just insufficient.

361

01:20:59.490 --> 01:21:16.529

Charlotte Moore: Thanks Sarah- really important points there. Coming back to thinking about children, there's a question here around- is there support for victims of family violence with children who have disabilities? For example, the child disability allowance- is there any possibility of access to that at all?

362

01:21:20.330 --> 01:21:22.989

Charlotte Moore: Generally, that's just a no.

363

01:21:23.180 --> 01:21:45.750

Dhilum Nightingale: No. We're supporting— we have been supporting someone whose child has some health needs which means it's absolutely impossible for her to actually separate from her partner, because she's unable

364

01:21:45.930 --> 01:22:04.819

Dhilum Nightingale: to work to afford the childcare that he needs, and she's actually completely trapped in that situation. But— so, if she had had access— could have had access to some financial support that would then have

365

01:22:05.160 --> 01:21:21.810

Dhilum Nightingale: allowed her to work, to give her that bit of confidence to say, 'Well, look! I can actually envisage a life- an independent life, and I can do this.' But right now, there's nothing, she's completely reliant on her partner for any form of finances.

366

01:21:21.970 --> 01:22:26.349

Dhilum Nightingale: So, the entrapment is enormous.

367

01:22:30.630 --> 01:22:45.869

Charlotte Moore: Thanks, Dhilum. We've got time for, I think one final question before we wrap up today's Webinar. There's a question here in terms of actually shifting a focus and thinking about perpetrators of violence and

368

01:22:45.950 --> 01:22:52.250

Charlotte Moore: are there any limitations or restrictions in terms of immigration visas?

369

01:22:56.300 --> 01:23:01.619

Sarah Croskery-Hewitt: Yeah. So, one of the things that we've often heard raised as

370

01:23:01.700 --> 01:23:14.699

Sarah Croskery-Hewitt: a reason for not expanding this visa category is that, people whose ex-partner has obtained a family violence visa because of violence by them, can't go on to sponsor further partners in future.

371

01:23:14.830 --> 01:23:25.010

Sarah Croskery-Hewitt: In reality, I have yet to see an example that has been appealed where that person hasn't ultimately been allowed to sponsor another partner.

372

01:23:25.010--> 01:23:37.769

Sarah Croskery-Hewitt: So, on paper they are barred from bringing in future partners and sponsoring them for New Zealand residence. In practice, I think, when challenged, they tend to succeed in being able to sponsor again in future.

373

01:23:37.780 --> 01:23:49.519

Sarah Croskery-Hewitt: There are character checks that are done on the perpetrator as they are sponsoring their partner that should show up any history of convictions for family violence offending

374

01:23:50.130 --> 01:24:03.890

Sarah Croskery-Hewitt: It can be a really problematic area, and we've actually ended up supporting some clients who have decided to stay in their relationship- supported them in challenging immigration's refusal to recognize the relationship because of violence

375

01:24:04.190 --> 01:24:24.420

Sarah Croskery-Hewitt: where they have said, you know, this isn't a 'genuine and stable' relationship- 'because there's been violence, we won't grant you a partnership visa.' The person being penalized there, is the victim of violence, and that's really problematic, and, you know, survivors know that that's what will happen if immigration becomes aware of the violence, and it becomes a huge deterrent to asking for help.

376

01:24:24.430 --> 01:24:28.480

Sarah Croskery-Hewitt: So, I think there needs to be a bit of a change of thinking around

377

01:24:28.550 --> 01:24:35.780

Sarah Croskery-Hewitt: not taking any compliance action against survivors when immigration become aware of violence.

378

01:24:36.080 --> 01:24:39.759

Sarah Croskery-Hewitt: I'm not sure if I've explained that very well, one of you guys might want to jump in.

379

01:24:42.360 --> 01:24:50.759

Megan Williams: I think you explained it really well Sarah, but I just wanted to add that yeah, we have seen

380

01:24:50.900 --> 01:25:10.549

Megan Williams: resistance from Immigration New Zealand, to making this category easier to access because 'what about the poor men who won't be able to sponsor applications in the future?' And, yeah, you know, assessments on the impact of,

381

01:25:10.610 --> 01:25:24.129

Megan Williams: the impact on perpetrators, and so I do, I think that's a really misplaced concern in terms of ensuring the safety of migrant women and their children.

382

01:25:24.340 --> 01:25:26.929

Megan Williams: and

383

01:25:27.390 --> 01:25:43.439

Megan Williams: yeah, the issue with fraud has also come up as a concern by INZ that, you know, people might, fake evidence in order to access this visa category. I think it would be one of, if not the most- the hardest

384

01:25:43.570 --> 01:25:56.280

Megan Williams: visa category to put in a fraudulent application. I think if you're going to do that, there's probably easier categories you could go for. But that has been— those 2 issues that impact on

385

01:25:56.370 --> 01:26:04.369

Megan Williams: perpetrators responses and the suspicion of fraud have been 2 big barriers that we've come up against when we've been advocating for change.

386

01:26:06.860 --> 01:26:14.050

Silvana Erenchun Perez - Shama: Yes, I remember once I asked someone this, and they told me that 'family violence couldn't be an automatic green card.'

387

01:26:14.570 --> 01:26:23.900

Silvana Erenchun Perez - Shama: So that, you know, really shows that they think that people are going to use, you know, this category and try to stay. But,

388

01:26:24.100 --> 01:26:31.379

Silvana Erenchun Perez - Shama: like Megan says, it's so kind of— it's really frustrating to see. And actually, after listening to this Webinar and so,

389

01:26:31.590 --> 01:26:38.720

Silvana Erenchun Perez - Shama: we get even more sad, you know, at how difficult the system is here making it for migrant women, you know, who want to stop violence.

390

01:26:38.770 --> 01:26:44.229

Silvana Erenchun Perez - Shama: I mean between the financial difficulties, you know, the court processes that they have to go,

391

01:26:44.440 --> 01:26:59.579

Silvana Erenchun Perez - Shama: some women have been having to pay huge amount of dowry to get married in the first place so you already come with huge debt into here, and kind of to do all these 5, with English as a second language. No support, no networks, you know, and in 6 months?

392

01:26:59.770 --> 01:27:03.359

Silvana Erenchun Perez - Shama: I honestly believe that this is completely against human rights.

393

01:27:03.880 --> 01:27:24.319

Charlotte Moore: Thank you Silvana. On that note, we are very, very close to being at time for today's Webinar. So, I just want to thank everybody for your time, and sorry we couldn't get to everybody's questions. There's a lot to discuss and I think we've covered a huge breadth of the issues today in our discussion already.

394

01:27:24.440 --> 01:27:45.149

Charlotte Moore: I think it's so important that people understand these issues, and that building knowledge within our communities is a definite lever for change. And if we know that there is a review coming, that we can actually communicate, you know, these issues to the people that actually can make changes in policy.

395

01:27:45.680 --> 01:27:53.509

Charlotte Moore: Megan is shortly going to share a slide with some contact details for anybody who would like further support.

396

01:27:54.470 --> 01:28:08.849

Charlotte Moore: And just a reminder that today's session has been recorded. We will send an email in a few weeks with links to the video and an edited transcript and some of the references that we have discussed today, so that we can all continue our learning.

397

01:28:08.900 --> 01:28:25.150

Charlotte Moore: And also, if anyone is interested to sign up to our mailing list from the Clearinghouse, you can visit our website nzfvc.org.nz, and down the bottom, there is an opportunity to sign up for news alerts and events alerts, and our panui.

398

01:28:25.370 --> 01:28:35.349

Charlotte Moore: This will give you information about future Webinars including an upcoming one from Sarah Croskery-Hewitt on some more of her in depth look at some of her research.

399

01:28:36.480 --> 01:29:02.889

Charlotte Moore: I just want to finally thank all of our panellists today, and also to our wonderful tech support team Megan and Oanh for your support in making sure everything has run really smoothly. I hope that everyone has a safe rest of your week, that you stay hopefully healthy in the lead up to the holidays. So, thanks again, everyone.

400

01:29:03.050 --> 01:29:04.110

Charlotte Moore: Ngā mihi nui kia koutou. Ka Kite.