

**MARIE SEGRAVE AND STEFANI VASIL**

# **THE BORDERS OF VIOLENCE**

Temporary Migration and Domestic and Family Violence



**ROUTLEDGE STUDIES IN CRIMINAL JUSTICE,  
BORDERS AND CITIZENSHIP**



‘Policy and legal silos can contribute to reproducing violence and injustice. This brilliantly argued book teaches us how an interdisciplinary lens attentive to practice enables us to see and act across these divides. Its imaginative and unflinching analysis holds to account borders and the social and legal systems that uphold them’.

**Professor Bridget Anderson**, *Director of Migration Mobilities Bristol, University of Bristol*

‘Segrave and Vasil throw into sharp relief how the everyday border practices of state migration systems allow for and in fact expose women who are temporary visa holders to gendered violences that are simultaneously intimate and structural. Theirs is a vital challenge to expand our ways of listening, researching and accounting for these border violences in order to create accountabilities that can create a better future’.

**Professor JaneMaree Maher**, *Centre for Women’s Studies and Gender Research, Sociology, Monash University*

‘A powerful analysis of the structural inequalities and hidden violence embedded in domestic and family violence systems and migration systems, *The Borders of Violence* reveals how the state’s bordering processes and construction of temporary status facilitate gendered violence, constrain access to protection, and demarcate the very boundaries of belonging – with profound implications for women’s safety’.

**Nancy A. Wonders**, *Professor Emeritus of Criminology and Criminal Justice, Northern Arizona University*

‘In this volume, Marie Segrave and Stefani Vasil skilfully chart the complex terrain of temporary migration and domestic and family violence. Based on rich empirical research and a vast amount of original data, the authors point out to the uncomfortable truth: that nation-states produce and sustain structural harm, and that this maintains the leverage of perpetrators over women within and across national borders. Given the fact that this important issue has so far eluded the scrutiny in the academy, a volume like this one brings the temporary migration–domestic/family violence nexus one step closer to where it must be: at the centre stage in policy, research and public discourse’.

**Sanja Milivojevic**, *Associate Professor in Digital Futures, Bristol University and Co-Director, Border Criminologies, Oxford University*



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# THE BORDERS OF VIOLENCE

This book explores the structural harm of borders and non-citizenship, specifically temporary non-citizenship, in the perpetuation of domestic and family violence (DFV). It focuses on the stories and situations of over 300 women in Australia. The analysis foregrounds how the state and the migration system both sustain and enable violence against women. In doing so this book demonstrates how structural violence is an insidious component of gendered violence – limiting and curtailing women’s safety.

*The Borders of Violence* advances contemporary research on DFV by considering the role of the state and the migration system. It bridges different fields of scholarship to interrogate our knowledge about DFV and its impacts and improve our critical accounts of gender, structural violence and borders. It illuminates the ways in which temporary non-citizens are often silenced and/or their experiences are obfuscated by state processes, policies and practices, which are weaponised by perpetrators in countries of destination and origin, with impunity.

An accessible and compelling read, this book will appeal to students and scholars of border criminology, criminology, sociology, politics, sociology, law and social policy. It offers key insights for professionals, policymakers, stakeholders and advocates working broadly to support temporary non-citizens and/or to address and eliminate violence against women.

**Marie Segrave** is Professor of Criminology and ARC Future Fellow at the University of Melbourne, Australia.

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Temporary Migration and Domestic and Family Violence

*Marie Segrave and Stefani Vasil*

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# THE BORDERS OF VIOLENCE

Temporary Migration and  
Domestic and Family Violence

*Marie Segrave and Stefani Vasil*

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*We dedicate this book to the hundreds of women whose stories of resilience are captured in these pages, and to feminist scholarship, solidarity and advocacy.*



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# SERIES EDITOR INTRODUCTION

*Routledge Studies in Criminal Justice, Borders and Citizenship* showcases contemporary studies that connect criminological scholarship to migration studies and explores the intellectual resonances between the two. It provides an opportunity to reflect on the theoretical and methodological challenges posed by mass mobility and its control. Inaugurated in 2013, the series sets out the cutting edge of scholarship in the field of border criminology and related disciplines.

Marie Segrave and Stefani Vasil's *The Borders of Violence: Temporary Migration and Domestic and Family Violence* offers a timely and compelling analysis of the intricate connections between the migration system, bordering practices and structural violence in women's everyday lives. Based on meticulous case file study and interview research with temporary migrant victim-survivors of domestic and family violence and professional stakeholders, the book exposes the role and impact of border harm and state power as foundational to gendered violence and abuse of non-citizens and examines the conceptual, theoretical and policy challenges in realising women's safety in Australia and beyond.

The border is present in the everyday violence enacted by men and men's families whether they are in the same home or another country. Throughout the book, Segrave and Vasil highlight the multiple ways in which migration administration and the criminal justice system enable and sustain violence against women by individual perpetrators as well as the urgent need to rethink the question of accountability for such harm. Importantly, they provide a powerful account not only of the systemic denial of safety, protection and support for non-citizens but also of migrant women's capacity to resist, survive and seek every opportunity to thrive. In doing so, the authors succeeded in pushing the boundaries of border criminology and critical feminist scholarship and in opening up the possibilities for an imagined better future.

*Maggy Lee, The University of Hong Kong*

# FOREWORD

Time and again we are confronted with the prevalence and pervasiveness of domestic and family violence. This worldwide problem cuts across cultures, boundaries, time, social, economic, and political systems. To engage effectively, we must also pay attention to context for transformative change. The damage caused by domestic and family violence not only affects everyone involved but impacts future generations too. There have been significant strides made by a spectrum of stakeholders committed to ending gendered and intersectional violence, but the progress has been uneven. Vast numbers of women continue to be deprived of the control over their own bodies and lives, excluded from decision-making, and denied safety from violence.

Addressing the problem of domestic and family violence has included invoking the power of the state in seeking solutions, yet we are also seeing how state support can have serious shortfalls, in some cases leading to policies and laws that remove rights, increase obstacles, and in some cases even penalise and further oppress victims of domestic violence, rather than supporting them as they should. Scholars and activists have sought to critique the state in showing the structural conditions and processes that contribute to and continue to maintain violence and inequality. In this book, Marie Segrave and Stefani Vasil make an important and timely contribution to the body of work that sheds light on the power and control exercised by the state, *within*, *at*, and *across* borders that impact domestic and family violence. Their focus on bordering and border crossings is particularly important in recognising structural violence in the lives of migrants. Through a critical lens on the Australian context, we can see how migration systems, specifically, the problems associated with temporary visa status show state policies and interventions as selective, partial and problematic.

The state does not account for the structural inequalities that exacerbate domestic and family violence nor does it account for the ways that

migration systems contribute to gendered violence and forms of exploitation at the micro, meso, and macro levels. The power and control exercised by the state through temporary visas fail to synchronise with the state's deep commitment to ending domestic and family violence. Not all women who experience violence are treated equally in the state's commitment to safety and reduction of harm.

Rather than reduction in harm for all abused women, we see how a flawed migration system and the use of temporary visas becomes a tool of power and control, which also facilitates and empowers perpetrators of abuse while simultaneously obscuring systems of exploitation. The authors contend that the risk to women's safety is in administrative management of temporary migration and hence this is where accountability lies. The opaqueness of migration systems and its interaction with other systems, particularly the criminal justice system, has serious and multiple consequences for abused women's lives. It becomes a structural barrier for victim-survivors in seeking help from state institutions and sometimes even from organisations aimed at providing support because of fears associated with migrant visa status. What is apparent here, is the substantial rift between state rhetoric and reality. While the rhetoric expresses a deep commitment towards ending gendered violence, the reality is a series of siloed and selective policies. Often bordering practices and forms of border controls permeate into familial spaces with serious implications for gendered and intersectional violence. Although Australia makes a strong commitment to ending violence against women – it has a flawed migration and legal system that fails temporary migrants. What Segrave and Vasil also emphasise, however, is that despite these obstacles, as well as the challenges and constraints in seeking help, abused women do try to negotiate and resist their perpetrators' violence and express their agency in multiple ways.

For those engaged in ending gendered and intersectional violence, focusing on the state and its complicity in structural violence and harm is vital. We must challenge state selectivity in the framing and regulation of borders and boundaries, within and across the nation-state. We must also consider how the suspicion of migrants/non-citizens is legitimised by the state and the forms of harm and damage caused by this suspicion in many parts of the world. State responsibility is tied to narrow constructs of citizenship that allow the nation-state to ignore and deny any obligation for safety of non-citizens. The Australian context reinforces how temporary migrants encounter *othering* and *non-belonging* through 'suspicion' of their migration motives in seeking permanent status and a denial of state responsibility for the situation of non-citizens. Most states, despite their professed intent to end domestic and family

violence, do not recognise the diversity of women's experiences, needs, life plans, and differential access to support. There is often a gap between the realities of what women need and receive and the rhetoric behind state policies. Segrave and Vasil expose the state's complicity that sustains and empowers violence, either through denial or the obscuration of harm being caused by modern-day slavery, trafficking, labour exploitation and domestic and family violence. They show how the commitment to ensure the safety of all women who experience violence has not and cannot be met within the existing framework of Australian policies and practices.

We need to continuously consider the role of the state, who it empowers, silences, excludes and whose safety it ignores. We have seen that state support, though at times well-intentioned, can often be short-sighted, siloed and not cognizant of women's needs. States often institutionalise avenues of support resulting in neo-liberal models that place the burden on individual responsibility and do not lead to structural change. We must continue to challenge the power of the state and its patriarchal foundations, challenging this status quo in working towards ending domestic violence. We must consider what role can or should the state play? What are the institutional and symbolic processes shaped by the state that frame and influence gender-based violence? How and why is violence occasionally rendered invisible or even aided and incited or abetted by the state?

Importantly, Segrave and Vasil emphasise the increasing need and necessity to bring the border into the understanding of gendered violence across multiple forms and spaces. Their work challenges us to rethink the why, who, what, and how of bordering and its implications for migrant populations, as well as the greater society, in terms of gendered and intersectional violence. It highlights the necessity and urgency of critically examining how the state can empower, constrain, and impede the elimination of violence against women. Their work, together with an increasingly important body of work across the globe, persuades us to (*re*)*think*, (*re*)*position* and (*re*)*imagine* the significance of the state in eliminating violence against women/gendered and intersectional violence and in ensuring the safety of all.

Professor Margaret Abraham  
Harry H. Wachtel Distinguished Professor  
Professor of Sociology  
Hofstra University  
November, 2023

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We acknowledge that we live and work on the lands of the Wurundjeri and Bunurong peoples of the Kulin Nation. We recognise that these lands were never ceded and that we write this at a time of ongoing reckoning in Australia with both our history and future as a nation.

This book is the result of significant input from women who came to Australia as temporary migrants: in the original interview study conducted by Stefani Vasil women from across the Victorian community came forward to share their experiences. While it is not possible to name these women here, Stefani would like to express her gratitude to each woman for entrusting her to do this work and for making the research possible. Stefani also wishes to sincerely thank each of the organisations and advocates from across the domestic and family violence system in Victoria, who continue to do the work of supporting temporary migrants and who generously gave their time and shared their knowledge and expertise.

In the case file study, the lives of hundreds of women who had been supported on pathways to safety were made available by the support and partnership of inTouch Multicultural Centre Against Family Violence who entrusted Marie to build a transformative database to tell the story of their work and women's lives. In particular, Marie would like to thank Maya Advibegovic, Dina Tyas, Ela Stewart and Luba Tanevski for their commitment and their shared view of the potential for research and advocacy to be key to changing policy and improving women's access to safety, regardless of their visa status.

Together we extend our thanks and solidarity to the wide network of advocates who are part of the National Advocacy Group for Women on Temporary Visas Experiencing Family Violence: over many years this group has worked tirelessly towards a shared goal of illuminating the

impacts of temporary migration status on domestic and family violence and women's safety, and to mapping a pathway to national policy reform.

We recognise the value of colleagues near and far who have championed this work and our research. Specifically, the work of this book has been supported by members of what was the brilliant research centre, the Monash Gender and Family Violence Prevention Centre, and Border Criminologies at Oxford University, and by our close colleagues. We specifically wish to thank JaneMaree Maher, Sanja Milivojevic, Kate Fitz-Gibbon, Shih Joo (Siru) Tan, Margaret Abraham, Nancy Wonders and Bridget Anderson for their contributions to critical reading of early drafts of the manuscript, and their support for the pursuit of this work.

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For Stefani, this book marks an important milestone as an early career researcher. It was made possible by the dedication and leadership of brilliant colleagues who at various times were a part of the Monash Gender and Family Violence Prevention Centre at Monash University. My sincerest thanks and gratitude to Marie for embarking on this project with me, for your mentorship and for the care and excellence you bring to all that you do. To Professor Kate Fitz-Gibbon and Professor Margaret Abraham for their guidance and unwavering support, and to my wonderful PhD supervisors Professor Nicola Henry, Dr Kathryn Daley and Professor Suellen Murray. Finally, a heartfelt thank you to my partner, Kristian.

This book has been shaped with the care of our most excellent copy editor, Julia Farrell. Her work has sharpened our voice, but any errors contained within the book remain ours.

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*Marie Segrave and Stefani Vasil, November 2023.*

# LIST OF ACRONYMS

AAT	Administrative Appeals Tribunal
ABS	Australian Bureau of Statistics
AFP	Australian Federal Police
BAMER	Black, Asian, minority ethnic and refugee
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
DFV	Domestic and family violence
DHA	Department of Home Affairs
DHHS	Department of Health and Human Services
DHS	Department of Human Services
DIBP	Department of Immigration and Border Protection
IVO	Intervention order
PR	Permanent residency
RAMP	Risk Assessment Management Panel
SGBV	Sexual and gender-based violence
TIP	Trafficking in Persons
UK	United Kingdom
US	United States

# NOTES ON TERMINOLOGY AND ATTRIBUTION

## **Domestic and family violence**

We utilise the terminology of domestic and family violence, as a term that broadly captures the violence that occurs predominantly within the context of intimate, familial relationships. It is often but not always perpetrated by current or former partners: it can and does include other family members.

## **Pseudonyms**

We have de-identified the data across both studies and use pseudonyms throughout the volume. For the case file study, victim-survivor pseudonyms have been randomly assigned from a databank of names. The nature of the database means that names are attributed to each quote or excerpt from the case files. In the interview study, each of the victim-survivor participants is identified using a pseudonym that is consistent throughout the text to demonstrate different aspects of their narratives and experiences. We note that other work in this field adopts a different approach (for example, by using the naming conventions of where the participant lives – see Anitha, 2019). We take a different approach in this work, noting that the over 300 women represented across the dataset migrated from different geographic locations.

## **Perpetrators**

We refer broadly to perpetrators in the data presented in this volume, noting that this is not the equivalent of a convicted offender. It remains the case that many of those who perpetrate domestic and family violence will not be held to account in the criminal justice system. We also note that the term perpetrator is not the equivalent of partner or former partner and is not always a man, this is made clear in the quotes and case files excerpts used in the analysis.



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# 1

## INTRODUCTION

### Mapping borders, temporary migration and domestic and family violence

#### Introduction

In 2020, the then-acting Australian Immigration Minister, Alan Tudge, spoke publicly in support of two proposed policies that he claimed would better protect women on temporary visas experiencing domestic and family violence (DFV). The first was a ‘domestic violence check’ for permanent residents and citizens wanting to marry partners born overseas (Bourke, 2020a). This would take the form of a police check and require Australian citizens and permanent residents to share any ‘adverse results [of the police check] with their partner or spouse prior to sponsorship’ (Bourke, 2020a). The check for sponsors aligned with the existing ‘character test’ (under section 501 of the *Migration Act 1958* [Cth]) that serves to effectively deny sponsorship applications (and therefore does not allow a visa application to go ahead) to anyone previously convicted of a serious crime, with a commitment to recognising offences specifically related to DFV. Second, the minister referred to a new English-language test (Bourke, 2020b). This would require temporary visa holders who were eligible to apply for permanent residency through their relationship with an Australian citizen or permanent resident to demonstrate conversational English skills and/or attend 500 hours of government-funded language classes in order for their application for a permanent partner visa to be approved. The minister stated that such measures would protect women from DFV. He based this on the assertion that research led by Segrave (see Segrave & Pfitzner, 2020) indicated that many temporary migrant women who experience DFV and seek help have lower levels of English-language proficiency, as evidenced by their use of an interpreter (see Bourke, 2020b). Implicit in this announcement was a deficit view of vulnerability: risk is individualised and focused on women’s lack of English proficiency. This view also underpinned the assumption that refusing access to sponsorship would protect women. However, such policy ideas

## 2 Introduction

fail to directly address the ‘risks associated with migration policy’ that impact temporary visa holders, particularly those who experience DFV (Maher & Segrave, 2018, p. 504). They also ensure that the answer to ending violence against women always rests with the actions of the state, in the absence of any recognition that the state and its systems and structures, including the migration system, may be creating and sustaining the conditions within which violence and exploitation, including DFV, thrive.

In this book, we seek to dismantle such ‘commonsense’ approaches to state protection for temporary non-citizens who experience DFV and offer a critique of state systems to illuminate how DFV is produced and sustained in the migration context. We highlight the ways in which the migration system (including policy, law, regulation and enforcement) operates as a structural form of gendered violence that is founded on the exclusion and suspicion of temporary non-citizens and can be weaponised by perpetrators with impunity. We recognise that although research and debates around DFV tend to centre on the relationship context, we go further by focusing on the interplay of gendered power dynamics that take place within a relationship and how this is influenced by the power of the state via the migration regime. In doing so, we show how this enables perpetrators (both intimate partners and other family members) to leverage migration status as one of the key elements in asserting control and enacting violence against women within and across borders. Our argument is to position systems front and centre as enablers and enactors of violence. In this way, we bring the state into view and examine women’s experiences within the context of their relationship to the state via an analysis of the structural location of ‘temporary migrant status’.

In the chapters that follow, we mobilise analytical frameworks across critical scholarship on borders, migration studies and criminology that interrogate the understanding of and response to gendered violence, including but not limited to DFV, and examine the border apparatus, which includes the migration system. In this chapter, we examine some of the key contributions across these areas of scholarship and identify the value in bringing these analytical and conceptual considerations together. With a focus on the specific experiences of temporary migrants, we seek to disrupt some of the foundations that sustain the state’s limited and piecemeal responses to gendered violence. This involves understanding how the state’s recognition of specific aspects or ‘forms’ of gendered violence, the assertion of the state as the benevolent supporter of victims and the unnamed yet omnipresent suspicion of non-citizens all operate as technologies of violence that undermine the feminist project of realising women’s safety. Our analysis offers a close interrogation of the

context and role of temporariness, noting that victim-survivors of DFV tend to be disadvantaged and penalised by bordering practices designed to reinforce the integrity of the migration regime. Drawing from this, we suggest that foregrounding *temporariness* in our analysis of DFV is beneficial as it enables us to recognise it as a structural location through which harm and violence are both produced and sustained. We also assert that this offers a new methodological contribution as it brings to the fore the suite of violent practices experienced by women that tend to be siloed and silenced by both the state and perpetrators of DFV.

Underpinning our analysis is the recognition of the strength and capability of every woman whose story is detailed in this volume. The theme of resistance underpins all the accounts presented within this book – women’s capacity to resist, survive, mother, work, live independent lives and seek every opportunity to thrive is ever present. We draw on the recognition that:

Resisting violence is not only about the preservation of life but equally about ‘the capacity to imagine the future’.

*(Balibar, 2020, p. 387 in Aradau & Canzutti, 2022, p. 4)*

We take Balibar’s cue to imagine a future in which women are safe, and we bring this together with Weber’s (2015, p. 33) recognition of the importance of the political project that looks beyond the exclusion and violence of global borders in order to help ‘identify and bring about [the] ... conditions of possibility’ for a different future. While the analysis we offer provides significant detail on the connections between bordering practices and structural violence, our work is driven by a commitment to the possibility of an alternative future where women’s safety is the foremost priority.

We opened this introduction with a two-part government policy proposal because it is essential that in looking towards a better future, we deeply interrogate the operation of state systems: migration policy, law, regulation and enforcement are often complex and difficult to interrogate. For example, data are often not forthcoming, by which we mean they are unpublished, denied to the public, and/or not collected, and this supports the obfuscation of the impact of policy and law. This means that ‘commonsense’ ideas that are heralded as protecting women may be taken at their word and reported as such, without any examination of their negative social consequences. For example, men whose application to sponsor their spouse’s visa is refused are better off financially because they do not pay the significant cost of that visa. However, they can also be emboldened to begin or continue to abuse their partners with

#### 4 Introduction

relative impunity: as temporary non-citizens, their spouses have been denied access to the only safety net available to temporary visa holders in Australia who experience DFV, which are the family violence provisions (the provisions, see further in [Chapter 4](#)). Effectively, sponsors have been denied the right to sponsor women, but it is women who are placed in a more precarious situation as a consequence of this decision to not allow men to sponsor them on a partner visa that enables a pathway to permanency. This is just one example of the issues raised by policy solutions that are not deeply embedded in an understanding of the reality of gendered violence and the specific experiences of temporary visa holders. Similarly, the policy proposal we outlined, as signalled earlier, is based on the assumption that limited English-language skills automatically translates into an inability to seek help. Yet this is not borne out by the data the minister relied on. This was the data from a single support service in Melbourne, Victoria, where women from over 100 different nationalities, speaking over 60 languages other than English, sought support ([Segrave & Pfitzner, 2020](#)). Rather than recognising the value of multilingual services in a country that has a majority of people who either were born overseas or are second-generation migrants (ABS, 2022), and/or the tenacity of women in finding this service and seeking safety, limited English-language proficiency was identified by the minister as the reason women *cannot* access support. In another setting, it could be argued that what is most important in a country with a diverse multicultural population is creating models of support where specialist DFV agencies are funded to ensure that they always have bi- and multilingual case managers, and that every aspect of advertising for prevention and intervention is diversified to be linguistically and culturally accessible. Instead, the implication underpinning the policy was that women should work harder to access the status of permanent residency and the protections that flow from this, and that they must bear the consequences of a measure of their language proficiency. In raising these concerns, we also recognise that many women temporary visa holders who experience DFV do not have access to permanent residency and/or are specifically denied access to a suite of support services because of their migration status. The issues are deep and complex, and we examine them throughout this book. The questions that drive our analysis are intended to illuminate and destabilise the assumptions that underpin such policy suggestions. This requires us to look squarely at how the operation of the migration system via law, policy, regulation and enforcement ensures that DFV continues to function as a form of structural violence whereby the border is intricately woven through women's experiences of border crossing, DFV and help-seeking.

Since this policy idea was floated (and actioned in relation to the character test requirement), Australia has had a change of government, and there are signs of recognition among policymakers that the migration system plays a part in sustaining the conditions of violence and abuse temporary migrants experience, particularly DFV ([Commonwealth of Australia, 2023](#)). Indeed, as we write this book in late 2023, small changes are happening (see [Giles & Rishworth, 2023](#)) that were unimaginable under the previous federal government, which had sought during the initial COVID-19 response to exclude most temporary visa holders from access to the welfare support extended to Australian-citizen workers, including those seeking work during extensive periods of lockdown (see [Berg & Farbenblum, 2020](#); see also Abraham & Vasil, forthcoming). These changes are detailed at relevant points in the book. We argue that such changes require a more fundamental shift, away from the integrity of the visa system as foremost and towards the realisation of women's safety as the priority. We see that in Australia, as elsewhere, there is some willingness to recognise temporary visa holders' experiences of violence and abuse but there remains a deep suspicion of temporary non-citizens, and it is this suspicion that tends to influence the limits on support.

### **Temporary migrant women and DFV: migration status and structural violence**

[Abraham \(2000, p. 107\)](#) highlights in her seminal work:

the focus [of discussions on DFV tends to be] primarily on the relationship between the couple. Such a framework assumes a specific family form, in which only the spousal relationship is important.

In this book, we move away from the focus on the intimate relationship. [Abraham \(2000, p. 107\)](#) draws a distinction between the internal and external, whereby internal barriers (parents, in-laws and in the case of her study the South Asian community) and external barriers (police, courts and healthcare providers) all 'heighten the immigrant woman's vulnerability to abuse'. We take a slightly different approach to the work of [Abraham \(2000\)](#) and others (e.g., [Anitha, 2011](#); [Chantler, 2003](#); [Chantler & McCarry, 2020](#); [Chiu, 2017](#); [Gill, 2004](#); [Kapur & Zajicek, 2018](#); [Reina et al., 2014](#); [Singh & Sidhu, 2020](#)) who examine a specific group of women and in so doing reveal the specificity of the cultural, social and familial settings within which violence

occurs. In this book, we examine the structural violence of the migration system, with a specific focus on temporary migration. Our aim is to explore how this system is built on the foundations of securitisation and suspicion and the ways in which different forms of violence, including aspects of DFV, are siloed via policy and law, which obscures the impacts of the broader systems responsible for sustaining gendered violence. To do so, we bring together two substantial studies: the case file study, which includes a database of 300 cases of women holding temporary visas in Australia who experienced DFV; and the interview study, which included semi-structured interviews with victim-survivors of DFV who held temporary visas in Australia ( $n = 18$ ) and professional stakeholders (such as service providers and grassroots activists) ( $n = 23$ ). While the data are focused on temporary migrants in the Australian context, the international significance of drawing attention to the intersection of temporariness, migration, border control and the reproduction of gendered violence is clear. In the midst of ongoing global commitments to end violence against women (see [Abraham & Tastsoglou, 2016](#)), the way in which nation-states produce and sustain structural harm, and how this maintains the leverage of perpetrators over women within and across national borders, is growing as a subject of close attention (c.f. [Anitha, 2011](#); [Bredal, 2022](#); [Gill, 2004](#); [Goldring, 2014](#); [McIlwaine & Evans, 2020](#); [Segrave, 2021](#)). We seek to lay this foundation to expose the role and impact of the ‘insidious and less visible’ harms of bordering practices ([Canning, 2017](#), p. 14) as foundational to gendered violence.

As we detail in this chapter, we privilege the specificity of the experiences of temporary migrants in this book, not least because this calls to our attention the need to look beyond detailing the specificity of forms of violence against women but to focusing careful attention on the response and the role of the state. We take the cue from [Bumiller \(2008, p. xv\)](#) that we need to attend to the obstacles women encounter, created by the state, and to draw attention to the ways in which ad hoc responses to specific aspects of violence may sound innovative but simply “expand the capacity of the state to reproduce violence” when the fundamental denial of rights is maintained. This is particularly critical for temporary non-citizens. This foundation informs the four key objectives of this book:

- First, we seek to advance contemporary research on DFV by considering the role of the state, and in particular by examining bordering practices via a focus on temporary non-citizens and their lived experiences of DFV.

- Second, we aim to bridge key developments across different fields of scholarship in order to further how we interrogate our knowledge about DFV and its impacts and improve our critical accounts of structural violence.
- Third, we wish to illuminate the ways in which non-citizens are often silenced and/or their experiences are obfuscated by state processes, policies and practices, which are weaponised by perpetrators in countries of destination *and* origin with impunity.
- Finally, we lay the ground for ongoing work that continues to bridge scholarship across the social sciences to further critical reflection on what we know and, importantly, what we do not know and/or get wrong, particularly when we rely heavily on singular approaches to data collection.

We are indebted to the significant volume of critical feminist scholarship that precedes this work. In the chapters that follow, we seek to draw an analytical map through this scholarship to document how we build upon the work of scholars from multiple disciplines in our analysis, while also acknowledging the boundaries (and limits) of our interrogation. This book uses terminology around gendered and structural violence and harm broadly in our discussion, noting that across different disciplines, feminist interrogations of violence, abuse and exploitation draw on intersecting but different terminologies. We refer specifically to the structural violence of the migration regime by focusing on formal aspects of systems (policy, law, regulation and enforcement) and their connection to DFV. Where our analysis extends beyond this specific interrogation, we make that clear in the text. We also refer broadly to border harm, and the border apparatus – terms that do not refer simply to the migration system but draw on the work of criminologists and other key theorists who recognise that bordering practices are as much a part of the everyday as they are a part of the state's systems and structures (see [Berman, 2003](#); [Yuval-Davis et al., 2018](#)). Next, we explore four interrelated concepts that weave through our analysis in this book: temporariness, citizenship, suspicion and accountability.

### **Migrant women and temporariness: from intersectionality to structural violence**

Since the 1990s, there has been growing academic interest in women's experiences of DFV in traditional countries of immigration across the Global North, including Australia. Qualitative and quantitative research

has focused on a range of issues, including the prevalence of violence; the specific vulnerabilities women encounter in the migration context; the nature, dynamics and impacts of women's experiences; and how they respond, seek help and access support in different national contexts. Researchers have also sought to address the gaps in the literature on women's experiences of DFV, undertaking reviews of the current state of knowledge to better understand the impact of migration and settlement on different aspects of women's lived experiences (e.g., Okeke-Ihejirika et al., 2020; Satyen et al., 2018; Vaughan et al., 2015; Zark & Satyen, 2022).

Theories that view DFV as an expression of patriarchal domination show that violence is a continuing social problem, and while these approaches have contributed to understanding of the causes of DFV, transnational, postcolonial and Black feminist scholars have argued that privileging gender as the overarching explanatory factor can overlook the diversity of women's lived experiences (Sokoloff & Dupont, 2005). To highlight the experiences of diverse groups of women, scholars have reinforced the need to depart from universalist understandings of gender and to consider how other structural inequalities and forms of oppression intersect with gender oppression to shape the dynamics of and vulnerabilities to DFV (Sokoloff & Dupont, 2005). As Bograd (1999, p. 277) has pointed out, theories that focus on the ways that DFV threatens the 'inner space of the family' fail to account for the fact that 'the family lives of people of color, poor, minority, or homosexual individuals are marked by frequent, disruptive intrusions of the state ... [and] violence in the public domain' (see also Bhattacharjee, 1997). One response to critiques of gender essentialism has been to focus on the differences *between* women. However, moves to highlight cultural differences in research on violence have been identified as reinforcing *essentialist* representations of women from marginalised backgrounds, including migrant and refugee women (Kapur, 2002). Scholars who take an intersectional approach have challenged monolithic explanations of DFV and highlighted how violence manifests within and across cultures, placing emphasis on 'structural root causes' and how women's experiences are shaped by inequalities related to gender, race, ethnicity, class, citizenship and nationality sexuality and disability (Sokoloff & Dupont, 2005, p. 39; see also Pearce & Sokoloff, 2013). Building on this work is the work of first nations scholars in postcolonial national settings which has specifically challenged state and stakeholder articulations of what constitutes domestic violence, arguing that understandings of DFV and responses to it must be framed and responded to by the appropriate indigenous community or communities, and, further, that DFV has to be understood in the context of indigenous histories and contemporary relationships

with the state and the DFV sector (e.g., [Cripps, 2023](#); [Cripps & Taylor, 2009](#)). Collectively, this work has highlighted the importance of specificity, including the importance of examining migrant and refugee women's experiences, that can capture cultural constraints and structural impediments that play a role in shaping how different forms and patterns of DFV manifest in women's everyday lives prior to, during and following migration.

Three decades ago, [Crenshaw \(1991\)](#) described how immigrant women from minority communities in the United States (US) experience multiple forms of subordination, which makes them vulnerable to violence and less likely to be able to exercise their rights under the domestic violence waiver (for a history of the broader analysis in this space, see [Abraham, 2000](#)). [Crenshaw \(1991\)](#) highlighted how women's experiences of violence are mediated by their intersectional location in society, which includes the ways that gender, racial and class oppression intersect with their immigration status and cultural identity. Crenshaw's work has served a pivotal role in bookmarking the burgeoning examination of intersectionality in research on DFV and gendered violence more specifically. As [Carbado et al. \(2013\)](#) write, reflecting on the movement of intersectionality as a theory that has crossed disciplinary boundaries and taken hold in the policy sphere, there is no finite intersectional lens:

no particular application of intersectionality can, in a definitive sense, grasp the range of intersectional powers and problems that plague society. This work-in-progress understanding of intersectionality suggests that we should endeavour, on an ongoing basis, to move intersectionality to unexplored places.

*(Carbado et al., 2013, p. 305)*

In the wake of Crenshaw's key work (1989, 1991), other scholarship has pushed within and beyond the original articulation of the examination of marginalisation as it applies to the lived experiences of immigrant women. Later work from [Abraham \(2000, p. 6\)](#) developed the concept of an 'ethno-gender' approach in the examination of South Asian immigrant women's social location in the US. Abraham focused on the 'intersections of culture and structure' in her analysis of women's experiences of marital violence, placing emphasis on the relationship between 'ethnicity' and 'gender' 'because cultural differences form an important basis for the social construction of a national culture in a foreign land' and because ethnicity tends to be the 'first explicit marker of differentiation that the dominant group and others use' ([Abraham,](#)

2000, p. 8; see also Abraham, 1998). She later redefined the ‘ethno-gender’ approach to also include an examination of the intersections of other analytical categories, such as class and legal status (Abraham, 2000). While Abraham’s work was not specifically framed as an intersectional analysis, it sought to emphasise key aspects of women’s identities and the ways in which they intersect with cultural and social systems in particular. Her research enabled the recognition that both understanding and responding to the marital violence experienced by South Asian immigrant women requires recognition of the specificity of these women’s positionality as immigrant women of South Asian identity in the US. It also marked a shift in the sociological examination of DFV and was a key influence on the scholarship that has since examined the experiences of South Asian women in the context of the intersections of marriage migration and gendered violence (e.g., Bhat-tacharjee, 2013; Liversage, 2013). This includes a suite of studies that interrogate the interrelationships between gender, ethnicity and immigration status in marriage migration, as we detail in a later section of this chapter (e.g., Anitha, 2008, 2010, 2011, 2019), and in the context of undocumented women in the US (e.g., Parson & Heckert, 2014; Parson et al., 2016; Reina & Lohman, 2015).

As Kapur and Zajicek (2018) point out, the contemporary literature on DFV and migration has drawn upon different theoretical perspectives but can be loosely characterised as adopting cultural and/or intersectional approaches. Proponents of the cultural approach have focused on the ways that migrant women’s experiences differ ‘because the religious beliefs and dominant cultural images upheld within their communities reinforce gender roles and hierarchies that sanction men’s domination’ (Kapur & Zajicek, 2018, p. 5). The emphasis in this work is on the ways that migrant women’s bodies are violated within the institution of marriage, as justified by cultural systems, values and beliefs that can change as families adapt to life in different contexts (Kapur & Zajicek, 2018). Intersectional approaches build on the cultural model by recognising the importance of attending to the cultural and structural contexts of violence against migrant women, with a focus on their structural location in host societies. More specifically, as Sokoloff (2008, p. 237) has written, intersectional feminists have examined how women’s ‘specific position as immigrants is exacerbated by the socially structured systems of inequality through which they must navigate their lives as individuals and members of communities’. This work involves investigating the ways that systems of power (such as gender, race/ethnicity, class, sexuality and citizenship or immigration status) and systems of domination and oppression (such as heterosexism, racism, ethnocentrism, neoliberalism

and nationalism) intersect to shape how women experience violence and their opportunities for help-seeking.

Erez et al. (2009) argue that we need to attend to ‘immigrant status’ as an important analytical frame that is separate from race or ethnicity for the purposes of illuminating and examining structural harm. They position immigrant status as its own sociological category within the social structure. While these authors recognise the heterogeneity of immigrant women’s experiences and how these differ depending on a victim-survivor’s cultural, religious or ethnic background, their focus is ‘on the commonalities experienced rather than the unique elements of violence’ (Erez et al., 2009, p. 37). This aligns with the work of Pearce and Sokoloff (2013, pp. 786, 789), who focus less on the determination around marriage and more on the ‘social location of immigration’. They argue that this social location shapes migrant women’s experience of intimate partner violence and that in bringing migration status to the fore, we can ‘avoid the trap of essentializing cultures as more or less violent’ (2013, p. 786). Pearce and Sokoloff assert that immigration shapes experiences of violence via ‘an entire set of dynamics that differs from racial or ethnic origin’ and suggest that examining violence ‘across national origins’ facilitates the identification of different ‘constraints and relationships’ (emphasis in original) (2013, pp. 786, 791). They draw on empirical research with professional stakeholders in the US and use this to ‘disaggregate’ the category of immigrant, showing that it is shaped by the interactions between the contexts of women’s exit from countries of origin or departure; the contexts of women’s reception, which includes the ‘social conditions of life’ in the destination country; social hierarchies related to race and class; and women’s cultural backgrounds (2013, pp. 786–791). This approach has provided a useful analytical framework for researchers who explore the nature of migrant women’s lived experiences of DFV in different social contexts and how migration impacts women’s response to this violence and access to resources. Such approaches emphasise the ways that a woman’s status as ‘immigrant’ or temporary non-citizen, which is our focus, is mediated by various intersecting factors, such as visa class, socioeconomic status, language, education, employment, cultural identification and national origin (see also Kapur & Zajicek, 2018). While this framing has offered important insights, we shift to a more focused examination of structural violence and bordering practices, with a focus on the migration system.

We have found that building an analysis of the systems that facilitate and sustain gendered violence, including DFV in the context of temporary migration, has been repeatedly challenged, most often by anonymous peer reviewers, who recommend that we instead offer an

‘intersectional’ analysis and examine more specifically the differences between temporary visa holders. That is, we are advised to attend to inequality between the victim-survivors based on, for example, their English-language proficiency, financial status, country of origin, ethnicity or religion. Such requests, we would argue, arise in part from the increasing focus on enhancing understanding of the specificity of the DFV experience within feminist research into gendered violence. We agree that attending to the diversity of lived experience is critical to advancing research that contributes to more nuanced understandings of the nature and dynamics of DFV and enhances legal and policy responses. However, we argue that this focus can also run the risk of emphasising the form of the abuse and that it is critical that, alongside this work, we pay specific attention to how DFV is connected to structural inequality and structural violence (Vasil & Segrave, 2024). A key objective in undertaking the analysis that we offer in this book is to provide evidence of the ways in which DFV is sustained by the state via migration and related administrative and regulatory systems. This approach, we argue, speaks to the early work of Crenshaw (1991), which sought to:

dismantle the instantiations of marginalization that operated within institutionalized discourses that legitimized existing power relations (e.g., law); and at the same time ... place ... into sharp relief how discourses of resistance (e.g., feminism and antiracism) could themselves function as sites that produced and legitimized marginalization.

*(Carbado et al., 2013, p. 304)*

However, in the articulation of our analytical framework, we are influenced by the work of border criminologists and explicitly adopt an analytical lens that foregrounds structural violence and interrogates the framing around ‘forms’ of gendered violence in law and policy. We turn now to discuss the scholarship that focuses on migration, marriage and gendered violence, which has contributed to our framing of the issues under interrogation in this book.

### **Beyond marriage migration, towards temporary migration status: exploring marriage, citizenship and migration status**

We want to consider the significant contribution of work that is focused on marriage migration (e.g., Anitha, 2011; Chiu, 2017; Gill & Sharma, 2007) but we note from the outset that while this work is important, it

only speaks to one aspect of temporary migration. In our studies, many women migrated for reasons other than marriage, but the work on marriage migration has a significant influence on our approach. There is a notable body of research that has captured the ways in which marriage migration, particularly ‘sham marriages’, has become an important policy focus at key times (see [Charsley & Benson, 2012](#); [Wemyss et al., 2018](#)). [D’Aoust \(2018\)](#) refers to this as the operation of ‘technologies of love’ that embrace both an imagined ideal (white, western, monogamous and heteronormative) of cross-border love and partnering via marriage and access to membership (in the form of visas and citizenship) and which is underpinned by a security lens best described as ‘a moral economy of suspicion’ (p. 42). It is within this context that marriage migration, according to [D’Aoust \(2018, p. 42\)](#), can be understood to have ‘entered a realm of security policy’. From this perspective, we can recognise that marriage migration practices, based on [D’Aoust’s \(2018\)](#) work in the United Kingdom (UK), are part of a securitisation process that is deeply connected to border control and the everyday administrative procedures involved in border security more broadly. The view that sham marriages are a threat to immigration, and therefore to both security and the nation at large, is not new. Feminist scholars in the UK such as [Wray \(2011\)](#) have detailed the various historical developments in relation to sham marriages and in Australia developments including the phenomenon of ‘mail order brides’ ([Cunneen & Stubbs, 1997, 2002](#); [Easteal, 1996](#); [Iredale, 1994](#)).

One key aspect of the critique of how the ‘threat’ of the misuse of marriage migration processes is mobilised by the state is the recognition of the racialised nature of who is seen as a threat. Researchers have noted that it is specific unwanted non-citizens seeking membership via marriage who are the targets of suspicion (see [D’Aoust, 2018](#); [Wray, 2011](#)). Scholarly attention has also examined the ways bordering practices mobilise ‘technologies of love’ bound to specific ideals of love and marriage that form the basis of the state’s assessment of the ‘genuineness’ of relationships to determine access to full or partial (or differential, as per [Mezzadra & Neilson, 2013](#)) membership (see also [Bhattacharjee, 1997](#); [Kofman & Raghuram, 2015](#)). In this book, we also detail how marriage is a performance when we examine how the state assesses the genuineness of relationships (see [Chapter 4](#)), in this case not in the approval of a partner visa, but in the context of DFV. Half of the temporary visa holders in our studies held partner visas and therefore in most cases had access to the family violence provisions – a ‘safety net’ for women on partner visas on a pathway to permanency and whose relationship has broken down as a result of DFV (see [ALRC, 2011](#); [Gray et al., 2014](#)).

We offer an examination in later chapters on the ways in which access to safety begins not with the violence, but first with a question of whether the relationship was a genuine one until it broke down due to DFV. In this book, the pervasive influence of suspicion, deeply ingrained as it is within the administrative operation of bordering practices, is a central theme.

Beyond the work that focuses specifically on migration and DFV, the broader scholarship on inclusion, belonging and citizenship offers various ways to interrogate the structural demarcation of the relationship between non-citizens and the state and the potential consequences of this in different circumstances. This body of research is not work focused on DFV per se, but on the ways in which legal status is connected to processes of inclusion and exclusion (e.g., Goldring, 2014, 2022; see also Goldring & Landolt, 2013, 2021; Goldring et al., 2009; Landolt & Goldring, 2016; Landolt et al., 2021) or the enacting of differential inclusion (e.g., Mezzadra & Neilson, 2013). Key to our thinking in this volume is Landolt et al.'s (2021) analysis of the state's conceptualisation of immigration categories – or what we label as *bordering practices* in the administrative categorisation of people – and the implicit and explicit ways in which this curtails migrants' rights. This structural categorisation (based on the visa one holds and/or whether one is legally or unlawfully in the country) has a direct impact on what can be 'seen' in relation to violence and exploitation (see Menjivar & Abrego, 2012). The understanding that only some forms of violence are recognised by the state, and that recognition is often linked to migration status reinforces the importance of examining temporariness and illuminating violence that is occurring throughout the community but is largely unseen (see Landolt et al., 2021; also Crawley & Skleparis, 2018; De Genova, 2013; Wimmer & Schiller, 2003). Unlike Goldring and colleagues' call to consider the ways in which people move between various forms of legal status and how such categorisations are not static, we specifically examine the situation of temporary non-citizens, as a structural location with specific gendered consequences (see Innes, 2023; Vasil, 2021, 2023). We look to border criminology as a key pillar to inform our interrogation of state violence and everyday bordering as critical to the perpetuation of gendered violence.

### **Borders, border technologies and suspicion**

Significant theoretical scholarship has developed to advance our interrogation of bordering practices, the ongoing transformation of state sovereignty and the exercise of power over migrant bodies, including

unlawful migrant bodies (c.f. Mountz, 2010). It is well established that borders are both symbolic demarcations of the nation-state (Bosworth, 2008) and continually reconstructed and reproduced through everyday bordering practices that reassert systems of power, which are gendered and racialised (see Banerjee, 2010; Weber, 2006). Banerjee (2010) reminds us that borders are political and founded on and sustain imperial and colonialist violence. In the everyday manifestation of these contemporary practices, the reproduction of inclusion and exclusion remains a core focus of a significant body of scholarship, including that which examines such practices beyond a simple binary (e.g., Mezzadra & Neilson, 2013 on differential inclusion). Border criminologists have interrogated the intersection between the administrative operation of the migration system, border control and the criminal justice system (see Aliverti, 2013; Stumpf, 2006). A key concern of this work is the intersection of regulation, securitisation, harm and violence, although the purview of such scholarship varies. For example, in the context of global care work, a large number of studies, such as Lee et al. (2018) and Tan (2022), pay careful attention to the intersection between security, safety and exploitation in the lives of migrant workers and explore women's strategies to ensure their safety. Tan's (2022) recent work highlights the intersections between migration, gendered violence and labour exploitation, focusing on aspects of gendered violence that operate to incentivise women to migrate for work, ostensibly to provide financially for their family, but also to escape DFV. Weber and Pickering's (2011) work focused on deaths at the border crossing and illuminated the fatal consequences of bordering practices on migrants who are least protected and least 'desired'. They brought to the fore the ways in which border control practices, enacted by the nation-state as a performance of sovereignty, are steeped in exclusion and the refusal to uphold humanitarian commitments which directly facilitate border-related deaths. Practices of deterrence targeting those seeking refuge result in deaths that are neither unpredictable nor inconsequential: they serve the twin purpose of reinforcing the message that 'unlawful' border crossing is harmful and that those who choose this are putting themselves at grave danger, while actively denying responsibility for these deaths.

Alongside this work has been a committed feminist interrogation of these practices and the specific harmful gendered operation of the enforcement of borders. Scholarship recognising the gendered barriers experienced by undocumented women in countries of destination and the gendering of violence against women on the US–Mexico border (e.g., Carpenter, 2006; Gutierrez, 2021) builds on earlier work such as Luibhéid (2002), who demonstrated how sexual violence at the border is a

practice exercised by border patrol as ‘a strategy [that] literally enforce[s] national borders by keeping undocumented women ... “in their place” in terms of social, racial, gendered and national hierarchies’ (p. 174). Other work dedicated to the gendered analysis of the border crossing includes Gerard (2014), who offered a gendered account of Somalian refugee women’s experiences, privileging a gendered lens but not ‘in isolation from considerations of other structural determinants’ (p. xiv). Research such as Gerard’s pays attention to and privileges the everyday accounting of violence in border crossings and women’s resistance to securitisation through their efforts to exercise agency and mobility (see pp. 202–203). Bosworth et al. (2018, p. 8) remind us that ‘explicit discussion about race and the racializing role of migration control can be important for transforming the way we think about migration matters’ and that ‘contemporary migration control policies do more than affect those whom they target, they divide and diminish us all’. The more recent work of Mehta (2023) has raised the importance of examining the silencing of voices from the Global South in the production of knowledge around the examination of mobility and harm. As we detail below, we draw on this rich scholarship to examine the deliberate exclusion and disempowerment of temporary migrants via a set of practices that both implicitly and explicitly deny state accountability or responsibility for gendered violence.

### ***Technologies of cruelty: examining suspicion and structural violence***

Canning has argued that ‘processes of criminalisation have become central to the study of borders’, while ‘keeping pace with shifts and changes in border control practices and the crimmigration aspect of policy and legislation is a complex feat’ (2017, p. 67). She posits that one aspect of this ‘keeping pace’ is the recognition of the impacts of harm and that

if structural violence can be understood as the manifestation of macro and meso-level of political decision-making ... then the everyday consequences of such processes are perhaps best viewed from a micro-level lens.

*(Canning, 2017, p. 67)*

Canning turns her attention to structural violence in the gendered administration and practice of detention and deportation in the UK. She moves away from an examination of the physical violence of the British

protection system to focus on the strategies designed to control and deter asylum seekers and in so doing to cause harm (p. 48). This builds on the work of other feminists who have called attention to everyday violence of state systems (Bates, 2004; Kelly, 1988; Kelly & Westermarland, 2016; Stanko, 1985, 1990). Canning's analysis of the practices and policies pertaining to asylum seekers demonstrates that 'violence is structural, intentional and deliberate; that the outcomes of certain policies are *foreseeable* and *foreseen*; and that the implications of practices stemming from structural implementations have gender-specific consequences for women seeking asylum' (2017, p. 48, emphasis in original).

We analyse the structural violence of state systems, including but not limited to the migration system. In doing so, we recognise, as Canning does, that such violence is 'notoriously difficult to define' (2017, p. 47), but we also draw on Rose et al.'s articulation of structural violence as a lens that enables the recognition that:

Inequalities are structured in societies, they are historically and transnationally produced, are legitimated over time, and reproduced in people's everyday realities [such that] DFV, like all forms of SGBV [sexual and gender-based violence], is coproduced by transnational structural forces such as capitalism, neoliberalism, and colonialism, all of which are informed by a patriarchal gender order (see Federici, 2004; Tamale, 2020). DFV, occurring within the state-sanctioned patriarchal institution of the family, is thus key for analyzing the intersection of structural forms of violence and the multiple actors involved (nation-states, public and private institutions, and individual perpetrators).

(Rose et al., 2023, p. 3)

This view of Rose et al. parallels Canning's recognition that it is possible to map 'multilateral forms of violence which cause physical, social or emotional harm, or indeed death' to those encountering the border (Canning, 2017, p. 47). Canning, drawing on Galtung (1969; see also Green & Ward, 2009; Whyte, 2015), argues that 'the focus on structural violence reveals the "state's *facilitation of suffering* and in particular the non-alleviation of avoidable harms as being a form of violence in and of itself; shifting attention from action and intention to inaction, poor decision-making and their subsequent consequences' (2017, p. 48, emphasis in original). So, too, do Rose et al. (2023, p. 11) recognise that structural violence is made manifest in entrenched inequalities that result in it being 'particularly hard to make visible and address' (see also Balint et al., 2020).

The challenge we take up in this volume is to shed light on how structural violence is sustained in part by the limits of state responsibility for, and inherent suspicion of, temporary migrants. We examine how structural violence is manifest via the creation of different legal categories for aspects of gendered violence that intersect with the structural location of temporary migrants. The state wields the power to determine, for example, what is and is not violence, who is and is not eligible for support or protection, where resources are targeted and where they are withdrawn. These decisions represent a performance of state power that serves to embody responsiveness to gendered violence. Yet such decisions simultaneously ensure that the state elides accountability for the structural conditions that sustain gendered violence in all its forms.

We also seek specifically to highlight the impacts of the border and everyday bordering practices in the intimate realities of DFV. The scholarship that has drawn attention to the securitisation and criminalisation of migration and asylum-seeking as key factors of transformation over the past couple of decades (Bosworth & Turnbull, 2015; Pickering & Weber, 2006; Squire, 2009) has been a key influence on how we think about state harm and structural violence, but much of this work is not focused on temporary migration. In bringing this lens to the issue of temporary migration and DFV, we draw on the contributions of Aradau and Canzutti (2022, p. 2), who argue for the importance of recognising how security, suspicion and violence must be considered together (see also Borrelli et al., 2022). As they note, ‘security and violence have been mobilised as separate analytical concepts, indeed generalised suspicion underpins all knowledge production and questions of credibility in the asylum process ... suspicion infuses all interactions that border, police, and other street level bureaucrats have with migrants’ (p. 2). Aradau and Canzutti (2022) focus on securitisation and criminalisation, and the way in which these processes distort and taint the knowledge produced about and by migrants. They draw on the work of Balibar and Segato (see Aradau & Canzutti, 2022) to conceptualise technologies of cruelty that operate in the asylum process in the UK and identify suspicion as a core component of the securitisation of asylum and, as other scholars have identified, an extension of the racialised and gendered operation of colonial violence (Aradau & Canzutti, 2022). Aradau and Canzutti also argue that a ‘generalised suspicion underpins all knowledge production and questions of credibility in the asylum process’ (2022; p. 2; see also Affolter, 2021). We draw on this work to bring to the fore how temporary migrants who experience DFV are both at risk and risky (or perceived as suspicious or posing a risk to the state) and the consequences of this.

## The borders of violence: illuminating the limits of accountability

In 2008, Bumiller articulated the importance of investigating ‘the role of ordinary conditions of culture, bureaucracy, and government that create the conditions for injustice’ (p. xiii). She examined state reactions to crimes involving sexual violence in the US two decades ago. She argued (without suggesting that the state or the feminist movement are monoliths) that the way in which society defines sexual violence as a social problem has created ‘policies that reinforce stereotypical assumptions about women’s dependency and the character of intimate violence’ (2008, p. xiv). As Bumiller explained, there has been ‘large-scale expansion of legal and government efforts to counteract the threat of sexual violence [in a way that] has transformed the everyday relationships between the state and women as both potential and actual victims’ (p. xiv). There remains a resonance to Bumiller’s (2008) call to recognise that the state has co-opted the feminist agenda and in so doing has created and sustained specific practices of naming different ‘forms’ of violence and mapping a response, with little consideration of the consequences or of what is rendered invisible by the effort to define violence or abuse. To trace the salience of this argument, we draw on work from another field – critical modern slavery scholarship – which similarly points to the consequences of moving away from specificity of meaning to a focus on modern slavery as an umbrella term that captures different forms of exploitation (O’Connell-Davidson, 2015; Piper et al., 2015). A diverse array of scholarship (see Boucher, 2023; Bunting & Quirk, 2017; Chuang, 2014; Geymonat et al., 2023; O’Connell-Davidson, 2015) has consistently pointed to the politicisation of the issues related to human trafficking, labour exploitation and modern slavery and the resultant responses that undermine any focus on the welfare, safety or humanity of those who migrate and those who experience exploitation and violence. Collectively, this work offers three contributions that drive the approach we take in this book, which are outlined below.

**Naming violence:** the first contribution is the recognition that there is harm in the way we name violence, in part because of those aspects of violence that then remain unnamed and because the evidentiary requirements under law make it rarely possible to prove that something took place beyond reasonable doubt.

**Demarcating forms of violence:** the second contribution is attention to the state’s demarcation of arbitrary lines around violence that have no resonance in women’s lives. Sexual assault, labour exploitation, trafficking and DFV are interwoven in many women’s experiences in our

research. However, the legal system, relevant support systems (including but not limited to the DFV support system) and the state require that these forms of violence be attended to separately and inconsistently.

**Administrative obfuscation:** the third contribution is the understanding that the state, in positioning itself as the benevolent actor and reacting to harm by ‘rescuing’ victims and offering short-term welfare support, can be seen as obfuscating its own role in creating the enabling conditions for violence and abuse. While the discussion around the response to victimisation may seem straightforward, ensuring that systems and relevant institutions do not produce the conditions that encourage and enable exploitative and abusive practices is not so straightforward. Taking responsibility and improving migration and related (such as employment) systems require structural reckoning and accountability.

### Mapping the book: themes and structure

For any reader looking for simple solutions on how to create better laws or policies to address specific forms or aspects of gendered violence or how to ensure incremental improvements for certain groups of victim-survivors, including temporary migrants, our approach in this book will be unsatisfactory. Instead, we draw inspiration from an agenda that seeks to move away from piecemeal protections to embrace a much broader reckoning with state structures. We approach the analysis that follows with a view to evidencing in detail how the bordering apparatus extends beyond the migration system and embeds the conditions of violence experienced by temporary migrant women, including but not limited to DFV, in ways that permeate all aspects of women’s everyday lives.

In [Chapter 2](#), we detail the methodological approach to the research that underpins this volume, while also engaging directly with the critical questions around how to advance and deepen our understanding of bordering practices and their impact on women’s intimate lives and experiences of safety. We also consider the arguments for weaving together thick and thin data to engage with data that is limited because of the absence of women’s voices but rich in its potential to capture a broad range of experiences, while not inflicting further harm on women who have already experienced significant violence in their lives. At the same time, we engage directly with questions about the potential harm of asking women to speak about their experiences of violence: specifically, we consider the contradictions of gatekeeping and the importance of ensuring that researchers do not simply assert that all research is empowering or ‘giving voice’ to women’s experiences. In reconciling the researcher’s responsibility, later in the chapter, we discuss the views of the women

who participated in the interview study about research participation, in particular, how they spoke about the value of participation for them and their motivation for sharing their reflections and experiences. [Chapter 2](#) highlights the importance of examining bordering practices from a range of perspectives and in places that to date have not been the focus of much of the work of border criminologists. It lays bare the importance of asking critical questions around accountability for responses to DFV beyond the narrow frame of gendered violence. In particular, we argue that an examination that emphasises temporary migration status provides an opportunity to identify the impact of bordering practices as key to sustaining violence and that recognition of this is essential if we are to begin to address the conditions that contribute to gendered violence.

[Chapter 3](#) asks the question of who and what is a part of everyday bordering practices. We focus specifically on the status of temporariness as leverage in the context of DFV. In this chapter, we seek to bring to the fore the ways in which the structural demarcation of temporariness is weaponised by perpetrators. In so doing, we argue that the border is omnipresent in the everyday intimate experience of DFV. This chapter lays the ground for rethinking where responsibility for DFV lays, beyond the focus on the individual perpetrator. The denial of certainty of protection, and the insistence on uncertainty for temporary visa holders in terms of both their migration pathway and their rights, is a context that is easily abused. We argue that it is a mistake to see DFV as a form of violence in relation to which the state is simply responsible for intervening; instead, the state plays an active role in sustaining the conditions for DFV, which we frame as a form of structural violence.

[Chapter 4](#) focuses on what safety looks like and examines this via the lens of the limits of safety for temporary migrants experiencing DFV. We examine structural limitations, where migration status impacts the response of various systems (police and DFV support systems, among others) when temporary migrants seek help in the context of DFV. While the rhetoric of support and protection dominates broad agendas and commitments to addressing DFV, what is evidenced in this chapter is that different systems interpret and understand women's safety differently. The migration system, for example, offers some safety to a limited number of temporary migrants but places the burden of accessing that safety net on women through the requirement to provide evidence of violence and abuse that satisfies decision-makers. This conceptualisation of safety, then, is demonstrably one that balances the integrity of the migration system with women's safety rather than guaranteeing access to safety, irrespective of migration status. In [Chapter 4](#), we also examine

the consequences for temporary migrants seeking safety and the limits on their access to safety. Specifically, we explore the harms women experience when systems are unresponsive and/or limited in scope owing to the administration of migration status, and we identify that the consequences of this include the reproduction of violence. As this chapter explains, the issues women face when seeking help for DFV are not the exclusive experience of temporary migrants, but the consequences and implications for temporary migrants, we argue, are specific, and this reinforces the importance of closely interrogating the state's commitment to women's safety.

In [Chapter 5](#), we turn our attention to the ways in which Australia has structured its legal and policy response to human trafficking and slavery-like practices, most often now referred to under the umbrella term of modern slavery. In this chapter, a key concern is the demarcation of forms of violence. We examine how women's experiences of DFV detailed in the two studies align with the specific criminal offences of trafficking and slavery-like practices in Australia. In this examination, the intention is to caution against the 'next thing' in responses to DFV being to broadly label practices *as* modern slavery, but rather to expose the very real consequences of the law demarcating what we see and do not see in the context of gendered violence, abuse and exploitation. In [Chapter 5](#), we engage with critical accounts of the ways in which the state positions itself as the benevolent actor, responding to forms of violence defined in law and policy in very narrow ways, with no attention to the consequences for victim-survivors. We recognise that the creation of institutional economies tied to specific forms of violence leads to competition among service providers to claim and hold the space as the experts or primary responders in relation to certain forms of violence and abuse. These conditions result in the refusal and inability to recognise and respond to women's needs or to hold those in power to account for forms of violence that intersect in real and complicated ways. One way in which we examine these dynamics in [Chapter 5](#) is to reconcile the persistent challenges around recognising women's labour and the sanctity still given to private familial space, where women's labour is unrecognised by employment protections and thus exploitation is sustained. These issues do not impact temporary migrants exclusively, but those who abuse and control temporary migrants have the significant leverage of temporariness to wield over them. Drawing on the well-established limitations of the response to slavery and trafficking offences in Australia (see George et al., 2018; [Segrave et al., 2017](#)), we raise concerns about the move in Australia and elsewhere for DFV and modern slavery to be seen as overlapping, absent any close engagement with or mention of the migration system and the ongoing failure of states to recognise that border systems enable and sustain violence, abuse and exploitation.

In **Chapter 6**, we build on our concerns regarding the delineation of how we understand violence, and we look at the consequences of limiting our view by basing it on the law and/or on the geographical location of the violence. This chapter interrogates the definitional boundaries around violence imposed by the state and its systems, and we argue that the consequence of this is a persistently limited view of what violence is. While the language used to define and the focus of work around DFV has broadened in scope internationally, the predominant understanding remains very much tied to the domestic and the intimate. In this chapter, we focus on what is unseen: the leveraging of dependent children who are in another country, the violence and abuse that is enacted across multiple countries and other exemplars of violence that are largely unseen within existing normative frameworks. A key question, then, concerns the accountability of the state and perpetrators. In this regard, we detail the ways in which perpetrators are protected by the migration system in Australia. We also consider the accountability of the state; we recognise that the border reproduces silence around violence against temporary migrant women and sustains the hidden nature of much of the violence that temporary migrants experience.

In the concluding chapter, we identify the core theoretical and conceptual layers that are woven through this book. We outline the ways in which we have sought to meet the ambitious objectives of this project and consider the implications for both how we do research and how we can meet the conceptual, theoretical and policy challenges that are in front of us. As we discuss, the approach that we have adopted and privileged in this book is not intended to be exclusive or the end of the story. But it lays the ground for recognising that even responses that are framed as protective are part of a system that is both violent and exclusionary. In the accounting for men's violence, and the violence of families enacted against women, we argue that the border and the migration system must be foregrounded in our efforts to understand what sustains this violence. Without this, no measures will be effective.

## Conclusion

We are writing this book at a time of significant social and political upheaval: in the midst of national and international conversations about gendered violence and justice. At the same time that we are witnessing significant national and international commitments to the pursuit of gender equality and the elimination of violence against women, we are also seeing an unwavering commitment in many locations to border control policies that are designed to dehumanise those seeking asylum and to redraw and redefine where and when nation-states will act humanely,

accept responsibility or be accountable for the harms produced by policy and practice. In this context, we seek to offer an intervention in the conversations around borders, the border apparatus and DFV. In bringing migration status to the fore in our analysis, we are informed by two predominant traditions in feminist gendered violence scholarship: first, DFV research that utilises a structural lens; and second, research that deploys a border criminology lens. Border criminology reminds us to focus on bordering technologies as gendered, structural forms of violence. Critical feminist research reminds us to interrogate the state's co-option of the feminist agenda, and to question responses to violence against women where we can see that 'the feminist movement [has] become a partner in the unforeseen growth of a criminalized society' that is impacting marginalised women, in particular (Bumiller, 2008, p. xii). We need to examine how responses to gendered violence sustain problematic state control via individualising the 'problem'. Together these two strands of feminist scholarship help us to interrogate both the violence against women agenda and bordering practices and to recognise how they are deeply entwined. In this context, temporary migrants are both 'at risk' and 'risky', which results in responses that do not advance women's safety (see Aradau & Canzutti, 2022). In doing so, our focus is to mobilise our analysis around migration status and, critically, to use it to reflect upon the operation of border technologies and the production of knowledge and demarcations around gendered violence. Like other feminist researchers who examine the impacts of migration on women's lives, our approach is to focus on how women's experiences of DFV are specifically linked to their structural location in systems of domination and oppression. This means accounting for the ways in which women's experiences are shaped by macro-level processes, including state power enacted through bordering practices and legal and policy contexts that silo what is and is not DFV and what is and is not 'human trafficking', for example. Examining women's everyday experiences through this lens also allows us to recognise how women can exert agency to influence these processes, while also being impacted by them. Our hope with this book is to hold to light the ways in which structural violence is an insidious component of gendered violence – limiting and curtailing women's safety. It is also to set a course for what is possible.

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# 2

## RESEARCHING TEMPORARY MIGRATION AND DOMESTIC AND FAMILY VIOLENCE

### Introduction

In this chapter, we interrogate the methodological gaze applied within feminist examinations of domestic and family violence (DFV), border criminology and related research. Having established where we sit in relation to existing bodies of scholarship on the intersections of gendered violence, migration, bordering practices and structural violence, we outline our approach to the analysis presented in this volume. The aim of this chapter is to detail our methods, but more importantly to examine the limits and possibilities of different methods of researching DFV and migration, and to privilege women's accounts of the importance of research participation to tackle the persistent issues of power and privilege arising from feminist (and other) research. In the first part, we present the two studies analysed in this book. As we argue, these studies form part of a broader tradition of feminist scholarship that seeks to address the silences in DFV research, which have contributed to migrant women's exclusion from state systems of support. The approaches taken in these studies also align with border criminology research that examines the border 'from below' (Segrave & Wonders, 2019) – that is, from the perspective and experience of those on the move, in this case, those structurally demarcated as temporary non-citizens. The second part of this chapter examines women's motivations for participating in research and seeks to advance the conversation around women's involvement in research on DFV in the context of temporariness and structural inequality. As we suggest, greater attention needs to be given to the ways that women negotiate their involvement in research that concerns them, and what they might draw from it, rather than assuming that participation will be too 'risky' or traumatic.

The chapter contributes to the cross-section of feminist research interrogating the methodological and ethical issues related to researching

sensitive topics, such as DFV, including the influence of temporariness and how it can complicate the practice of feminist research that centres lived experience. These issues have been explored, to some extent, by border criminologists, who have articulated the challenges and complexities of undertaking qualitative explorations of everyday experiences of ‘detention, deportation, scrutiny and social exclusion’ (Bloemraad & Menjivar, 2022, p. 5). Drawing from their work with detained asylum seekers in Britain, for example, Bosworth and Kellezi (2017, p. 131) consider the significant ethical challenges associated with qualitative research involving individuals facing institutionalised uncertainty and *vulnerability*, including living with the ongoing threat of removal by the state. These realities both differ from and are exacerbated in the context of temporariness and DFV. Where the specific vulnerability of different groups of migrant women, including temporary visa holders, is addressed in the broader literature, vulnerability tends to be framed in a reductionist way that is often disempowering and contributes to essentialist discourses about violence in ‘other’ women’s lives (e.g., Jayasuriya-Illesinghe, 2018; Kapur, 2002; Maher & Segrave, 2018; Murdolo & Quiazon, 2015). As we discuss in this chapter, the vulnerability temporary migrant women are exposed to stems, in large part, from the ways that victim-survivors are denied access to protection by the state, so that silence becomes one of the only means by which safety can be secured. However, doing work with people who are structurally disadvantaged owing to their status as temporary non-citizens and who have experienced DFV does entail certain risks as well as specific and important responsibilities.

In this chapter, we argue that there is a need to continue to interrogate the possibilities and limits of the methods we employ when researching the connection between temporary migration status and violence, abuse and exploitation, including DFV. This must address the question of whether asking women to retell their stories should be the predominant way to generate insights into the specificity of temporary migrant women’s experiences. Segrave (2018) has previously described the ‘ethical dilemma’ associated with the process of asking women to recount their experiences of trauma, despite this often being a valuable and necessary aspect of research. The analysis we offer in this volume is intended to serve as an example of one approach to research that reduces the reliance on women ‘telling their story’, and specifically the ‘parts’ that align with the focus of the research. In both studies discussed in this book, the significance of temporariness in the context of DFV was clear. By integrating the two sets of data, we identified that while the design of each study had limitations, bringing the data together offered a unique

opportunity to build an evidence base that captures both breadth – by allowing us to map violence and harm at scale – and depth (see [Vasil & Segrave, 2024](#)).<sup>1</sup> While this represents only one way of doing this research, it points to the importance of ongoing innovation and collaboration to build alternative methodologies that produce data that speaks to the role of structures in creating the conditions that sustain violence and limit women’s options for accessing safety and support.

In this volume, we take [Aradau and Canzutti’s \(2022\)](#) cue, in bringing together the methods of ‘thin’ (case file study) and ‘thick’ (interview study) description in our analysis of DFV in the context of the migration regime. We adopt the method of ‘thin description’ via analysis of client case files, as a form of archival research that allowed us to understand at scale the experiences and issues facing women on temporary visas who were experiencing DFV following their move to Australia ([Segrave, 2017](#)). In the context of a culture of surveillance – as it applies to the regulatory and administrative apparatus of the state – thin description is also ‘a method of respecting certain kinds of boundaries’ ([Benjamin, 2019](#), p. 46 cited in [Aradau & Canzutti, 2022](#), p. 5) rather than ‘amassing ... more data ... [and] intimate details’ ([Aradau & Canzutti, 2022](#), p. 5). In this regard, ‘thin description’ can be seen to ‘combine discretion and non-intrusiveness with the incompleteness of the archival lens’ ([Aradau & Canzutti, 2022](#), p. 5), while thick description (via in-depth interviews) facilitates insight into ‘the meaning of practices and behaviours’ ([Aradau & Canzutti, 2022](#), p. 5) via questions designed to enhance understanding of participants’ (in this case, women’s) specific circumstances and how these contribute to and are compounded by the experience of DFV ([Vasil, 2023a](#)). As a method, ‘thick description’ operates as a way of ‘researching practices of (in)security’ from the perspective of those impacted by these practices ([Aradau & Canzutti, 2022](#), p. 5). As we propose in our analysis, thin and thick data should not be seen as situated on a hierarchy: the ‘discretion’ and ‘non-intrusiveness’ offered by thin description ([Aradau & Canzutti, 2022](#)) cannot replace thick description, although the method does have strengths, as we explore below. Indeed, we argue that our triangulation of thick and thin data drawn from the two data sets in this study enables deeper insight than would be enabled by each study alone. We take this approach as feminist researchers working at the intersection of migration and gendered violence. Interrogating the conditions that contribute to violence against migrant women requires understanding the structural impediments victim-survivors experience in their everyday lives as temporary non-citizens and how these are produced by larger cultural, social, economic and political contexts and processes. We detail how we sought

to gain such understanding in the next section, where we explicate the research design of both studies, including the strengths and limitations of each, and discuss what we gain by generating a data set that centres on lived experience and captures both depth and breadth (see [Vasil & Segrave, 2024](#)).

### Researching DFV and temporariness

Both studies analysed in this book aimed to enhance understanding of the circumstances and contexts of DFV as experienced by women and in doing so to examine the impact of temporary migration status on the experience of and response to DFV in Australia. [Mezzadra and Neilson \(2013\)](#) assert the view of the border as a method; this is also key to our analysis. We seek to trace the border and how it is both weaponised against and negotiated by women in their intimate lives and how it maps onto broader patterns of inclusion and exclusion, with consequences for victim-survivors of DFV. While the two studies were conducted in the state of Victoria, Australia, we argue that the implications of the findings are not specific to the geographic or jurisdictional location of the women when they experienced DFV and/or sought assistance ([Vasil & Segrave, 2024](#)). Indeed, as we discuss throughout this book, there are resonances with other research on minority women and insecure status and the response of the state in the context of DFV (e.g., [Cassidy, 2019](#)) as well as research into labour (e.g., [De Giorgi, 2010](#)) and asylum seekers (e.g., [Canning, 2017](#)). A key focus of our analysis is the distinct legal and administrative implications of temporary migration status, which are also evident across studies internationally, as an important structural lens through which to examine DFV (e.g., [Anitha, 2011](#); [Bhuyan, 2012](#); [Bhuyan & Bragg, 2021](#); [McIlwaine et al., 2019](#); [Parson et al., 2016](#); [Vasil & Segrave, 2024](#); [Voolma, 2018](#)). [Segrave \(2017, pp. 1, 2; see also 2018, 2021\)](#) has previously argued for the value of foregrounding migration status:

Temporary migration status matters in the context of family violence because, in addition to the acknowledged levers of financial, emotional, technological, physical and sexual abuse that occur across situations of family violence, uncertainty of migration status creates additional leverage for violence and control.

Similarly, recognising the importance of bringing temporary migration status into view, [Vasil \(2021, p. 26\)](#) has argued that we need to

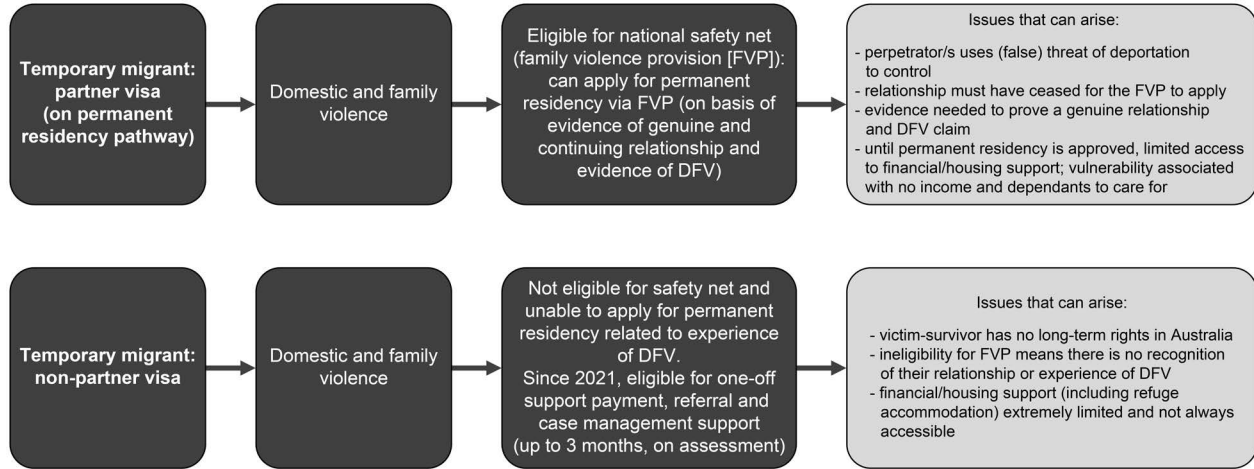
pay attention to the implications of this status for experiences of and responses to DFV:

The failure to attend to the particularities of women's lived experiences, and how these are impacted by insecure migration status, results not only in partial understandings of family violence, but in inadequate policy formation, which impacts women's help-seeking at a range of levels.

As we detail in this chapter, we have built a database that speaks to women's structural location as temporary visa holders and the deeply personal and specific ways in which their experiences of DFV and seeking help manifest. We take this analysis further to identify the border and bordering practices as intimately connected to DFV and as a form of structural violence. First, though, we outline the operation of the migration system in Australia as it pertains to temporary migration and the ways in which migration status intersects with access to support in the context of DFV.

### What does it mean to be temporary?

The visa and migration system in Australia is complex (Segrave, 2017). Changes in the system have increased the complexity of migration policy and practice, which has resulted in the 'multiplication of modes of entry and legal categories' (Robertson, 2019, p. 220). However, this complexity is not canvassed in detail here (see Monash Gender and Family Violence Prevention Centre, 2019; Segrave, 2017 for an overview of the operation of the system at the time these studies were conducted). The main focus of the present analysis is on temporary migrant women, whose options for accessing support for their experience of DFV continue to be determined by the visa they hold (Vasil, 2021). As Segrave (2017) has previously argued, temporary migration status in the DFV context in Australia is defined in relation to two predominant categories: partner-related visas, which offer a pathway to permanency (including temporary partner and prospective marriage visas), and time-limited temporary visas (such as work, visitor, student and other visas), which are not associated with a permanent residency pathway and from which migrants obtain no long-term right to live in the country. As detailed in Figure 2.1 (drawn from Segrave, 2017, p. 1), the simplified difference between these two groups relates to whether there is any safety net to support those who experience DFV while in Australia on a temporary



**FIGURE 2.1** The basic difference between temporary migrants on a partner and non-partner visa

visa, and whether they are in any position to access support if they experience DFV (Segrave, 2018). Currently, only some women on partner-related visas, as indicated in Figure 2.1, have access to a specific pathway to support DFV, which involves invoking the family violence provisions. The provisions provide an alternate pathway to permanent residency for migrants who would have obtained a permanent visa had their relationship not broken down due to DFV.

As shown in the first line in Figure 2.1, anyone who holds a relevant temporary partner visa and experiences DFV is eligible to invoke the provisions in order to access permanent residency. The provisions exist to offer a temporary partner visa holder on a pathway to permanency the ability to still access permanent residency if they satisfy the Department of Home Affairs that: (i) the relationship was genuine and continuing (before it broke down due to DFV), and (ii) that DFV occurred.<sup>2</sup> Special provisions relating to DFV were put in place by the Australian Government in 1994 to address the experiences of sponsored partners and their dependent children and to ensure that victim-survivors are not forced to decide between obtaining permanency and securing safety from a violent partner (Australian Law Reform Commission, 2011; Ghafournia & Eastal, 2017; Gray et al., 2014). In Chapter 4, we explore this process in detail and consider the implications of administrative decision-making for women's safety. Accessing permanent residency enables access to health, housing, medical and other care and support systems in Australia.<sup>3</sup> For those represented in the second line of Figure 2.1, who hold any other type of temporary visa, it has long been the case that they have very limited or no access to free healthcare, employment, housing, social security (including support for single parents, childcare or subsidies), settlement support and legal services.

As such, while all victim-survivors are encouraged to seek formal help when they experience DFV, the rules and practices governing access to DFV support dictate that women must have permanent residency and, by extension, access to safety nets related to income, housing, healthcare and legal support in order to access DFV support services (see Chapter 4). In crisis situations, victim-survivors who have no access to income are at significant risk of homelessness and are often reliant on the capacity of a women's refuge to cover the costs of housing them and any children in their care. It therefore remains the case that services have to turn women in crisis away because they are temporary non-citizens. Victim-survivors who have no long-term rights to remain in the country are at a significant disadvantage – even if their child is a citizen – as restrictions on access to social security and other services, as well as limits on work rights for some migrants, leave them with limited

support options in Australia. Understanding this background context is critical to the examination of temporary visa holders' experiences of DFV, but it is not the full picture. In later chapters, we explore the cultural and familial pressures in relation to marriage and gender roles and their complex intersections with women's help-seeking when they experience DFV as temporary visa holders. Acknowledging this broader context was critical in shaping our respective studies, each of which we detail in turn now.

### The case file study

The case file study was undertaken in 2017 and drew on a database that [Segrave \(2017\)](#) developed from 300 closed client case files (from 2015 to 2016) for clients who were temporary migrants when they first came into contact with inTouch Multicultural Centre Against Family Violence (inTouch), a specialist DFV service in Victoria ([Vasil & Segrave, 2024](#)). The methodology has been detailed in a range of publications (see [Segrave, 2017, 2018, 2021](#); [Vasil & Segrave, 2024](#)), and we provide an overview here. The aim of this project was to undertake a comprehensive review of DFV cases managed by inTouch involving women (victim-survivors) who had experienced DFV and whose migration status was temporary when they first came into contact with the organisation ([Segrave, 2017](#)). The study focused on women with temporary visa status (i.e., any temporary visa, including but not limited to student, partner, visitor, working, holiday or skilled visa holder) at the time assistance was sought from inTouch.

A database was built to capture data in the files that were extracted from the case management system. The files were all maintained on the premises of inTouch: these cases were closed cases, so the full details of notes had been printed and filed. The case files included caseworker contact notes regarding risk; provision and prioritisation of support; updates about the individual and familial circumstances of the client; and information and documentation related to migration processes (including applications to access the provisions and the accompanying documentation) ([Segrave, 2017](#)). While case management at inTouch is conducted via an electronic system, it is not a searchable system. Instead, information is logged and updated over time and additional notes and details are attached to the file. As such, determining whether a client was a temporary visa holder required looking at each file and noting this, and there was no way of reviewing cases at scale. Given the complexity of this system, the process involved building an electronic database

(set up via Qualtrics survey software) iteratively throughout the process of reading cases and de-identifying the data as it was entered. The final database captured:

demographics related to the victim-survivor and perpetrator, details of the immediate needs and services accessed, information related to migration status, risk identification according to the statewide tool used to assess risk in the context of DFV, as well as identifying where indicators of offences related to other Commonwealth offences – specifically forced labour, forced marriage, human trafficking and slavery (as per ss. 270 and 271 of the Commonwealth *Crimes Act* and as per the International Labour Organization international indicators for sexual and labour-related exploitation (2012) – were present.

*(Segrave, 2017, p. 17)*

The database included both quantitative and qualitative information; we primarily utilise the qualitative data for the analysis contained in this volume.

A clear strength and point of difference of this study was the novel approach to examining victims' experiences of DFV. By accessing closed case files, it offered significant insight into the case management, legal and migration support services provided. The case file study differed from much of the existing research on intimate partner and family violence in relation to migrant and refugee women because it did not rely on asking women to tell their stories. When women work with their case managers at intake, they agree that their de-identified information may be used for certain purposes, including research. Having the ability to undertake this research without needing to intrude on women's lives – a significant task in itself – this approach allowed for a large-scale study that was very different from the predominant qualitative interview studies exploring issues pertaining to temporary visa status and experiences of DFV (see [Vaughan et al., 2015](#), for a review). In providing a much larger sample size and a way to identify the issues, challenges, experiences and barriers encountered by 300 women, this study enabled patterns to be identified at scale. Employing this method avoided the ethical dilemma of asking women to share their stories. However, there are also several limitations of this approach.

Here, we wish to highlight two key limitations. The first is that the case file notes are inherently limited as the information they contain is only that which case managers are required to capture and specialist services choose to capture (see [McCulloch et al., 2016](#)). Moreover, this is not neutral information: it is intended to capture client risk and the

work of the case manager as much as the specificity of the client experience. The limitations of this were most evident in the case file notes that indicated repeated attempts over the course of months to contact a client who had ceased contact with inTouch; in these cases, we have no insight into what was happening in the woman's life when she stopped interacting with the service. This relates to the second limitation, which is that the case files varied significantly in terms of the detail and breadth of information included. This meant that sometimes the information captured at intake was different from that included in the file notes made later. It also meant that some case files were many inches thick with correspondence and notes, whereas others were only five pages long, providing limited information about the case. A further challenge was the absence of recorded data at intake in some cases, where information that was supposed to be captured was simply not recorded. Therefore, the database is not and cannot be comprehensive: it contains many gaps, which limits its quantitative rigour. It was also not possible to ask case managers to clarify any details related to the files, given the sheer number of files and the impost on their time to revisit close cases, although the research team shared an office with them over many months. We therefore had to note 'unrecorded' information in some cases and accept the limitations of the database.

These limitations are important, as they reflect the 'thinness' of the data (Aradau & Canzutti, 2022). However, this data was valuable in enabling a rigorous observation of patterns that demonstrated why temporary migration status matters in the examination of experiences of DFV and the conditions that sustain such violence. While it lacked the 'thickness' of data drawn from victim-survivors' direct accounts, this is where the interview study was key to producing the full data set analysed in this book.

### **Interview study**

The second (interview) study was undertaken in 2018 and 2019 and involved qualitative semi-structured interviews conducted in Victoria, with 23 stakeholders from a range of professional backgrounds (the majority of whom were first- or second-generation migrant women) and interviews with 18 victim-survivors. This research also included observations at events, community meetings and information sessions that took place across the DFV sector following the state government's Royal Commission into Family Violence (RCFV) in 2016, although the data obtained from these observations is not drawn upon for the analysis presented here (for further detail, see Vasil, 2021).

The first stage of this study involved interviews with the stakeholder group and the second stage involved interviews with women who differed in their ethnicity and national origin. Most of the women were recruited through connections with stakeholders (for further details, see [Vasil, 2021](#)). The women interviewees had come to Australia as temporary visa holders and experienced DFV while temporary (see [Vasil, 2023a](#)). At the time of the interviews, in some cases, the women's status had changed: one woman was a naturalised citizen, nine women had secured permanent residency and one was waiting for her permanent visa to be granted ([Vasil, 2021](#)).

Vasil sought and obtained ethical approval to conduct both stages of the research (see [Vasil, 2021](#)), which considered the risks associated with conducting research on highly sensitive subjects and sought to ensure that the participants were able to make an informed decision about their participation. The interviews with victim-survivors each ranged from one to three hours and were conducted with a focus on the well-being of the participant (for further discussion, see [Vasil, 2021](#); [Vasil & Segrave, 2024](#)). After a potential interviewee made contact, a time was arranged to speak with them to establish a rapport and discuss the project and the nature of their participation. Vasil took time to explain to the participants her approach to protecting women's privacy and how she would handle their interview data and personal information. The interviews opened with questions about women's experiences in countries of origin and motivations for migrating. Women were asked about their initial experiences of life in Australia, which frequently led to a discussion of their experience of DFV. The questions explored whether and how women sought help and whether they were able to access the support they needed. At the conclusion of the interviews, women discussed the impacts of the violence and reflected on their experiences of rebuilding their lives in Australia. Vasil also asked the interviewees to reflect on their motivations for taking part in the research and found that there was rarely one motivating factor. At the conclusion of each interview, the interviewees were able to choose whether they wanted to meet at a later date to debrief. Of the 18 victim-survivor participants interviewed, 17 opted to do so, and this second meeting was found to be valuable for both Vasil as the researcher and the interviewees ([Vasil & Segrave, 2024](#)).

The method of conducting in-depth interviews facilitated exploration of the complexities of women's everyday lives as temporary non-citizens, including the ways that their specific circumstances contributed to and were compounded by the experience of DFV. This method aligned with [Aradau and Canzutti's \(2022\)](#) description of thick analysis, as participants were able to provide direct accounts of their experiences, including how their migration status influenced their decision-making and the

opportunities and support that were available to them. It also enabled Vasil to ask follow-up questions to generate insight into the particularities of women's experiences and how the restrictions associated with the status of *temporary migrant* shaped their vulnerability to violence in specific ways. While this enhanced understanding of the diversity and specificity of women's experiences, the number of interviews conducted meant that the project was small in scale and thus limited in its potential impact. However, the integration of the in-depth insights captured from the interviews with the breadth of the case file study data enabled the creation of a robust database that forms the basis for the analysis we offer here.

### Bringing the two studies together

To begin, we offer an overview of the full suite of data that underpins the analysis offered in this book. Table 2.1 presents an overview of the demographics across the two studies.

**TABLE 2.1** Overview of study participant demographics

<i>Study</i>	<i>Case file study</i>	<i>Interview study</i> <sup>†</sup>
Sample size	300	18 victim-survivors (plus 23 stakeholders)
Nationalities	65 nationalities: most represented countries were India (16%), China (excluding SARs and Taiwan) (9%), the Philippines (7%), Iran (5%), Sri Lanka (4%), Thailand (4%), Afghanistan (3%)	10 nationalities represented among victim-survivors: India ( $n = 4$ ), Pakistan ( $n = 3$ ), the Philippines ( $n = 2$ ), Sri Lanka ( $n = 2$ ), Thailand ( $n = 2$ ), Armenia ( $n = 1$ ), Bangladesh ( $n = 1$ ), Fiji ( $n = 1$ ), Malaysia ( $n = 1$ ), South Sudan ( $n = 1$ )
Visa status	All held temporary visa status at the time of first contact: 50% held a temporary partner visa; 50% held one of a variety of other temporary visas, including visitor visas (18%) and student visas (19%).	17 victim-survivors held a temporary visa at the time they were experiencing family violence: students ( $n = 5$ ), tourists ( $n = 5$ ), secondary applicant ( $n = 1$ ), partner visas ( $n = 4$ ) and prospective marriage visas ( $n = 2$ ). One woman held a permanent skilled visa and was thus a permanent resident; however, she believed her status was dependent on her relationship with her husband.

(Continued)

TABLE 2.1 (Continued)

<i>Study</i>	<i>Case file study</i>	<i>Interview study</i> <sup>1</sup>
Age range	20–61 years old (65%, 24–34)	20–50 years old (55%, 20–38)
Dependants	52%	50%
Perpetrator/s <sup>2</sup>	80% IPV/one person 20% IPV + other family/other family members	9 women reported experiencing IPV 9 women reported experiencing IPV and violence by other family members 0 reported experiencing violence by other family members only

<sup>1</sup> The details presented in Table 2.1 pertain only to the demographics of the victim-survivors, not the stakeholders. We identify the type of organisation stakeholders were from when attributing direct quotes in the analysis. All stakeholder participants were women. Stakeholders were recruited from the following types of services: family violence service, women's refuge, community legal centre, ethno-specific women's organisation, homelessness service, settlement/migration service, migrant women's organisation, magistrates court and pro bono psychologist and community advocate. They included the following professions: manager ( $n = 1$ ), victim support worker ( $n = 9$ ), lawyer ( $n = 2$ ), settlement social worker ( $n = 3$ ), housing advocate ( $n = 1$ ), grassroots advocate ( $n = 3$ ), project officer/researcher ( $n = 1$ ), court social worker ( $n = 1$ ), counsellor ( $n = 1$ ) and psychologist ( $n = 1$ ).

<sup>2</sup> Overwhelmingly, men – current and former partners – were the primary perpetrators. Where women were the perpetrators (this was in limited cases), they were most often mothers-in-law. None of the participants in either study were in an intimate relationship with a woman, although this does not mean that they did not identify as lesbian, gay, bisexual, transgender, queer or intersex (LGBTQI+), and all were victims of DFV in the context of a heterosexual relationship. This reflects broader known patterns of DFV, including the prevalence of other family members being perpetrators of DFV (see [Segrave et al., 2021](#)).

The preliminary analysis focused on the commonalities between the two studies related to the specificity of temporary migrant women's lived experiences of DFV and their engagement with support across the migration system and DFV support services. This analysis immediately revealed the importance of foregrounding temporariness in framing the context surrounding women's experiences, as women with temporary status were denied protection and certainty regarding their safety. The salience of this was emphasised by the fact that both studies were undertaken at different times and yet produced very similar results. As outlined in a previous publication (see [Vasil & Segrave, 2024](#)), we developed a thematic structure and added data from each project under each theme

in order to undertake a secondary analysis of the combined data set. The methodological approaches of the two projects were complementary; the strengths and limitations of each played out in this analysis and allowed us to build a comprehensive account of the impacts of temporary migration status, everyday bordering and structural violence in the context of DFV (Vasil & Segrave, 2024). By foregrounding structural inequality, we undertook a focused critique of the conditions that are sustained by the state and leveraged by perpetrators at the micro level (Vasil & Segrave, 2024). Focusing on systems and structures also allowed us to disentangle some of the assumptions about migrant women's vulnerability to DFV, which, as scholars in Australia and other national contexts have argued, tend to be dominated by cultural essentialism and static accounts of difference that 'signal [migrant women's] difference and marginality from the normative, white woman' (Murdolo, 2014, p. 131). Our approach, as Vasil (2021) has previously argued, sought to provide a meaningful account of women's lived experiences by grounding our analysis in the everyday and drawing on the logic of non-essentialism as it applies to issues of structural vulnerability (Crenshaw, 1991; Gilson, 2014) and DFV in the migration context.

### **The borders of research: building new analytical ground and privileging women's agency**

Research method and design are key to feminist praxis. In this volume, we wanted to ensure that the discussion of the methodology we used was not simply a recounting of 'what' we did, but that we also explore, the politics of research that seeks to emphasise structural violence and speak across disciplines. We wished to contribute to the scholarship that seeks to problematise the concepts of vulnerability and power in research by offering our interviewees' own accounts of their motivations and views regarding participation. Broadly speaking, in the field of border criminology, this approach is not predominant. In examining fatal acts of violence in the border setting, it is the discourse surrounding and accounting for these deaths that becomes the basis of the primary data set, where both what is and is not 'counted' or acknowledged in official reports is core to the analysis (see Weber & Pickering, 2011). Research on gendered harm and violence and the border most often focuses on the exclusion of migrant women seeking protection, which is where we see harm framed as both a function of the state and a form of violence (see Aradau & Canzutti, 2022; Canning, 2017; Cochrane & Wolff, 2022; Gerard, 2014). Such research has detailed the importance of both women's accounts of state violence in the context of bordering

practices and the accounts produced by official decision-making settings, with important work examining the decisions of tribunals and courts that determine where the boundaries of violence, harm and responsibility lie (c.f. [Aradau & Canzutti, 2022](#)). We are interested in engaging with arguments such as [Mehta's \(2023\)](#) call for a southern feminist approach to the criminology of mobility, which:

draws on the lived experiences of those who cross borders under forced circumstances to understand the ways in which they are resisting the borders as they are now but also the ways in which borders have affected generations in their family, whether in the Global South or through their movements to the Global North.

*(Mehta, 2023, p. 8)*

We recognise the importance of [Mehta's \(2023\)](#) call to push the boundaries of inquiry and seek to do so via our focus on bordering. We also maintain a firm focus on the violence of the state and its systems, and how this violence impacts identity, accountability and responsibility in myriad ways for temporary visa holders. We do not overlook accounts of resistance and strength, which are important and replete throughout the narratives of struggle and survival captured in this book. Our analysis may be considered inadequate for its avoidance of detailed narrative, and for offering analytical pieces of aspects of women's experiences throughout the volume; but we argue that this approach is critical for demonstrating the injustice faced by these women. The significant harm and violence migrant women endure, which is amplified and sustained because of their status as temporary non-citizens, is detailed in this book in a way that does not allow us to look away, not least because of the sheer volume of women who experience such harm. For us, the accounts provided herein reveal the importance of asking how we can hold states to account for this violence.

### **Power, privilege and vulnerability: learning from women about the value of research participation**

Feminist researchers have continued to grapple with the challenges of illuminating the harms of gendered violence and there has been significant debate centred on the involvement of victim-survivors in research (e.g., [Burgess-Proctor, 2015](#)). Although a sense of autonomy in participants' decision-making is central to the principles of feminist research (e.g., [Chantler, 2018](#); [Fontes, 2004](#)), we continue to see migrant and refugee women depicted as a 'vulnerable class' of victims in both research and policy (e.g., [Mulla & Hlavka, 2011](#)). As [Kapur \(2002\)](#) has argued,

applying a culturalist frame in research on DFV has contributed to the view that gender subordination is integral to ‘other’ cultures and has also led to the construction of a victim subject that obscures how structural oppression circumscribes women’s experiences of violence. Reflecting on migrant and refugee women in the Australian context, [Maher and Segrave \(2018, p. 503; our emphasis\)](#) have argued that:

Women in refugee and immigrant communities are often understood as experiencing additional barriers and vulnerabilities when they face family violence; implicitly creating a deficit model of *vulnerability* attached to women’s intersectional marginalization, particularly in terms of migration and service regimes.

[Gilson \(2014, p. 2\)](#) explains that framing vulnerability as ‘reductively negative’ is not new and that there is a history of equating vulnerability with ‘weakness, dependency, powerlessness, deficiency and passivity’. These associations have enduring consequences, which play out in specific ways for historically marginalised groups ([Abraham et al., 2010](#)). [Gilson’s \(2014\)](#) work speaks to the importance of considering the structural conditions that make people vulnerable and the factors that intersect to compound risk, rather than viewing vulnerability as an inherent characteristic or something that is attributable to a particular individual or social group. As [Maher and Segrave \(2018, p. 503\)](#) put it, ‘when we focus on women’s own accounts of risk and safety, we argue that the “vulnerabilities” these women experience are in fact predominantly created by service and legislative regimes that operate in terms of gender and migration’.

Connected to this is the issue of who speaks about the lived experience of violence and abuse. Debates among feminist researchers across the social sciences continue to draw attention to the complexity of race and class relations and the privilege that is associated with ‘doing’ research on gendered violence without thinking about this research as an intervention with specific implications for minoritised and racialised women ([Abraham, 2000; Kapur, 2002; Mohanty, 2006; Murdolo & Quiazon, 2015](#)). In this regard, we acknowledge the tensions and potential conflicts arising from our research, our own social situatedness and experiences, but also the implications of a study that focuses on the specificity of migrant women’s lived experiences, including that women’s narratives can be co-opted and/or misrepresented by policymakers (see [Murdolo & Quiazon, 2015](#)). We are very specific about the way we come to this work and the way we have framed the issues under investigation. We seek to sidestep the focus on ‘culture’ because it undermines

the interrogation of the state and shifts the question of accountability away from structural conditions, and yet this research reveals how important it is to hold the state to account.

By focusing on the nature of structural inequality and how it is connected to women's status as temporary non-citizens, we interrogate how vulnerability is sustained by the migration regime via the precarity of this status (Segrave, 2018; Vasil, 2023a). Importantly, we do not presume singularity or homogeneity; we recognise that women migrate to Australia for different reasons and under different circumstances (Segrave, 2017; Vasil, 2023b). Neither do we subscribe to the view that temporary migrant women are 'too vulnerable' to participate in research on DFV that concerns their lives, especially given the ways their experiences have been misunderstood and how they continue to be underserved by existing policies on gendered violence. Instead, we take Gilson's (2014) cue: in her research on the ethics of vulnerability, she examines the complex question of who is responsible for vulnerability. She shows that the way vulnerability is understood matters as this has implications for the nature of 'ethical responsiveness' to individuals and groups whose vulnerability is heightened under specific conditions (Gilson, 2014, p. 31). Attending to the situational character of vulnerability and the ways that it is 'significantly inflected by the most salient social differences' helps to distance it from unhelpful depictions that individualise vulnerability and associate it with powerlessness and weakness (Gilson, 2014, p. 38). We use this prompt to privilege how the women in the interview study talked about their participation: this was a specific and deliberate question, as outlined above, to enable women to articulate on their terms what the research and their participation meant to them. Our commitment to highlighting women's voices in the study and in this book aligns with the arguments put forward by researchers such as Cerulli (2011) and Mulla and Hlavka (2011) who have identified the importance of not downplaying or denying the agency of participants. We, like others, seek to move beyond paternalism towards a view of women as agentic subjects and also to learn *from* participants about the value and role of research in their lives. We offer this brief analysis of how women spoke about their participation within this chapter because, as noted above, we want to ensure that women's voices do not just advance our analysis but also our methodological practice. In addition, we argue that examining victim-survivor accounts of their participation in the context of temporariness can help to disrupt the assumptions about women's passivity evident in both research and policy on DFV. It can also help to draw attention to the knowledge women bring and the decision-making around how and why to participate in research, which is rarely the subject of analysis.

Women's responses to the question about their motivation for participating in the interview study revealed that there was rarely one motivating factor. The women who were interviewed talked about how they valued being listened to and having their experiences heard. Many reflected, as the following excerpts highlight, on the importance of sharing their experiences:

Because I want to share my experience. ... [women are] really helpless when they come here and they are new, they don't know anything about their rights ... it's actually so hard when you come here, [there is] no-one here. At the time my husband take this advantage from me ... [there was] no-one to talk to and I was also not sharing with my family because they are so far. ... he was always with me so I can't share anything.

*(Fatima, interview study)*

Danah described how the passing of time had brought her to a place where she was now comfortable and willing to talk about her experiences:

Maybe I want to speak about this abuse, I don't know why, I don't know the reason behind it myself, but I want to speak about it, maybe I haven't spoken much and there is so much inside me and when I say that I feel that I'm a bit, you know, relaxed, something has – I want to speak about it.

*(Danah, interview study)*

Mei articulated a deep commitment to wanting to help others and viewing research as one pathway for this message of zero tolerance to violence to be platformed and shared:

I want to take part [in] anything about family violence, I am so passionate to help, really. I volunteer to help people, I tell people when people tell me about their husbands, how their husbands treat them ... I'm not saying I try to separate them, but I just want to, those women to know, you don't tolerate with violence. And I also tell people who I know, if they need help, I tell them where you can go. I don't want them to be like me, my case, I don't know anything about Australia. I don't know about the organisations ... nothing. Just feel hopeless at that moment. I just feel like no-one can help me so when I see women like me come here alone and they don't have family here ... I will always spend more time with those women, talk to them more, because I want to make sure they know how they can get help.

*(Mei, interview study)*

The participants in the interview study consistently reflected on the importance of having their experiences documented. As Teresa expressed, 'I would like to share my views, and what I have gone through'. For Sahar, participating in the interview was an important part of shedding light on the ways she had been let down by the system and contributing towards reform:

I just want to give my voice to you ... so you can know that there is so much funding from the government for domestic violence ... organisations ... taking ... but I don't know where they spend it. And what the financial help they did? Nothing. ... They have my record, they have my file, all files are closed. But they keep the record for four years, according to the law. ... they have all my records ... They [specialist service] send the worker and they tried to take me to the Centrelink to see that if I am eligible for any payment, but they said, 'no, she's not eligible for any payment'.

*(Sahar, interview study)*

Maryam stated that, looking back, she was proud of her bravery and how she had been able to establish a new life for herself and her children in Australia. She explained that she did not think others in her community would believe what she had been through, and that the interview provided a way for her to talk about her experiences and to be believed. Some participants, including Maryam, also mentioned the value of academic research and wanted to contribute to a project that focused on their experiences:

The other thing ... I used to be a student as well and I have some friends I already mentioned in [university name] doing their PhD and they need ... participants for their research [*laughing*]. I understand, you know? And I said, it won't hurt me and anyway, if it, you know, gives her some [help].

*(Maryam, interview study)*

Ananya also recognised the specific value and role of academic research:

I'm coming from a very well-educated family, I know what PhD means. I really want to help [in] any way [I] can – help woman. If my story, my data help you to come with the good results and good outcome and you come with the good results of your research that makes a change in society. ... whenever I heard the topic, I straight said yes because I want to help.

*(Ananya, interview study)*

Like Ananya, other women in the interview study, including those engaged in formal advocacy on this issue, saw their involvement in the research as a way to connect to something bigger than them as individual victim-survivors. They also perceived that the research would shed light on the challenges they had encountered and their experiences with accessing support, particularly where such support had assisted in ways that enhanced their feelings of safety and security:

Maybe I help [*laughing*] other women, I don't know ... maybe my opinion will help. Or to prevent – I don't think – it's impossible to prevent, because so many cultures, so many nations from other countries they can't educate everyone. It's hard. Not everyone watching TV, news, people coming with their problems, you understand, with their mentality, their country mentality, it's hard to educate everyone. So, I don't know, maybe help to prevent something, I don't know. But in my case, my case [manager] was very supportive.

*(Elena, interview study)*

The interviews with women further evidenced the different dynamics shaping the nature of their engagement with the research process. This reinforced the importance of respecting women's autonomy and power in relation to their participation and what they choose to reveal within interviews. This also involved questioning the dominant assumptions regarding women's participation in research – including presupposing women's motivations – that position their participation as wholly 'risky' or traumatic and fail to acknowledge the importance of women making their own decisions about what they might gain from such participation (see [Bosworth et al., 2011](#); [Chantler, 2018](#); [Segrave et al., 2017](#); [Vidal, 2023](#)). This finding aligns with [Mulla and Hlavka's \(2011, pp. 1509, 1511\)](#) recognition of the challenges of 'designating' victims of DFV 'as a special class of vulnerable human subjects', as individuals may be at 'various temporal "distances" from the event [of victimisation]'. We suggest that researchers need a nuanced approach to 'risk' and should avoid deploying 'standardised' frameworks or understandings that view victim-survivors, migrant women or temporary visa holders as homogenous groups. The interview excerpts presented in this chapter remind us of the importance of social scientists seeking alternative ways of doing our work and building a rich evidence base that recognises the significance of systems. This could facilitate an approach where the default is not always to ask women to recount their story and that recognises the value to both women and scholarship of engaging directly with women and thereby enabling them to bring their lived experience to the fore, on their own terms.

## Conclusion

Incorporating the data from the two studies into one data set allowed for an analysis of greater breadth and depth: it is rich in detail, while also substantive in capturing evidence pertaining to the experiences of more than 300 women. This has enabled us, in the chapters that follow, to bring structural violence to the fore, and in doing so we have addressed the silences in DFV research, border criminology and other related research. As we suggest, the challenges associated with feminist research in this area necessitate careful consideration of the specific context of non-citizenship and attending to the researcher's responsibilities that stem from this. At the same time, there are also risks associated with failing to undertake this research. As we found, the lived experience of temporary migrants in relation to DFV has tended to be hidden from view and/or limited by research that often operates in silos (e.g., the discussion in [Vaughan et al., 2015](#)) rather than looking at the commonalities across women's experiences. This has specific and significant implications, not least of which is that responses to violence against women are often fragmented and targeted, in place of any overarching commitment to exploring or addressing the systems and structures that sustain violence ([Bumiller, 2008](#)). In the chapters that follow, we acknowledge the complexity of these issues as a critical lens from which to challenge the status quo of scholarship, policy and practice.

## Notes

- 1 Collectively, our work is informed by a broader tradition of feminist scholarship that views knowledge as socially situated and women's experiences as credible sources of knowledge ([Abraham, 2000](#); [Hesse-Biber, 2012](#)). By centring our analysis on the lived experiences of victim-survivors who are temporary, we follow in the tradition of critical standpoint theorists who recognise the ways that subordinated people's ideas and experiences have been silenced by forms of structural oppression (e.g., [Collins, 2000](#)). In bringing migration status to the fore, both studies examined in this book sought to analyse the lived experiences of victim-survivors at 'neglected points of intersection' and document the commonalities, specificities, as well as 'the differences and complexities of experience embodied in that location' ([McCall, 2005](#), p. 1782).
- 2 The family violence provisions are found in the *Migration Regulations 1994* (Cth).
- 3 At the time of writing, the Newly Arrived Resident's Waiting Period restricts access to the social security system for newly permanent migrants with some exceptions.

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# 3

## WEAPONISING MIGRATION STATUS IN DOMESTIC AND FAMILY VIOLENCE

### The violence of everyday bordering

#### Introduction

In this chapter, we foreground how migration status is weaponised by perpetrators of domestic and family violence (DFV). We argue that this is an everyday gendered bordering practice. Recognising that bordering practices extend into the familial, including abusive and exploitative domestic situations, enables us to begin to make sense of the ways in which violence against temporary visa holders is enabled and sustained by the migration system. That is, the overarching system of determining inclusion or exclusion not only rests with government decision-makers and authorities, as many have argued (e.g., [Wemyss et al., 2018](#); [Yuval-Davis et al., 2018, 2019](#)) but also extends into the everyday practices of citizens and non-citizens. Bringing a border criminology lens into the analysis of violence allows us to interrogate the borders of safety more comprehensively, and thereby to recognise that safety is neither a neutral concept nor equally enabled or experienced. In later chapters, we examine the ways in which bordering systems are violent and harmful; but here we bring to the fore how a victim-survivor's temporary non-citizenship can be exploited by citizens and permanent residents implicitly and explicitly to affirm their power and control in intimate relationships. In doing so, we bring together the significant scholarship that sits across migration studies, border studies and border criminology with feminist and criminological interrogations of violence against women. We argue that in foregrounding the leveraging of temporariness to abuse and control temporary visa holders, we are doing more than exploring 'a form' or a 'type' of DFV. Through drawing on the understanding that 'borders and bordering have moved from the margins into the centre of political and social life' ([Yuval-Davis et al., 2019](#), p. 1), we find that the structural location of temporary non-citizens, as shaped by the border

and bordering practices, is a key factor in women's security and safety. The work of Yuval-Davis et al. (2019, p. 1; see also Yuval-Davis et al., 2018) explores the ways in which 'bordering has redefined contemporary notions of citizenship, identity, and belonging for all, affecting hegemonic majorities as well as racialised minorities in their everyday lives while creating growing exclusionary "grey zones" locally and globally'. This idea of exclusionary zones, also explored by Mezzadra and Neilson (2013) in relation to differential inclusion, is not central to this chapter, but it sets the foundation for recognising the complex implications arising from a focus on exclusion and inclusion. This broader field of work identifies how inclusion and belonging play out in many spaces, including the familial, as we addressed in Chapter 1 (see Bhabha, 2003; Bonjour & De Hart, 2021; Constable, 2003; Kraler et al., 2011; Plummer, 2001). In this chapter, we want to destabilise work that may examine migration and bordering practices that privilege the intimate relationship as a safe space (and we note that other studies, such as Cassidy, 2019, have investigated this in different ways). Much of the work on bordering practices focuses on the reproduction of exclusion and the assertion of sovereignty in the context of a relationship where there is no question as to the safety of that relationship for either member of the partnership or family (see Bonjour & De Hart, 2021; Wemyss et al., 2018). In this chapter, we shift the gaze of border criminology squarely onto everyday intimate violence.

Critically, as feminist scholarship highlights, experiences of DFV are multifaceted; the experiences of specific groups of victim-survivors are influenced by a complex interplay of cultural and structural factors, which can compound DFV and its impacts (e.g., Abraham, 2000; Anitha, 2019; Pearce & Sokoloff, 2013; Sokoloff & Dupont, 2005). In the analysis that follows, we make the connection between the specificity of different aspects of power, control, violence and abuse and the *leveraging* of temporariness to both empower the perpetrator's control over the victim-survivor and, in so doing, reassert that the victim-survivor is without protection or support from the state. This does not require the perpetrator to be a citizen or permanent resident. It is the absence of protection in all its forms that we argue must be recognised as an assertion of exclusion and non-belonging. Key to the focus on the temporary status of the victim-survivor is foregrounding how the structural position of 'temporary non-citizen' directly impacts the ways in which everyday forms of DFV impact women's lives. We identify how the threats and actions of perpetrators are amplified via the use of the migration system, and how women's status is leveraged by perpetrators of violence to exert control and enact abuse, in Australia and in transnational contexts.

In this chapter we argue that it is important that we include structural positions and structural violence in the understanding of DFV; without this, our understanding is superficial at best. Our analysis in this chapter focuses on migration-related abuse, including sexual abuse and economic abuse, not to present a comprehensive overview of the DFV experienced by temporary migrant women in the two studies, but as exemplars of how everyday bordering is a part of DFV in all its forms in the context of temporariness. This chapter is informed by Yuval-Davis et al.'s (2019, p. 4) argument that 'while ... bordering constructions might seem to affect only those who were not born in the country, they actually affect the society as a whole, both materially and normatively'. In identifying how bordering practices sustain violence, by extension, we argue that commitments to ending violence against women that remain silent regarding the structural conditions of temporariness are effectively undermining the larger project of reducing or eliminating gendered violence.

In this chapter we detail how the border apparatus empowers abusive perpetrators, who may be current or former husbands, partners or family members in-law. This is evidenced by the myriad ways in which the relationship women temporary non-citizens have to the border is leveraged by perpetrators to control, abuse and silence. We argue that perpetrators are actors who, like passport control officers, administrative decision-makers in immigration departments, policymakers and others, are producing and sustaining the demarcations of the sovereign border (c.f. Parsley, 2003; Wonders, 2006). And this border is founded on silence, denial, exclusion and violence. This interpretation enables the recognition that the violence of perpetrators enacted against temporary visa holders is supported by the state. In failing to comprehensively protect temporary visa holders (e.g., limiting how they can access safety, offering differential support based on the type of visa, enabling perpetrators to act with relative impunity) the impact is not only on the individual victim-survivor: the impact is that the broader commitment to addressing violence against women is undermined.

### **Beyond migration-related abuse: DFV as a bordering practice**

In 2021, an Australian study of migrant and refugee women nationally found that temporary visa holders consistently reported proportionately higher levels of DFV (Segrave et al., 2021, p. 9). This finding was, in part, a reflection of the inclusion of a range of migration-related controlling behaviours in a national self-report study of DFV for the first time. The study captured specific aspects of migration-related abuse and

threats, which were overwhelmingly (but not exclusively) experienced as part of DFV by temporary visa holders (Segrave et al., 2021). The forms of migration-related abuse captured in the survey included threatening to report women to immigration, threatening to withdraw visa sponsorship, threatening to prevent women and their families (including children) from accessing visas, and threatening women with deportation (see for more detail, Segrave et al., 2021, p. 41). This survey was designed based on the detailed accounts of migration-related abuse in the case study files used for the analysis in this book (Segrave, 2017). The survey design was also grounded in the recognition that a quantitative self-report study capturing violence that intersects with the structural location of temporary migrants represents an important contribution to building a comprehensive account of this phenomenon (see Segrave, 2021).

In moving the understanding of migration-related abuse as a form of violence to viewing it as a bordering practice, we recognise that all forms of bordering practice are part of ‘a principal organising mechanism in constructing, maintaining and controlling social and political order’ (Yuval-Davis et al., 2019, p. 4). This includes the social order at the familial level, where order is maintained by the prevailing impacts of patriarchy which includes gendered inequality and violence, in particular men’s power to abuse women. Social order is deeply connected to the performance of the state which includes – as Yuval-Davis et al. (2019) remind us – the migration system as a mechanism that determines:

Not only who is and who is not entitled to enter the country, but also whether [and to what extent] those who do would be allowed to stay, work, and acquire civil, political, and social rights.

*(Yuval-Davis et al., 2019, p. 7)*

Consistently, across both studies investigated in this book, the experiences of DFV revolved around and/or were underpinned by threats regarding women’s migration status. That is, within the context of women’s *temporariness*, perpetrators sought to control women’s movement and to leverage the structurally unsafe position of temporariness.

It is important that we make clear that the state would argue that the power of perpetrators is less significant than what we lay out in this chapter and in this book. This is because a perpetrator’s threat to withdraw sponsorship or to have their partner or former partner deported does not hold weight administratively. That is, within the migration system, visa cancellation and deportation are not the immediate outcome if a visa sponsor withdraws their sponsorship; neither is a report to immigration that someone has breached a visa condition an automatic

trigger for immediate deportation. However, this administrative truth does not equate with women being confident that they are safe or that the migration system will actively protect them. Nor does it equate with the ways in which even the protection mechanisms around sponsorship withdrawal can serve to negatively impact victim-survivors. Temporary migrant women in the interview study repeatedly articulated how they understood that their temporariness put them in a precarious position. They often described perpetrators weaponising the uncertainty and fear associated with non-belonging. For example, participants in the interview study made the following comments:

He said—a couple of times—I will go to the immigration department and I will refuse from my sponsorship. He said a couple of times. I said, ‘okay do it, I want to go home’. All the time, every, every argument, ‘Fuck off from my house’. This was just normal words for him.  
(*Elena, interview study*)

My husband also told me ... ‘I will withdraw your visa. You will need to go back’. That’s how he threat it.  
(*Gayathri, interview study*)

He always threatening me, to deport me. ‘If you don’t do this ... I’ll deport you, you don’t do that, I’ll deport you’. What is this deporting? Come on, you know. I know nothing ... I don’t know what is an intervention order, I didn’t know what is deporting, so many things I didn’t know.  
(*Riya, interview study*)

Consistently, women repeated the ways in which perpetrators (both their intimate partner and often in-law family members) asserted their right to control women based on women’s migration status. Danah’s experience reflected the interweaving of many forms of violence, including against her son, and the ‘nightmare’ of being unsafe in her home but also being unsafe and uncertain as a visa holder:

Threatening towards me. Every single day he was threatening me, that I will kick you and your son out of the house, you will have to go back to your country and all that. Because he said that you don’t have permanent residence yet, so you are relying on me, I can do anything, whatever I want. So ... even, I was not doing something out of my boundaries of what he wanted from me, even then he was threatening me, for no reason, for no reason, every single day. And he was making

a fist and putting on my head and he would say... 'if I put this fist on someone's forehead there is a nerve and if I push very hard anybody can die'. I would say, 'why are you saying such things to me' and he would say... 'it could be you'. Life is very short, anything could happen ... and he was doing all this in front of my son, though he was young, he was three, he was doing it in front of him every single day. Threatening with different strategies, sometimes because of this visa, sometimes, you know, just his physical ... because of his physical power, yeah. So, that was a nightmare, the whole period I would say.

*(Danah, interview study)*

These practices need to be understood as acts of violence and control but must also be placed within the broader context of the border regime. They are practices that bring the border into the intimate domestic setting. Bordering practices are thus not purely administrative: they are acts of gendered violence, where perpetrators assert the border and exploit women's migration status to abuse and control them, and where the system ensures that temporary non-citizens understand there are limits on their safety and protection as a direct consequence of their migration status. Critically, an aspect of this is also the protection and impunity afforded to perpetrators. As Waan explained in the interview study, her husband's threats about her return to Vietnam were intended to ensure that his behaviour would not come to the attention of the authorities:

Sometimes he threatened me if I go to the police he would send me back to Vietnam because my visa still depends on him.

*(Waan, interview study)*

In examining the 'insidious and less visible' harms of bordering practices (Canning, 2017, p. 14), we can begin to map the ways in which temporariness allows abusers to exert significant control and power. Exposing these practices is critical. What we see in these studies is that violence in all its forms, is enacted as an everyday bordering practice, and such violence includes sexual and financial abuse, to which we turn in the sections that follow.

### **Sexual violence as a bordering practice**

It is well documented that the reporting and prosecution of sexual offences that occur in the context of DFV are inadequate (c.f. Anitha, 2008; Kelly, 1987; Tarzia, 2021). There are myriad reasons for this, and significant research has explored the parameters of this violence and its

persistently hidden nature (c.f. Bagwell-Gray et al., 2015; Cox, 2015; Wall, 2012). This was true in both studies explored in this book. In the interview study, participants referred to sexual violence but rarely expanded on its nature and/or the specificity of how the victim-survivor's migration status was used as a point of leverage. Similarly, in the case file study details were often scarce. Therefore, in this section we draw on additional data from a 2020 study Segrave undertook with Pfitzner that was focused on COVID-19 and its impacts on temporary visa holders experiencing DFV: this study used the same methodological approach as the case file study and focused on 100 temporary visa holders who sought help during the first lock-down period in Victoria, Australia (Pfitzner et al., 2023; Segrave & Pfitzner, 2020; see also Chapter 2 for details of the methodological approach). Here we do not document sexual violence in detail but instead focus on how migration status is weaponised in the context of sexual violence in ways that dehumanise women who are non-citizens. We argue that this dehumanisation is a part of the bordering practices enacted by perpetrators and, as documented throughout this book, enabled by the state.<sup>1</sup> In this study, sexual violence took many forms, and it is not the case that power was only leveraged through the assertion of threats or coercion regarding deportation or the withdrawal of sponsorship. However, victim-survivors described the specific link between their migration status and sexual violence. For example, in Akilu's case:

[Perpetrator] threatens that he will send [Akilu] back to Ethiopia and bangs the wall and screams at [her] [that] he [will] send her back to her country if she refuses sex.

*(COVID-19 case file study)*

Clearly, focusing on one form of violence or abuse is difficult because of the connection between multiple forms of DFV and how they manifest in women's everyday lives. In Akilu's case sexual violence is related to physical violence and verbal abuse, just from the single excerpt above. We are very aware of the ways in which all aspects of DFV can be present at one time or through the period of a relationship and relationship breakdown. In the case below, we see the intersections between sexual violence and financial abuse:

[Rasika] was pressured into signing a contract to say she would provide him with sex whenever he wanted it, contribute to paying off his debt and not tell anyone about it.

*(Case file study)*

Rasika's situation is one that was evidenced in other cases: which we explore further in [Chapter 5](#), in relation to sexual servitude. Here our focus is to illuminate the connection between sexual violence and the leveraging of migration status. We now turn to a more detailed case, Shah's story, that provides a broader picture of the relationship/connection between sexual violence and the leveraging of migration status:

[Shah] met her husband in Australia. After a year of dating, they were officially married on May 11, 2014. Her ex-husband has a full-time job as a construction worker. [Shah] has a daughter from her previous marriage. The perpetrator has two children from his ex-marriage. His daughter, who is 38 years old, now lives in Australia with her partner. His younger son is now living in China. [Shah] and her daughter were living together in harmony for 6 months after marriage at a rental house. They bought a unit and moved in in December 2014. At the beginning of marriage, [Shah] said her ex-husband was good. He respected her and seldom lost temper to her. They all respected each other living a quiet life in harmony, with no quarrel. [Shah] worked hard with her ex-husband to pay all the bills. Apart from doing a full-time job, [Shah] was responsible for the daily housework, such as cooking meals, doing laundry and cleaning up. [Shah]'s daughter coped well living in Australia. She studies hard and was admitted to the elite class of a school. [Shah] had plans to obtain her medical qualification to work in Australia. From May 2015 [Shah] reported that her husband started to insult her, intimidate her, humiliate her and called her an idiot. She said he loved to drink alcohol and got drunk sometimes. [Shah] said her situation was getting worse. She said he became very suspicious towards her and whenever she came home a bit later after work he would blame her with dirty language, yelled at her that he would not give her a good time. Thereafter in everyday life [Shah] said there existed verbal and physical violence by the perpetrator against her. On July 2015, [Shah] reported that the perpetrator pushed her down to the ground and her body hit the wall. [Shah] reported that he forced her to have sex with him at least six times since June 2015. When she cried, he would threaten to send her back to [her country of origin].

*(Case file study)*

What is evident here is how deeply interwoven sexual violence is within the broader remit of control and gendered violence and everyday bordering practices (see also [Cox, 2015](#); [Gerard, 2014](#)). Critically, bordering practices are not specific, exclusive or siloed: they are part of

the everyday gendered conditions of DFV. In some cases, this practice of bordering was compounded for women whose experience of DFV involved multiple family perpetrators.

In the following excerpt, Ellene described her experience of sexual violence in the broader context of her husband and his family being actively involved in her abuse:

The perpetrator threatened to deport Ellene numerous times as a method of forcing Ellene to engage in oral sex; [her mother-in-law] told Ellene to return to India since she was not wanted anymore; DHS [Department of Human Services] received a complaint about Ellene and [the] perpetrator's relationship which was unfavourable to the [visa] application – Ellene believes this was from perpetrator's brother rather than perpetrator though.

*(COVID-19 case file study)*

While the sexual violence was enacted by Ellene's husband, her mother-in-law played a key role in threatening her with a return to India; and echoing the practices detailed above, the brother-in-law sought to undermine her visa application to ensure that she could not access permanency in Australia. The family were collectively contributing to every aspect of the abuse she experienced. All members of the family, in direct and indirect ways, were thus 'performing the border' (Wonders, 2006). Every abusive action reaffirmed that her status as a temporary non-citizen rendered her without protection, which is an act of bordering – demarcating both exclusion and unequal power in her relationships with her perpetrators and in terms of her protection from the state. Another case, to which we return in Chapter 6, involved the control of the visa documents for the victim-survivor (Indira) and, as Indira documented, her being forced to sign a contract about the provision of her body for the perpetrator's sexual pleasure:

On arrival into Australia and after the marriage Indira was pressured into signing a contract that meant she had to provide sex whenever he wanted.... He also controlled her, including not allowing her to see anyone, and monitoring her mobile phone.... He also had all of her documents (visa, passport etc.).

*(COVID-19 case file study)*

In Indira's case, her disempowerment as a non-citizen served to embolden the perpetrator's assertion of power: her husband owned her in the Australian context in a very specific way because he was the sponsor

who *allowed* her to come to Australia. This must be reckoned with via an examination of the migration system and the harms that it sustains and, critically, the harms that it actively silences, as we have observed in relation to sexual violence.

### Economic abuse and bordering practices

It is well evidenced in Australia and internationally that financial abuse is a major issue in the context of DFV: it is a form of abuse that can impact women's livelihoods long after they have left an abusive partner and manifests in different ways (Postmus et al., 2012, 2020). While our focus is the migration system and its interaction with other systems, we know that financial systems and institutions (such as banks, superannuation providers or welfare agencies) play a key role in contributing to the conditions within DFV that can occur, often long after a relationship has ended (c.f. Postmus et al., 2020; Scott, 2023). We focus here on the manifestation of financial issues within the context of temporary migration. In some instances, it was situations such as the following, where perpetrators seek to extort money from women on the basis that they will be deported if women do not pay them:

[Nadia] wanted to apply for an IVO [Intervention Order] after the perpetrator came to her sister's house and told her that she had to give him \$10,000 or he would get her deported.

*(Case file study)*

The perpetrator confronted [Tohineer] after she left their home and said that if she went to the police or did not give him \$50 he would have no choice but to deport her back to Vietnam.

*(Case file study)*

For Maryam, who was a student visa holder, financial control was tied up with the threat to return her to her country of origin (echoing the work of Anitha and colleagues on abandonment – Anitha, Roy, et al., 2018; Anitha, Yalamarty, et al., 2018; Roy et al., 2019). However, in addition to the perpetrator's threats, Maryam also had to contend with the requirements of her visa conditions:

I rented the house, paid the bond, paid the rent, bills, groceries, my own school fees and, you know, when you are on a visa, you have to pay for health insurance ... my son's school fees – and I was only doing a weekend job – and I had some savings ... When the savings

finished, I started to get very depressed and worried – what am I going to do now?

*(Maryam, interview study)*

Not only did the perpetrator refuse to share his earnings, but he also threatened to return the family to Pakistan, which meant that Maryam – who wanted to settle permanently in Australia – was forced to work both days and nights to earn enough money to support her children and ensure that she passed her course so that her visa conditions were met (Vasil, 2023a). It was the complex dynamics associated with her temporary status that provided specific opportunities for leverage and control in this intimate relationship.

In the interview study, stakeholder participants highlighted the importance of understanding the intricacies of migration status, including when temporary visa holders are sponsoring abusive partners and the ways in which perpetrators who are dependent on the victim-survivor can nonetheless ‘hold the upper hand’ financially:

Their needs will differ slightly ... if she is the dependent spouse and not working, then that is going to be more challenging [to support her], if she is working then it’s slightly easier. But at the end of the day, they are not eligible for any concessions and the children, if they go to school, they have to pay international fees, so you’re likely to see them very reluctant to leave the relationship because they need both incomes to sustain it.

*(Victim support worker, frontline DFV service, interview study)*

We’ve had [incidents] where the woman is on a student visa and the husband comes on the spouse visa as a student, but he’s allowed to work so she’s still dependent on his income. ... she has to study full-time and so he works but then he – although he is dependent on her visa – he still has the upper hand so that when domestic violence starts, although she has that stronghold because of the visa, she’s dependent on him financially because without his finances she can’t finish her studies ... It’s very vicious because he will not leave her because of the visa, and she will not leave him because of the money, but there is domestic violence.

*(Victim support worker, frontline DFV service, interview study)*

Within such contexts, the exclusion of temporary visa holders from systems of support (such as welfare, concessions or tax breaks) is justified

through bordering practices that seek to demarcate conditions of entry and to sustain the benefits of temporary migration for the nation, while evading state responsibility for the welfare of temporary migrants. Bordering practices are not limited to the actions of perpetrators or state actors, they are woven through the experiences of temporary migrants seeking survival and safety. When nation-states create systems that limit access to safety based on visa status, we witness the everyday structural violence of the border apparatus, as evidenced in the accounts of victim-survivors across both studies.

A further issue here concerns the costs related to the migration system, and to migration status. International students, for example, must pay significant fees associated with their education and payment is required to obtain a valid visa. The impacts of this were writ large in the context of the COVID-19 pandemic when Australia effectively abandoned international students (and temporary visa holders more broadly) over 2020 by refusing access to financial support packages that were provided to Australian citizens and permanent residents who were unable to work (see [Berg & Farbenblum, 2020](#); [Farbenblum & Berg, 2020](#)). These impacts were evident in both the number of international students seeking help through DFV services, and the type of support they were seeking: in the COVID-19 case file study many international students required financial support to pay their student fees and avoid deportation (see [Segrave & Pfitzner, 2020](#)). A critical point in this regard is the way the costs of the system can be a burden placed on women. Again, the findings reveal how both the complexity of migration status (see [Vasil, 2023a](#)) and the burdens stemming from these costs impact women and their children (and sometimes larger families) in different ways.

Beyond the specificity of COVID-19, consistent issues around financial abuse were the ways in which the costs of applying for a partner visa became a ‘debt’ women owed. Notes such as the following were often found in the case files:

The perpetrator would threaten to withdraw [Ama]’s sponsorship if she did not pay him the money it cost to sponsor [Ama]. The perpetrator then withdrew his support when he was removed from the house.

*(Case file study)*

Such assertions that women owe perpetrators money for the visa sponsorship run the risk of undermining the principle of ‘genuine

relationship' that is a key test in access to a sponsored partner visa. This can have negative consequences for women who may later seek to rely on the family violence provisions (see [Chapter 4](#) for full details regarding the operation of the provisions) if there is evidence that makes it appear that the partner visa application was based on a financial transaction where the visa applicant may appear to have 'paid' the sponsor to support her to access a pathway to permanent residency.

There were other ways in which debts were a part of the DFV women across both studies experienced. In the interview study, Tina explained how she was forced to work with her husband's family on their farm for little money to repay him for the funds he had spent on their wedding. She complied with this demand as she was on a prospective marriage visa at the time and it is a requirement of this visa to marry within the timeframe or risk becoming unlawful.<sup>2</sup> Importantly, in a system built on the suspicion of migrants, as noted above, financial exchange between husband and wife or partners is often viewed as an indicator that the relationship is not genuine. The work of [Wemyss et al. \(2018\)](#) on sham marriages, as well as [Cassidy's \(2019\)](#) work on Black, Asian, minority ethnic and refugee (BAMER) women's experiences of seeking support after exiting a violent relationship, has demonstrated that in such situations, it is the temporary visa holder who is subjected to interrogation and examination by the authorities, with specific implications for her migration status, rather than the investigation focusing on the visa sponsor or his role in seeking to exploit her through the visa system.

### **Breaching visa conditions**

A further example of the ways in which migration-related abuse is enacted as a bordering practice involves perpetrators exploiting the potential consequences of a visa holder breaching their visa conditions. It is well documented in the scholarship on migrant labour that exploitation is enabled via visa conditions, where for example, limits on work rights (such as the prohibition on holiday/tourist visa holders working or the limited number of hours per fortnight a student visa holder can undertake) can be points of leverage to exploit temporary visa holders (c.f. [Berg, 2015](#); [Boucher, 2023](#); [Segrave et al., 2017](#)). If visa holders do breach their conditions, perpetrators leverage the threat of 'dobbing' them into the Department of Home Affairs as a breach of visa conditions can result in swift

visa cancellation. In our two studies it was clear that such practices manifest in the workplace but also in the intimate and familial setting, for example:

I couldn't transfer [to another course or university] immediately because it was the middle of semester already ... so, I was sort of illegal and he threatened to report me because I was illegal or wasn't holding a [valid] visa then.

*(Cristina, interview study)*

In other cases, across both studies, concerns were related more specifically to issues that may threaten a visa application. For example, Rebeka was concerned that a health issue may impact the likelihood of a successful visa application so she did not declare it, but her partner knew she had done this, which gave him significant power in terms of his ability to report this and therefore disrupt the progress of that visa application:

The perpetrator is contesting the IVO applied for by Rebeka – Rebeka is worried that he will expose her health condition that will in turn jeopardise her visa application.

*(Case file study)*

These are only single examples but speak to the impact of the ways in which the insecurity built into the migration system impacts temporary visa holders and the power other people, including current or former intimate partners wield over them. [Goldring and Landolt \(2013\)](#) have noted the importance of recognising the relationship between the precarity, conditionality and responsibility that is experienced by the visa holder. They argue that it is because of their legal and migratory status that migrants (including domestic and temporary workers, migrant spouses and asylum seekers) 'share a precarity that is rooted in the conditionality of presence and access' ([Goldring & Landolt, 2013](#), p. 3). Conditionality is an important aspect of the structural 'contingency' of temporariness, such that there is a constant 'vulnerability ... surround[ing] people's ability to remain present in a jurisdiction or in a legal status category' ([Goldring, 2014](#), p. 240; [Goldring & Landolt, 2013](#)). This is evidenced above and highlights the importance of an understanding of DFV that extends to the weaponising of migration status as both a form of interpersonal but also structural violence: the migration system enables this violence to continue.

## Weaponising administrative processes: sponsorship gaslighting and empty promises

Much of the discussion of border control and bordering technologies, particularly in critical border criminology work, pays little attention to the ways the prohibitive cost of seeking support with negotiating migration processes – which are part of the systematic practice of deciding who may enter and on what conditions – are a key factor in sustaining violence and abuse. More often the work in this space has interrogated ‘illegality’ and unlawful border crossings, and the marketplace in unauthorised border crossings (c.f. [Aas & Bosworth, 2013](#); [Stumpf, 2013](#); [Weber & Pickering, 2011](#)). We suggest that it is equally important to consider the costs associated with regularised border crossings, including the processes involved in gaining permanency, and how these can be weaponised in different ways. As we have already detailed: the cost of applying for a visa can become a specific source of control where conditions of debt bondage play out as part of the context of DFV. It is also important to pay attention to how different ‘types’ of temporariness have different implications: women on partner visas in Australia have access to the provisions (see [Chapters 2 and 4](#)) as a safety net to access permanent residency and the full gambit of social support, whereas women on other types of temporary visas have no such safety net (c.f. [Segrave, 2017](#); [Vasil, 2023a](#)). This has specific consequences when women travel to Australia on non-partner visas and experience exploitation. What is clear in our studies is that in some situations perpetrators use the promise of permanency to exert control. In this example, the issue was framed as a financial one, where the cost of the sponsorship and visa application was the reason for delay:

Perpetrator was refusing to sign and lodge the spousal visa. [Wei Mei] and the perpetrator were married in September 2014, however the perpetrator was refusing to lodge the papers claiming that he had no money to pay for it.

*(Case file study)*

While the financial issues may be very real, it is important to be clear that this delay only impacts Wei Mei in the example above. It is she who is at risk of having limited access to support and no pathway if she wishes to remain in Australia, because of the decision not to apply for a visa.

In both studies, we saw the persistence of men’s promise to pursue the administrative process of sponsoring women on a permanent partner

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visa, and then using this as a weapon to control women. As Riya explained in the interview study:

Apart from throwing me out of Australia – the visa part of it – he would get into my face saying that if he doesn't [put in the paperwork for] the appropriate visa, I'll be out of the marital life. Getting me out of the marital life means he won't keep me in Australia and of course that is in direct breakage of marriage.

*(Riya, interview study)*

Refusing to allow women to access a partner visa is a control tactic that enables perpetrators to have more control over them, and also ensures they are excluded from access to the full suite of services and opportunities available to permanent residents. Such practices are not evidenced in a system that only offers a 'safety net' to women who are on a partner visa (we examine this further in [Chapter 4](#)): documenting the extent of this is challenging.

Another tactic used by perpetrators was ensuring that their partner had no knowledge of their visa status. While paperwork may be sent to visa holders, there was no guarantee that they would receive this information. This was often an issue that came to light in the context of case management for the organisation involved in the case file study. A key initial question the organisation puts to women clients is to ask about their visa status: many women either could not answer or could not answer accurately. Notes such as the following were commonplace in the case files:

[Hanh] noted that the perpetrator kept all information about the visa application and her status away from her.

*(Case file study)*

Broadly speaking, in the context of understanding migrant rights and visa issues, governments and other organisations have established multiple campaigns and strategies to inform visa holders of their status and processes to follow in the event that a migrant experiences DFV in their relationship. These strategies include, for example, publishing information on a government website and giving out information when visas are granted. But these approaches are not necessarily informed about the challenges involved in trying to reach women who have been deliberately cut off from the social world, whether online or in person, and for whom all communication is monitored by the perpetrator, as we have detailed elsewhere (see [Vasil & Segrave, 2024](#)). Such efforts also do not address situations such as Jasveen's. In the interview study, Jasveen

had similarly experienced threats related to her husband not sponsoring her, and he then misled her that the visa application paperwork had been submitted such that she believed she was on a partner visa. This moves beyond not knowing to being actively deceived about her status. Jasveen explained that her husband had threatened that if she did not 'satisfy' him, he would not sponsor her. Over time, his children from a former relationship, siblings and parents also took part in the abuse, leaving Jasveen depressed and anxious, and feeling that she was being constantly monitored. She would later reveal that her husband had not in fact lodged the necessary paperwork, meaning that he had not sponsored her at all, even though they had been married years earlier. In such cases, where migration status is misrepresented to women who are unaware of the administrative processes, there is no consequence for anyone but the victim-survivor. Critically, there is no safety net when someone has been deceived as to their status. Sponsors who abuse visa holders they are married to or intend to marry face little to no real risk in these situations. The onus is on the victim-survivor to find information or support people or agencies who can inform them of their rights as a temporary visa holder.

While we have focused so far on weaponising administrative processes via refusing women access to partner visas, many perpetrators also sought to actively undermine women who held partner visas and were eligible for the provisions. In a number of cases, perpetrators utilised their knowledge of the evidentiary requirements for partner visas concerning the genuineness of relationships in order to actively undermine the relationship and therefore threaten the security of the victim-survivor's visa. This was detailed in a range of situations in the case file study. For example, in one case, the visa sponsor made multiple social media posts as a direct ploy to cast doubt on the relationship as a genuine one: 'the perpetrator told [Mala] that she needed to move.... He then posted on Facebook that she was using him to stay in Australia' (case file study). This enabled multiple people to make statements to the immigration department that questioned the genuineness of the relationship – a key requirement for accessing the provisions (see [Chapters 2 and 4](#)). More often the perpetrator's strategy was to contact the Department of Home Affairs, and this was used by both the sponsor (the husband or partner) and in-law familial perpetrators:

After [Priyanka] applied for permanent residency through the FV [family violence] provisions, the perpetrator sent a letter to Immigration [Department of Home Affairs] indicating that the entire marriage was a fraud, and that [Priyanka] paid him to sponsor her and her

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daughter to come to Australia. Prior to this, the perpetrator told [Priyanka] to delete all evidence of their relationship (after he married another woman in Vietnam). She deleted some information/pictures, but not everything.

*(Case file study)*

The perpetrator's family (also perpetrators of FV) contacted Immigration and told them [Bharti] and the perpetrator were in a fake marriage. The perpetrator's sister also threatened to report [Bharti] to Immigration [Department of Home Affairs] for working over the 20 hours allowed on a student visa. This caused significant stress to [Bharti], and she eventually reported it to the police, however there was no outcome noted.

*(Case file study)*

We note in Bharti's case a range of tactics to attempt to undermine her ability to remain in Australia by suggesting she was in breach of visa conditions. In the following examples, the approach was also to discredit not only the relationship but also the visa applicant in different ways:

[Lalya] reported that the perpetrator threatens to have her deported and sent Immigration letters 'telling them lies' but then also sent letters explaining that they were a happy couple. The perpetrator also said that if [Lalya] contacted him he would plant drugs on her to have her deported.

*(Case file study)*

The perpetrator applied for an IVO against [Zoya]'s daughter shortly after [Zoya] and her children sought help. [Zoya] indicated that he had been planning to extort her for all her money from the beginning, and through this [time] had deleted a lot of the photos they had together in an effort to prevent her from proving they were together. He used fake numbers and fake Facebook accounts during their initial contact in Sri Lanka (this was verified by the perpetrator's former wife). He called [Zoya]'s family and told them she was having an affair and that she was not living with him, as a result her family will not accept her returning home. He has taken all her money, and left her homeless with no access to information about their relationship or her experiences.

*(Case file study)*

In the second example above, the perpetrator's actions against Zoya verge on offences related to extortion and financial abuse via

deception about the relationship. Moreover, the impact and consequence of these strategies – to hide the nature of the relationship, to use the IVO process to produce a counter-narrative in the criminal justice system, and to utilise familial networks to discredit the victim-survivor – are heightened by the power the perpetrator holds as an Australian citizen. Such impacts are also exacerbated by the ways that the migration system, alongside the complex interactions with the criminal justice system, can obfuscate the reality of gendered violence (Abraham & Tastsoglou, 2016). Other cases reveal the perpetrator’s strategy of trying to weaken criminal justice interventions against them. For example:

Perpetrator wrote an affidavit that accused [Anong] of making everything up, that she had intentionally made him look bad, that she sought to claim FV in order to access PR [permanent residency]. His lawyers sent a letter to [Anong] demanding that she withdraw her application for an IVO and threatened her with the cost of legal expenses and compensation for the perpetrator if she did not do so. The police advised that this behaviour was in fact a breach of the IVO, and that the IVO was police-led, not victim-led.

*(Case file study)*

While as this case demonstrates, perpetrators are not always successful in these efforts, the more important consideration relates to how a system can enable such efforts to undermine and harm women. Recognising the various ways in which administrative processes in the migration system can be weaponised, we must also recognise that the migration system is not built to protect temporary visa holders. Rather, we can recognise that the migration system contributes to everyday bordering both in terms of offering protection to perpetrators and via the operation of administrative functions and limits on temporary visa holders, which are processes underpinned by a suspicion of temporary non-citizens (c.f. Borrelli et al., 2022). This suspicion is evidenced, for example, by the significant hurdles temporary visa holders must encounter to claim support (as we examine in Chapter 4) and is something that perpetrators leverage when actively seeking to undermine women’s claims to protection and/or via asserting that women’s fate in Australia, as temporary visa holders, rests in the hands of perpetrators. This suspicion has also been identified in other research on victimisation that impacts temporary migrants, notably in the context of human trafficking and modern slavery. For example, Segrave et al. (2009, 2017; also Miliwojevic & Copic, 2010) have documented the ways in which police and

other agencies, including international non-government organisations, affirm the importance of not making support for victims easily accessible because that would result in the system being ‘inundated’ with false claims. The identification of suspicion and fear as a driving influence in the management of non-citizens is not specific to temporary visa holders experiencing DFV (c.f. [Burke, 2001](#); [Devetak, 2004](#)), but it is important to recognise that this is a key aspect of how decisions and policy are crafted in Australia and elsewhere in relation to the ongoing ‘management’ of non-citizens (see [Aradau & Canzutti, 2022](#); [Haas & Shuman, 2019](#)). This broader context of suspicion of temporary migrants and the ongoing commitment to controlling the border is not conducive to revealing or preventing the violence and abuse suffered by temporary migrants, and nor is it conducive to empowering women or ensuring women’s safety. While the connection between migration regulation and administrative processes and DFV may seem indirect, we would argue that the cumulative impact of administrative border technologies undermines temporary migrant women’s safety at every step. Refusing, obfuscating or gaslighting women through the operation of the migration system is a specific form of violence. This includes a system that cannot account for the violence that is unseen: the deceit and the promises related to pursuing partner visas are not just the action of individual perpetrators, they are enabled by a system that takes no responsibility for the fact that women in such situations are inherently at greater risk because the state refuses to support them.

We know that the stories shared here are only some of many such accounts of violence and abuse experienced by women who hold temporary visas. [Yuval-Davis et al. \(2019, p. 7\)](#) remind us that ‘constructions of bordering constitute not only particular political projects of governance but also particular forms of political projects of belonging’. We would argue that perpetrators, in multiple settings, can weaponise or leverage the implicit understanding that non-citizens do not belong. Worse still, it is implicit that women’s experiences of violence, as temporary visa holders, also do not belong in systems that are technologies of sovereignty and security, rather than technologies of safety. It is this reality that arguably remains both unacknowledged but also not well known in the context of how gendered violence at large is understood and responded to. As a consequence, the nature of the state’s response to such violence, despite the many decades of targeted reform in this area, also does nothing to acknowledge or address the structural conditions that sustain violence experienced by temporary visa holders. As we explore next, these dynamics are further amplified in the weaponisation of care responsibilities for Australian-citizen children.

## Leveraging control via citizen children

Across the two studies, over half of the women had dependants (see [Segrave, 2017](#) for case file study data; see [Vasil, 2021, 2023a](#) for interview study data). The majority had between one and three dependants under the age of 12 at the time they sought assistance and/or at the time they were interviewed ([Segrave, 2017](#); [Vasil, 2021](#)). While there is important data on the specific risk of DFV to women and their children when children are young and/or in utero (see [Bacchus et al., 2006](#); [Campo, 2015](#); [Jasinski, 2004](#)) and important work on the specific experiences and impact of DFV for young people (see [Fitz-Gibbon et al., 2022](#)), we focus here on the relationship between bordering practices and DFV for women who are temporary non-citizens with dependent, Australian-citizen children. The migration status of children – that is, where they are living and whether or not they are Australian citizens – plays out in important and complex ways in the context of DFV (c.f. [Segrave, 2018](#)). Across the cases analysed in this book, we see the different ways in which dependants are leveraged by perpetrators and offer some examples to bring to the fore the importance of citizenship in this context.

Leveraging fear and uncertainty around women's rights as temporary non-citizens in Australia to exert control is a tactic that is utilised by perpetrators in myriad ways (c.f. [Segrave, 2017, 2018, 2021](#); [Vasil, 2023a, 2023b](#)). In both studies, the impacts of this were often compounded for women with children, particularly Australian-citizen children. In the case file study, fewer than half the dependants were Australian citizens (47%); similarly, in the interview study, only 2 of the 11 women interviewed had a child or children who were Australian citizens. The different patterns of leveraging children, whether citizens or non-citizens, evident in the abuse played out in various ways, and we explore some of the issues pertaining to non-citizen children in [Chapter 6](#). Here we focus on Australian-citizen children and the temporary non-citizen status of their mother. To some extent, having children who are Australian citizens can offer a pathway to some security of status if the mother is recognised as their primary carer (e.g., it is possible to apply for a permanent visa as the primary carer of an Australian-citizen minor). However, this pathway is not guaranteed, and, as we document here, even if women are aware of this pathway (our observation is that they are often not aware of this pathway), perpetrators employ fear tactics around citizenship and the rights of the non-citizen mother as a strategy of control that can ensure women delay or avoid seeking help, fearing that they may,

indeed, lose contact with or custody of their children. These fear tactics and their impact were captured in the case file notes, such as:

Perpetrator would threaten that he had the right to deport her and keep the child in Australia.

*(Case file study)*

[Ayu] was seeking legal advice on legal custody of their son – no information about the outcome of this process. The child was a citizen by descent (Australian father), however [Ayu] indicated that if she did not get PR she would return to the Philippines with her son. The perpetrator was threatening to withdraw his support of her visa so he could deport her and keep their son in Australia.

*(Case file study)*

Similarly, in the interview study, Mei explained how her perpetrator threatened her with the loss of custody of their child:

He actually, like, tried to confuse me because I don't know about the system, how that works, it's confusing. He tried to control me indirectly, he ... he said things like, 'You don't have PR if you divorce, if you separate, if you leave me now, you won't get custody of the child, you will lose her'. He told me things like that. Of course, I believed, I believed him at that time because he is the permanent resident and he has income. In my country, even still now, if you don't have income, you ... you will have little chance to get the custody. How can you support your child? Because we don't have things like Centrelink ... I don't think we have it, yeah.

Yeah so [he said to me] the one who don't work, who don't have income, they will lose the chance to get the custody. I, I trust that. I don't know about Australia, I even don't know about Centrelink. After my child was born, I don't know about Centrelink at all. I don't know, I don't know at all. Once my daughter was born, the midwife give me a document and tell me, 'Oh you can apply this ...'. I don't know what's that, I don't even know how to apply that. Maybe because they have my record, they know family violence ... I experience. Yeah, ... they helped me about that but at that time, I'm not eligible yet, because I'm not a permanent resident yet, I'm still on bridging visa, so yeah. But he keep saying things like this, 'If you leave me, you won't get custody of the child', that 'they will just kick you out of Australia' and the child will stay with him. That's why I say he tried to control me, like that.

*(Mei, interview study)*

In both studies, however, data on the impact on children of the abusive context and the threats regarding their future and their contact with their mother was not captured. But we can identify the impacts on women arising from the fear that their children might be taken from them and/or that they may be forced to leave Australia without them. The casting of doubt and the reassertion of women's lack of rights as temporary non-citizens in this context is incredibly powerful. Information available to temporary non-citizens regarding their rights remains limited, and not always accessible: information on the Department of Home Affairs website (at the time of writing) offers options for temporary visa holders who are experiencing DFV but this is framed around what someone 'may be eligible for', there are no guaranteed supports. And even when such information asserts that sponsors cannot deport their partners, it is clear the fear and uncertainty around the potential separation from children is a powerful disincentive for women to come forward or seek help. The findings again demonstrate the various ways in which women are reminded of their structural precarity in the system, a status that serves to protect both the system and perpetrators.

### **The violence of the system: the boundaries of safety and belonging**

When [De Giorgi \(2010\)](#) wrote about the symbolic and material violence of borders against specific categories of people who are identified by the 'marginal position they occupy in transnational circuits of production' (p. 151), the focus was on labour. We argue that women's everyday experiences of violence and control in the familial setting, embody the material violence of the system that is built upon the suspicion of temporary non-citizens, and the delimiting of the state's responsibility to be fully accountable for their experiences of labour or interpersonal violence. The practice of everyday bordering occurs in every violent or abusive act; it also occurs in the rationalisations women make when considering the best steps to ensure their own safety. In doing so, they are redrawing the boundaries of belonging, which are, in fact, boundaries of safety. From preventing women from seeking support to actively abusing them in life-threatening ways, what is ever present is their status as temporary non-citizens and the understanding that they can ask nothing of the nation-state where they are residing temporarily:

At the end of the relationship, the perpetrator indicated that he had withdrawn his sponsorship and [Anong] just had to wait for the police/immigration to come and get her. After that, he stopped buying

food for her (she was reliant on the perpetrator for accommodation and food).

*(Case file study)*

Key to our analysis and the focus on systemic harm is to recognise that the burdens imposed by administrative processes overwhelmingly fall upon victims in these settings. In this vein, the work of [Wemyss et al. \(2018\)](#) and [Bonjour and De Hart \(2021\)](#) has detailed the administrative burdens of systems that determine the conditions of inclusion. While these authors offer an intersectional analysis of variations in the lived experiences of those impacted by these burdens, our intention is to consider where a system based on inclusion/exclusion can stand on the question of protection for those who have no claim to the nation-state, specifically in this case, temporary non-citizens.

Women who are not on partner visas are cut off from many forms of DFV support, as we detail in [Chapter 4](#), and they are subjected to visa processes that may not consider the DFV experienced by women in any way. For example, if they cannot pay their student fees because of DFV, there is no specific provision for protection. If they have failed university courses repeatedly as a consequence of the impact of the abuse, there is no guarantee that this will be recognised within the system. In addition, the education provider (such as university or private college) is obligated to report on student results, leaving victim-survivors with limited options and fearing that they may be sent home if they come forward or seek help (see [Weber, 2019](#); also [Vasil & Segrave, 2024](#)). For women on partner visas, while it is technically accurate that the responsibility for decisions regarding their right to remain in the country rests with the department and *not* with the perpetrator/former partner, the system is a hostile one. This is evidenced in the excerpts below, which point to the challenges associated with formal notification and the timeframes for responding to officials at the department:

At the time of contact, [Imani] had received a letter from the DIBP [Department of Immigration and Border Protection, now Home Affairs] that the support had been withdrawn and she had 27 days to respond/leave the country.

*(Case file study)*

Perpetrator threatened to deport [Siriporn] and withdrew his sponsorship on 22/5/2016. [Siriporn] received a notice from DIBP stating she had 28 days to leave the country – sought assistance particularly re migration process. Perpetrator has also contested the IVO, dates

are forthcoming (December and Jan 2016/17). With regards to the major violent incident noted in the report and [Siriporn]'s statement, the perpetrator called his brother and sister to proactively set up that the situation arose because of her mental instability, telling them she wanted to kill herself. He also actively encouraged her not to tell anyone about the violence and sought to present a facade to friends etc.

*(Case file study)*

In the analysis of bordering practices, we argue that the control exercised by perpetrators in the everyday social and domestic context is a part of the administrative operation of the migration system, as a border technology, deeply rooted in practices of exclusion and the performance of sovereignty. This aligns with Cassidy's (2019) analysis of the ways in which BAMER women in the UK escaping violence move from the intimate and interpersonal familial control of an abusive partner to become subject to 'new, state-sponsored processes of control, which lead to a layering of carceralities echoing those experienced in the violent intimate and domestic situations they have left behind' (p. 49). Where Cassidy (2019) focuses on carceralities, we extend our analysis to consider the ongoing evocation of the border via administrative processes that distinguish legitimate mobilities from 'suspect mobilities', (Weber & Bowling, 2008, 2013) which reinforces Bauman's identification of 'the transnational systems of social stratification based on mobility entitlements (Bauman, 1998). Bordering practices, as Bauman (1998) and others (Weber & Bowling, 2008, 2013) have argued, occur prior to arrival, at the point of entry, and both within and beyond the geographical border: we have demonstrated that this is also evidenced in the experiences of DFV, where abuse can begin before entry, in the border crossing and upon arrival. This is explored further in later chapters. What is clear in this analysis is that the violence of determining the right to stay is deeply connected to the right to be safe. Where Weber and Pickering (2011, p. 33) identified that 'various strategies are used to legitimise border control policies by discounting their deadly impacts' in relation to border-related deaths, we assert that this extends to the discounting of DFV and the risks to women's safety posed by the administrative management of temporary migration in all its forms.

## Conclusion

DFV is experienced internationally and is not limited to a specific social group or community. The migration-related abuse, sexual violence, financial abuse, leveraging of children and abuse of children are just some

aspects of the broad experience of violence and abuse that the women in these studies experienced. We have not simply relayed these experiences; we have sought to move beyond the description of the nature of violence and abuse and not to sensationalise women's experiences of violence by detailing the worst aspects of such abuse. In locating the direct and indirect leveraging of temporariness by perpetrators, we have examined the experiences of DFV among women in both studies through the lens of temporariness. In doing so, we seek to illuminate the importance of context, and of recognising how systems sustain and compound DFV.

In this chapter, we have sought to foreground the leveraging of migration status through various forms of abuse, coercion and violence enacted against women. We have argued this is an important exemplar of everyday bordering practices. This offers important insight into the ways DFV is connected to and enabled by the migration and border control system. As we have sought to illustrate, bordering practices are as deeply woven into the private sphere as the public sphere: in the context of DFV, we witness everyday intimate bordering practices that reinforce women's non-belonging and precarity. Expanding the purview of border criminology enables us to recognise that the weaponisation of the border and its intersection with gendered violence is pervasive.

## Notes

- 1 We return to other examples of sexual violence in [Chapter 5](#).
- 2 For further detail regarding these pathways, see [Chapters 2](#) and [4](#).

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# 4

## EXPOSING THE BOUNDARIES OF SAFETY

### Examining support for temporary migrants experiencing domestic and family violence

#### Introduction

In this chapter, we turn our attention to what happens when victim-survivors seek support or safety from police, domestic and family violence (DFV) agencies and the migration system. We draw on data from both studies to examine women's interactions with systems in the context of seeking support and safety and consider what this reveals about system responsiveness to temporariness and the prioritisation of women's safety. In our focus on temporariness, we note that not all temporary migrants who reside in Australia are in search of permanent residency or citizenship (Tazreiter et al., 2016) and our analysis is not based on the assumption that safety is equated with permanency or citizenship. We highlight the inadequacies and limits of the state response to DFV when examined from the perspective of how the migration system (and migration status) interacts with various aspects of this response and DFV support mechanisms. Although there are multiple systems that temporary migrants must navigate when seeking formal help for DFV that are worthy of interrogation, we focus on specific aspects of DFV agencies, police and the migration system to highlight the harms that are reproduced for temporary migrant women who seek safety from DFV in Australia. We argue that while the mechanisms and systems in place may, of course, help some women, they are founded on and reproduce boundaries of exclusion. We illustrate the limits of the support offered and the impact of systems of support and safety that rely on women to proactively seek out, engage with and negotiate these systems. We detail how challenging seeking support can be for temporary migrants who are unclear and/or uncertain about the impact of engaging with police or support services

on their migration status, and we demonstrate that even when women do seek interventions or support, this can be limited in scope because of their migration status. We argue that it is prescient to pay attention to the collateral impacts of these systems, which discourage women from seeking support and/or provide very limited support. These impacts include sustaining the conditions within which DFV occurs, particularly where migration status is prioritised over safety from DFV.

Our analysis builds on Bumiller's (2008) recognition of the creation of the complicated, disjointed nature of the system that victim-survivors must negotiate in order to access support, irrespective of their status (this resonates with other important work – e.g., Anitha, 2008; Belknap & Grant, 2021; DeVoe & Smith, 2003; Hulley et al., 2023; Voolma, 2018). Drawing from Bumiller (2008), we examine the implications of the state's co-option of the feminist agenda, in particular the provision of piecemeal and siloed support services that are limited in funding and scope, such that temporary migrants can access only a fraction of the support available to permanent residents and citizens when experiencing DFV. Specifically, Bumiller's (2008) account of administrative injustice can help explain how victim-survivors are subject to the expansion of the administrative power of the state and how this is experienced as a form of control, with 'important consequences for how *clients* ... are able to exercise agency' via a 'helping network' of professionals (Bumiller, 2008, p. 65, our emphasis). As we discuss, the processes involved in seeking formal help for violence are further complicated for temporary migrants, who have a limited guarantee of being able to access support and are therefore offered a different version of safety and protection. We also consider the ways in which victim-survivors who seek formal assistance for DFV experience the migration system (via the family violence provisions, referred to throughout this chapter also as 'the provisions') as 'regulated subjects', who are judged on their readiness to *perform* as victims and on the evidence of the violence and abuse they have suffered and the resultant harms (Bumiller, 2008, p. 130). In attending to the specificity of temporary migrant women's experiences, we extend Bumiller's (2008) argument by drawing from scholars (e.g., Aradau & Canzutti, 2022) who demonstrate how administrative processes can form part of the border apparatus and minimise temporary visa holders' claims for protection and safety. In the first part of the chapter, we suggest that there are various ways that the DFV system reproduces exclusion by limiting support and/or denying women access to protection (Aradau & Canzutti, 2022), thereby further contributing to the regulation of women as experienced in intimate relationships with their violent partners (Bumiller, 2008; Canning, 2020). In the second

part of the chapter, we examine the ‘safety net’ built into the migration system. We consider the operation of the provisions and their limited accessibility reveals the limits of safety, in terms of who can access them, how they are accessed, and the priority given to the integrity of the migration system over women’s safety.

### **The DFV response system and temporariness: the limits of safety**

In Australia, nearly all aspects of DFV support fall within the remit of state and territory jurisdictions, with the exception of transnational offences that are captured in the *Commonwealth Criminal Code* (see [Chapter 5](#)). Separate from the DFV system is the migration system, which is an administrative system (structured and framed via law) that falls within the remit of the Commonwealth jurisdiction and determines modes and conditions of entry ([Robertson, 2019](#)) and exit (including visa cancellation and deportation) and the outcomes of applications for permanency based on a range of conditions. When it comes to the issue of temporariness, jurisdictional boundaries across both systems have the capacity to undermine women’s safety and security. This is because the interpretation of safety is at odds between these two systems: although the DFV system is not designed to account for migration issues, it is inclined to believe victim-survivors and prioritise support. The migration system, as an administrative system, is not designed to account for DFV and is inclined not to believe victim-survivors’ claims unless they are evidenced according to the requirements and satisfaction of decision-makers. It is this underlying tension that not only complicates help-seeking for temporary visa holders but can also be seen to limit the responsiveness of both systems to women seeking safety ([Maher & Segrave, 2018](#)). To explore this further, we now turn to examine some aspects of the DFV system through the lens of temporariness, particularly those signalled across both studies as of concern.

In this chapter, we are broadly referring to the DFV system in Victoria, although this is not a single entity, of course. As [Bumiller \(2008\)](#) highlights, this is a fractured and fragmented system of various services undertaking different and in some cases overlapping work, all of which is competing for funding and working to support women and children who have experienced DFV and, in some cases, also working towards prevention. In Victoria, as in other states and territories in Australia and similar support service ecosystems in other international jurisdictions, the DFV system is comprised of specialist victim support services, refuges and outreach services, social housing and legal services, as well as

the police, courts and child protection services and other services ([State of Victoria, 2016](#)). Given the diversity and complexity of Victoria's DFV system, there are different ways for victim-survivors to access support and/or entry points to support. The system can be understood as a concentric circle, with specialist DFV services at the heart and other services with less specialisation further out (ranging from housing and child services, healthcare providers, all the way to schools where more generalist risk assessments may be conducted). Yet there are no neat boundaries between the various services and pathways. Various services and support systems may focus directly or indirectly on DFV and offer different aspects of support or intervention, reflecting in part that those experiencing DFV (including women, children, trans and gender-diverse people, and men) have different circumstances and that there is no single, clear system supported by any one government. In states and territories across Australia aspects of this system are supported by the Australian Government, but the overarching policy and fiscal responsibility for the mechanisms in each jurisdiction rests with the relevant state or territory government. There is a significant body of literature about experiences of seeking formal support for DFV and the specific circumstances of different victim-survivor cohorts, including migrant and refugee women in Australia and internationally. For example, some studies examine the cultural and structural barriers to seeking different aspects and avenues of support and how experiences and outcomes not only play out in the everyday lives of victim-survivors but also influence the decision-making surrounding their safety (e.g., [Vaughan et al., 2015](#)).

In this part of the chapter, we draw on examples from both studies that detail experiences with police and different aspects of DFV agencies and consider the impact of migration status on their accessibility. We begin by focusing on the police because they can play a key role in connecting women to services, such as via referrals to specialist agencies. Critically, they can also represent a significant barrier to victim-survivors, for many reasons and can act in ways that are not in the best interests of victim-survivors ([Segrave et al., 2018](#); see also [Belknap & Grant, 2021](#); [Cunneen & Tauri, 2018](#)).

### Seeking safety from DFV at a point of crisis

Police have been shown to play an influential role in women's help-seeking pathways and can be a victim-survivor's first point of contact with the DFV system (c.f. [State of Victoria, 2016](#)). With respect to migrant and refugee women specifically, research in Australia and internationally has shown that approaching police in general and/or

with respect to DFV is a complex process (Sokoloff, 2008). Individuals and families from migrant and refugee backgrounds can have a generalised distrust of police and other actors that are seen to be associated with the state, which can stem from negative experiences with such actors prior to their migration to destination countries (Vaughan et al., 2016). A national survey of migrant and refugee women in Australia found that ‘women ... who had experienced DFV and general victimisation viewed the police as less procedurally just and fair’ and that older women were more likely than younger women to view the police as having high levels of legitimacy (Segrave et al., 2021, p. 10). These findings align with previous research in which victim-survivors of DFV reported negative experiences with police, irrespective of migration status (c.f. Douglas, 2021; Hoyle & Sanders, 2000; Wolf et al., 2003). Our research cannot examine these findings in more detail, but what is evident in the two studies we bring together is women’s hesitancy when it comes to contacting police. While hesitancy is clearly not only connected to temporariness (e.g., Vaughan et al., 2015, for a discussion of intersecting factors for migrant and refugee women), we highlight examples of how hesitancy was tied to women’s concerns about the implications of reporting for their migration status.

Women in the interview study tended to encounter police at a point of crisis. For some, this involved fleeing the family home or calling the police when the perpetrator was out of the home in the hope – but with no assurance – that help would be available to them. This was often after months and/or years of ongoing and escalating violence, where one key tactic used by perpetrators was to engender fear regarding police and other authorities. That is, often women were told by the perpetrator that speaking to police would lead to their deportation and/or could impact a visa application or similar. In the case file study, there was no ability to ask women about their decision-making; however, victim-survivor reflections on past decisions or decisions regarding engagement with authorities, including police, were captured. In the case notes, it was notable that hesitancy about contacting the police was due to the fear that such contact would undermine or impact their visa status, as the following comments indicate:

[Diwata] was fearful to approach the police as she was scared that her visa will be cancelled because she wasn’t aware about the law.

*(Case file study)*

[Makena] was too worried to say anything [about the abuse] as she was concerned her visa would be cancelled.

*(Case file study)*

[Zhu] obtained an interim IVO applied by the police, but she was worried that such order could jeopardise her immigration status. [Zhu] contemplated to withdraw the IVO. Both [worker] and [refugee worker] spoke to [Zhu] and explained her rights to safety. [Zhu] also provided with an information around FVP that was provided by [our] migration agent. [Zhu] finally agreed to continue her court case and was granted with full IVO for a period of 12 months.

*(Case file study)*

Similar situations were observed by stakeholders in the interview study, for example, one stakeholder explained:

But adding to the police involvement, quite often women on temporary visas are really scared of police involvement because it's like, 'Oh you know, I'm going to be deported if we call police' or 'they are going to see us as bad people and then we're going to be deported' – there's always that fear. The perpetrators – especially when [women] are on a spousal visa – [have] always told them that they can be deported ... and they always fear that, you know, if police become involved what happens if they separate then they will have to leave the country and leave the children behind. The children will always be the biggest fear.

*(Victim support worker, frontline DFV service, interview study)*

These fears about contact with police impacting their visa status or visa application are not felt only by temporary visa holders experiencing DFV. Weber (2013) has examined how the actions taken by non-citizens with unlawful or uncertain migration status are often driven by an underlying fear of being 'detected' by Australian criminal justice institutions that have been known to become involved in migration policing.

Similarly, for temporary migrant women across both studies, encountering the police played a role in elevating feelings of fear and uncertainty about their future. Prisha, who held a temporary partner visa at the time she left her violent partner, discussed how this subjective feeling of uncertainty influenced the decisions she made about her safety. Following a violent incident one evening, Prisha, who was injured, explained that her husband refused to take her to the hospital. Without a phone and due to his deliberate isolation, she was unaware of where to go to get help. There was a police station nearby and she made the decision to run there in the middle of the night in the hope that help would be available. She explained that she did not want her husband to know

that she had left because if she did not get the response she needed from the police, and was forced to return home, an escalation of his violence might result. Prisha explained that she returned home twice that same evening as no-one was at the desk at the police station. Reflecting on that time, Prisha stated that:

I [come] back [home] and I think again he will [cause me more] problems ... where I go? I did not know Safe Steps and someone can help me – the house [is rented], this is not his house, where I can stay? At least I'm his wife but he's paying rent. If I don't pay rent, I'm not earning, I can't speak English, where I go? Other option is I need to go back home ... I don't want to break the marriage. ... Finally, again I go to the police station, I enter the police station and I go there and I sit there. ... After that what happened? This thing made me more scared. I went to police station, 20 minute I wait there, nobody help me, nobody come outside. This has made more, more like scary. ... If police don't help me, who help me?

*(Prisha, interview study)*

Prisha also explained that, at the time, she was unaware of the crisis support options available to her and what she might be eligible for (if at all) as a temporary non-citizen. This, in part, was connected to the fact that her husband had deliberately concealed information from her, which meant that she made the decision to leave not knowing whether any assistance would be available. Although Prisha's experience does not specifically reflect the impact of temporary migration status per se – there are other background concerns that she cites – what is evident are the ways in which Prisha's husband was able to capitalise on her relative social isolation and his knowledge of Australian systems (including the criminal justice system) to limit her help-seeking opportunities. This, as she articulated, was compounded by a limited police response.

We also found that the fear and sense of uncertainty women expressed were not always based on ideas or expectations about police but were also in response to the ways in which perpetrators weaponised the police, including by claiming victim status first. For example, an excerpt from the case file study stated:

Perpetrator reported to police that [Yulia] hit him, and they issued a family violence safety notice against her. Perpetrator would threaten [Yulia] that he had the right to deport her and keep the child in Australia.

*(Case file study)*

One consequence of perpetrator actions such as that described above was the misidentification of the perpetrator (see [Reeves, 2021](#), for a detailed account of police misidentification and its impacts), which had flow-on impacts for women who were experiencing DFV and felt disbelieved by police and were consequently reluctant to re-engage with police. While the specificity of women's interaction with police is not a focus of either study, what is clear from both are the ways in which perpetrators cultivate fear in relation to the police, as well as the uncertainty regarding a non-citizen's right to safety, which is assumed to be limited. These issues are worthy of much closer examination, but our findings highlight how critical it is to understand migration status as a factor shaping the decisions temporary migrant women make and the control perpetrators have over them. Also critical is the recognition that temporary migrant women come to police with different ideas, expectations and concerns, which we know can be complicated by the actions of perpetrators ([Vasil, 2021](#); [Vaughan et al., 2015, 2016](#)). It is within this context that police can be seen as key gatekeepers for intervening with perpetrators and referring victim-survivors to support services, which play a role in shaping the nature and extent of women's decision-making around their search for safety and, importantly, their interaction with formal systems of support. As one victim support worker in the interview study explained, 'she's lucky if she gets the police officer that's empathetic and understanding and with the cultural awareness ... and the sensitivities, if things [are] not handled [well] she will never come back'.

For some, approaching the police was considered a last resort and a way to protect women from violent men when the violence had escalated, and women feared for their physical safety. This is not unusual: many women are unlikely to report or seek formal support when abuse or violence occurs in a relationship for a range of reasons, including that early acts of control and coercion such as love bombing are often perceived as manifestations of care, concern and attention from a new partner (c.f. [Douglas, 2021](#); [Hulley et al., 2023](#); [Wolf et al., 2003](#)). Cycles of violence also create the illusion of behaviour that is exceptional rather than a pattern when it first arises ([Barlow & Walklate, 2022](#)). Some women in the interview study avoided contacting police and instead sought out emergency support over the phone at a point of crisis (by contacting the state's 24-hour DFV response service). Danah, who held a temporary partner visa, explained that she had previously confided in a counsellor at a local community centre, who provided her with information about the options available to her if she was forced to suddenly leave the relationship. As the

violence escalated, she decided to call the state-based 24-hour DFV response service for advice. However, Danah was met with a response that heightened the uncertainty surrounding her situation. In our interview, she recalled that:

I called up to one of the [DFV support] organisations which my counsellor told me that you can ask for help if you are in danger or something. And when I called them, I just wanted some help what to do. I [said] that I don't feel safe and they said, 'You have to leave your house now. If you don't leave your house now, we will send some people from child protection and they will take your son from you because your son is not safe'.

*(Danah, interview study)*

Danah found herself in a situation where she had to conform to the requirement that she immediately leave the relationship, or she would run the risk of child protection becoming involved. Given that it is well established that women's risk of fatal violence increases in the immediacy of leaving a violent man (Walklate et al., 2020), such ultimatums raise significant questions about risk and whose risk is prioritised. The requirement to leave a relationship immediately is also exponentially more difficult for many temporary visa holders simply because of their visa status, and their limited access to the support needed to survive. For temporary migrant women across both studies – irrespective of the specific visa they were holding – the decision to seek help and/or exit the relationship was followed by a series of complex and competing priorities, which made navigating systems and getting the assistance they needed a complicated and protracted task.

### **Seeking assistance from DFV agencies**

In the interview study, it was often following women's engagement with crisis support workers over the phone and/or with specialist DFV services referred by police<sup>1</sup> that their (in)eligibility for the supports critical for their safety was realised. In the interviews, women's fears and frustrations were highlighted: all women described the complexity of navigating the DFV system, even for those who, by virtue of their visa status, had access to the country's safety net. Riya, who held a partner visa, explained what she experienced after she left her violent partner, who was known to the police and who had subjected her to ongoing

psychological, economic and physical violence and abuse. Riya described how she was ‘entangled’ with different systems:

I got my permanent visa – I don’t know how it happened ... I don’t know what they did. This was the biggest, [it was] one of the worst, torturous phase that I was going through. In and out, in and out, like you know, there’s so many cops around, so many lawyers, I’m entangled with all these legal teams.

*(Riya, interview study)*

Similarly, victim support workers from specialist DFV services,<sup>2</sup> as well as lawyers and advocates working across the DFV system at the time the interviews were conducted, discussed the challenges of supporting women on temporary visas owing to the ways migration status impacts access to social security, as well as legal and housing support. Stakeholders also consistently expressed concern about the ways that the specific conditions tied to women’s visas influenced their support pathway (see also Bhuyan, 2012). This meant that for some women, moving from being a temporary non-citizen to a permanent resident had a significant influence on their search for safety from violence as it enabled them to access critical support. It is owing to the need to resolve their status (e.g., because they held a sponsored visa and their sponsor has reported to Department of Home Affairs that the relationship has broken down, so there is a short period of time to find a resolution regarding visa status) that some women on temporary visas may also require ongoing support from specialist DFV services, whereby their case is taken on by the service and kept open for longer than would otherwise be expected. One manager at a frontline DFV service described how, in their experience, this process was complicated by organisational practices, which were tied to state government funding arrangements:

We only have limited capacity. ... So, the Department of Health and Human Services [DHHS] actually funds us to work with women up to 8 weeks or 10 weeks – [that is] normal case management. If they’re [at] risk of death or serious harm it goes to RAMP [risk assessment management panel] but it’s only five referrals per month [that] we can actually work ... but when it comes to the immigration visa issue, because there’s no way out, it’s really, really difficult for us to hold the case and DHHS actually thinks that it’s an immigration matter not a DHHS matter, so they actually ... they do not write this formally but they kind of ... have a connotation that they do not believe these are the cases we should be holding for such a long time. ... We do it because we’re really passionate and really committed

to providing a quality service but it's not actually something that is acknowledged as effective use of funding ... because that is actually to support Australians in Australian communities, so there is that discrepancy.

*(Manager, frontline DFV service, interview study)*

In another interview, a family lawyer at a community legal service reflected on the impact of the uncertainty surrounding women's migration status on victim-survivors as they seek help from DFV agencies. She expressed how aspects of the system can work against women as they seek formal assistance for their experience of violence and the challenges she has encountered when representing women on temporary visas:

It's very hard to explain to someone that [you're doing everything you can to help and that] it's a systemic issue.... It would be unfair to get people to accept that ... the system's so unfair and it's at that point that they'll ... start saying things like, 'I should just go back [to the perpetrator] ... at least I had a roof over my head, at least I could see my children'.

*(Lawyer, community legal service, interview study)*

The excerpt above reflects the awareness of actors in the system of the unfairness and negative impact of systemic inefficiencies and barriers on victim-survivors. The lawyer's account of the difficulty of negotiating support via different agencies (e.g., in relation to women's refuge accommodation, care for children, income insecurity and visa uncertainty) highlights the reasons why women might consider returning to their partner as an 'easier' option owing to the nature of service and support limitations. The same lawyer discussed how transitioning to the status of permanent resident can significantly assist with navigating the DFV system. It is with reference to these examples that we can illustrate how access to DFV services and supports is directly connected to the model of inclusion/exclusion that is the foundation of the migration system. One area where this intersection is particularly evident is temporary visa holders' access to supported housing options.

The need for housing support among women on temporary visas experiencing DFV has been documented previously (Segrave, 2017; State of Victoria, 2016) and the lack of supported housing options was a considerable barrier to safety among women in both studies. This is not unexpected; we know that housing is a challenge for all women who experience DFV (irrespective of migration status), both in the immediate aftermath of their exit from the relationship and later when

they are seeking to rebuild their lives (e.g., Clark et al., 2019; Diemer et al., 2017; Douglas, 2021). However, these circumstances can be exacerbated for temporary visa holders. Temporary migrant women are generally ineligible for social security payments and this, in addition to having no source of income – a significant challenge in itself – can be a significant obstacle to accessing refuge accommodation, as some refuges require women (or at least the majority of those accommodated at any one time) to have an income (Segrave, 2017).<sup>3</sup> Generally, across the state of Victoria, emergency accommodation is provided for a few days only, while a refuge can be accessed for a few weeks up to some months, depending on the woman's circumstances. For women on temporary visas, the move from emergency accommodation to a refuge can be delayed because of their ineligibility for social security payments. Although this may have changed to some extent in Victoria more recently, we know anecdotally that this remains an issue across Australia at the time of writing. Several women in the interview study explained that because of this financial insecurity (tied to their status as temporary non-citizens), they were 'stuck' in emergency accommodation. Some reflected on their time in emergency accommodation, which was most commonly a motel. Gayathri described the impact of the intermittent support she received from a caseworker, who called once or twice a week. Because she had no income, Gayathri was forced to stay in different motels for an extended period, while her support worker tried to find her a place in a refuge. She described the isolation and uncertainty she experienced, which significantly compromised her safety; at one point during this period, she was hospitalised owing to the impact on her mental health. The case file study offers additional insights into the need for supported housing at scale, as well as the challenges victim-survivors can encounter when seeking to access it.

At the time that they contacted inTouch, only 17% of women were living independently, while the majority were living with friends, family or an acquaintance (36%), in emergency accommodation (25%) or with a perpetrator (22%) (Segrave, 2017, p. 28). Very few women were in safe permanent housing: 71% were living in temporary accommodation (p. 28). At case close, this was reduced to 50% of clients remaining in temporary accommodation (p. 28). Thus, half of the inTouch clients remained in precarious housing situations – whether they were living with family, friends or in emergency/shelter accommodation (p. 28). Excerpts from the case file study reveal how housing was limited or compromised, which impacted women's safety, including their financial security:

[Ana] entered Australia on 309 visa, ineligible for Centrelink payments. Eligible for Special Benefits only because of child.

Accommodation choices limited because dependent on perpetrator [financially] had to leave for a refuge where she was transferred from place to place.

*(Case file study)*

[Giulia] was on bridging visa at the time of contact and for duration of the case. Had to stop working for a short period to access short term emergency accommodation.

*(Case file study)*

[Bojana] applied for IVO against perpetrator, but did not have the money to move out so was living with the perpetrator throughout the case. The IVO was active at the time of case close.

*(Case file study)*

Although many of the housing issues women encounter as temporary migrants result from their ineligibility for social security payments, as determined by the Australian Government, their access to refuge accommodation is administered by states and territories. This is one area where the boundaries of inclusion/exclusion are particularly evident. Across both studies, seeking refuge at women's shelters provided a site of safety for some but led to further harm and uncertainty for others. The case files included various accounts of women being denied access to such accommodation despite their need for safe and secure housing, especially where women were pursuing their rights under the provisions. As the following excerpt from the case file study highlights:

[The refuge accommodation] withdrew support for [Aom] as [taken from notes, 14/03/2014], 'I have been informed that we are unable to provide support to [Aom]... as her circumstances do not fall under the Family Violence Act. It has determined that [Aom] is not fleeing family violence'. Further, [the refuge] stated that [Aom] was not entitled to FV support because her issue was housing. When inTouch asked how the [Aom] ended up in refuge without FV being committed, [the refuge] could not answer.

*(Case file study)*

Women's accounts in the interview study provide insight into the impacts of these practices on women's everyday lives and subjective feelings of safety. Jayani, who held a student visa, described the pressure she was under after seeking crisis support for ongoing and

escalating violence. She spoke of the need to access safe and secure housing:

I think every woman like me, they need safe environment and safe accommodation. And I think everyone really worried about that because, you know, [the support organisation] also ... I think [after] one month ... they told us, go and find a job, they can't help us anymore and go back somewhere ... sometimes they try to send us back to Sri Lanka. They also asked me, go back to Sri Lanka.

*(Jayani, interview study)*

Sahar, a secondary applicant on her husband's student visa, recounted a harrowing experience where she was pressured to leave a refuge as its management said they could no longer afford to house her and her two young children.

They [refuge staff] give me so much torture so one day, in the evening time I was crying a lot and one of our house mates she called the worker to come ... she called me and said, 'What happened? ... Why are you worried, are you worried about something?' I said I want to [kill myself] ... She said, 'Why, why you are thinking [that] ... do you have a plan?' ... I said, 'What do you mean about a plan? I don't have a plan, you guys are torturing me ... What should I do, where should I go, where should I take my children? At the start you put me in a motel, then you put me in a woman's shelter ... now you are every day saying to go ... where I go?'

*(Sahar, interview study)*

Tina, who was on a pathway to permanency, recounted that she had to advocate for herself and her daughter to retain their place in a refuge:

But they [refuge staff] said that – because if I don't have money for that visa, I can also decide going back to the Philippines, and they will give me a plane ticket. But I told them that I am not safe in the Philippines, because my [husband] knows where to find me.

*(Tina, interview study)*

These accounts highlight the importance of housing for women's experiences of safety following exit from a violent relationship. Existing studies with migrant and refugee women more broadly have similarly shown that insecure housing is a key reason for victim-survivors returning to relationships with DFV perpetrators (Vaughan et al., 2016).

Although this issue is not specific to temporary visa holders, evident from the women's accounts across both studies are the specific ways in which temporary migrants are disadvantaged following exit from a violent relationship owing to their exclusion from the social security system. Added to this are the difficulties women face in seeking to navigate administrative boundaries when housing is a challenge.

There were accounts in the interview study of women being assisted by well-intentioned support workers to find ways to access various areas of support need such as housing, despite women's ineligibility or differential eligibility and irrespective of institutional challenges such as funding constraints (Vasil, 2023). However, this is not our focus here. Our interest is in the operation of the DFV system itself, including the ways in which, from an institutional perspective, public agencies and other services often play a key role in reinforcing internal/external borders by influencing determinations of who is and is not owed protection, safety and security from a violent partner. We suggest that this serves as another way of establishing 'the boundaries of belonging' via 'patrolling the boundaries of entitlement' (Weber, 2013, p. 144) and is further evidence of the DFV system's entanglement with the border apparatus as it restricts or denies victim-survivors' entitlements and access to support. As we explore in the remainder of the chapter, these boundary-making practices are sustained by the state via the migration system, which has a key role in determining women's claims of protection and pathways to safety.

### **The migration system and DFV: the limits of the safety net**

The findings from the case file study indicate that at the time of contact with inTouch, at least 50% of clients were ineligible to apply for permanent residency via the provisions and as such, faced limitations regarding the financial and housing support services accessible to them (Segrave, 2017, p. 20). Similarly, around half of the women in the interview study were ineligible to apply for the provisions at the time they left their violent partner. That half of the women across both studies were not eligible to access the national safety net speaks to the ways in which safety from DFV is rationed by the state via the migration system and continues to remain contingent on the specific visa class to which women have access. This is despite the fact that coercing women to migrate on less secure visas (i.e., which renders them ineligible for the provisions) forms part of the exercise of control by perpetrators who are permanent residents and citizens (see Chapter 6). By delimiting the

conditions under which safety can be granted, protection from harm is not only minimised but is also only accessible for a relatively small subset of temporary migrants (those holding a partner visa and prospective marriage visa holders who have married their sponsor within nine months of arriving in the country). This represents a structural assertion of inclusion and exclusion that limits access to support for women experiencing DFV who seek safety and assistance.

In relation to the dynamics of inclusion/exclusion, this situation is writ large for women who are not eligible to access permanent residency via the provisions. Being a temporary non-citizen has direct and recognised consequences for access to all forms of welfare, housing and support (see National Advocacy Group on Women on Temporary Visas Experiencing Violence, 2022). We can demonstrate this in a single case study. Jasveen was married in India to an Australian permanent resident. She made several trips between the two countries following her marriage and predominantly resided in Australia. Jasveen explained that she gave up her house and a good job in the corporate sector to migrate and invested all her financial resources into her marriage and the move. While she was awaiting the outcome of her partner visa application, Jasveen was subjected to escalating patterns of coercive and controlling behaviour, violence and abuse from her spouse and members of his family. After she connected with a crisis support service, she was confronted with her ineligibility for support, including financial, housing and legal support: this was specifically a limitation based on her visa status. This situation was facilitated by her spouse's control tactics, including his decision not to lodge the paperwork for Jasveen's temporary partner visa, which he had led her to believe had been submitted to Immigration [Department of Home Affairs] (notably, if it had been submitted, she would have had access to the provisions). Discussing her experience of dealing with various DFV agencies, Jasveen described the many roadblocks she encountered, which were predominantly tied to her temporary status. At that time, she held a tourist visa and no partner visa application had been made, despite the fact that she was married to a permanent resident. She recounted that:

[Organisation] they give you some pamphlet and they give you some information that you need to go first [to a specialist DFV service] ... If I'm on temporary spouse visa then they [can] help but ... I'm on tourist visa.... After that they advised me to go to [another specialist service] ... I don't know what's happened, but they are ... they are tell me 'no, we are not [able to] help you'. So, after that I'm very scared, you know, what's happened ... psychologically and mentally ...

I have no money ... I'm not used to public transport, and you are only ... on your own, yeah? English is not good now I want to improve myself every day, but that time is very tough. So, what I do, after that, I talked ... again to [a specialist DFV service] and they tell me you need to call to [specialist legal service for refugee applicants].  
*(Jasveen, interview study)*

Jasveen's experience highlights the state's disavowal of responsibility for the safety of temporary migrants who are not already on a pathway to permanency via the partner visa system. While at the time of writing (November 2023), the current Australian Government has committed to extending access to the provisions, this will not necessarily be an immediate panacea to the limits on temporary visa holders' access to safety. As we examine in the remainder of this chapter, eligibility for the provisions did not necessarily mean they were accessible for women across both our studies. Instead, we identified the minimisation of women's claims for safety and protection then their experiences were viewed via the lens of administrative systems and decision-making processes that are oriented towards suspicion of temporary migrants (Aradau & Canzutti, 2022; see also Borrelli et al., 2022).

As we have noted, the migration system is not a system of support. However, there is an inbuilt 'safety net' that is designed to ensure that women who are on a pathway to permanency are able to continue with their application where their relationship has broken down due to DFV (see ALRC, 2011; Gray et al., 2014). In the remainder of the chapter, we interrogate the operation of the provisions as evidenced by women's experiences across both studies. To do so, we draw from official documentation and communication with the Department of Home Affairs identified in the case file study, as well as women's stories shared in the interview study. There are many other aspects of the migration system that deserve analysis as there are various ways in which the system plays a role in determining women's pathways to support and safety from DFV. We want to explicitly explore the safety net of the provisions as an exemplar because it brings to the fore how the safety of victim-survivors of DFV can be balanced in favour of the integrity of the migration system. This is achieved in a number of ways, including via the lack of transparency with respect to the provisions and how they operate (see Chapter 6). However, we specifically examine women's accounts – as permitted by the two studies – to explore their journeys through the migration system. As we have noted previously (Chapter 2), the provisions (at least at the time the project was undertaken) enable victim-survivors of DFV who hold temporary partner visas (predominantly) to apply for permanent

residency in circumstances where the relationship has ended due to DFV. The aim of the provisions – at the time of their implementation – was to ensure that victim-survivors with a ‘legitimate expectation of a permanent migration outcome’ were not forced to remain in a relationship with a violent partner in order to secure their residency status (ALRC, 2011, p. 494). The provisions can be accessed when a victim-survivor contacts the Department of Home Affairs to notify officials of their change in circumstances, specifically a breakdown in the relationship due to DFV and/or when the victim-survivor responds to formal correspondence from the Department of Home Affairs notifying them that the visa sponsor has withdrawn his sponsorship and is requesting a response within 28 days. To access the provisions, a victim-survivor must be able to demonstrate to the satisfaction of the Department of Home Affairs that the relationship with their sponsor was ‘genuine and continuing’, that DFV occurred *and* that it was the reason the relationship broke down. The Department of Home Affairs assesses the genuineness of a relationship based on specific criteria known as the ‘four pillars’ of a relationship. These are financial (e.g., the pooling of resources); the nature of a household (e.g., living arrangements and sharing responsibility for the care of children and housework); social (e.g., shared engagement in social activities, spending time together with friends); and the nature of the couple’s commitment to each other (e.g., the duration of the relationship, time spent living together, companionship and emotional support) (*Migration Regulations 1994* [Cth], r. 1.09A). It is only after a victim-survivor has shown that their relationship was genuine that the Department of Home Affairs will examine whether there is acceptable evidence regarding the DFV claim.

We now move to illuminate the operationalisation of these provisions as the country’s predominant safety net for temporary non-citizens experiencing DFV. Here we explore the limits of the safety net for the victim-survivors it was designed to protect and in doing so examine the impacts of the state’s policy on women’s safety. Specifically, we highlight the findings from the two studies in relation to one key aspect of the operation of the provisions that emerged from both studies: the assessment of a woman’s relationship as both genuine *and* continuing. These findings are limited and captured some time ago; but importantly, they are rare. There is no public information about the provisions other than data regarding total and affirmed applications, which offers no insights into the basis on which interpretations of evidence are made. We argue that these findings in relation to the assessment of women’s relationships offer critical insights into the limits of women’s safety as a low priority in the migration system.

## The operation of the family violence provisions

Segrave has previously described the provisions as a ‘regulatory protection mechanism’, whereby eligible victim-survivors need to show that their relationship broke down and that it did so due to ‘demonstrably evidenced’ DFV committed by their partner (and sponsor) (Segrave, 2017, p. 12). The significance of the requirement to supply evidence in order to satisfy the Department of Home Affairs’ concerns regarding the integrity of the claim is highlighted across both studies. Contained within the notes of caseworkers are the discretionary judgements of decision-makers, which provide useful insight into the assessment of objectivity and truth in women’s accounts. In the following excerpt from the case file study, we see that the victim-survivor was unable to progress her claim owing to the decision-maker’s assessment that she provided insufficient evidence of a genuine and continuing relationship:

At the time of the application, you declared that due to your visa status your sponsor supported you financially, however you did not provide any evidence to support your claims.

*(Case file study)*

A similar rationale was provided in another case:

The refusal notification states: ‘You provided minimal information regarding all aspects of your relationship. Based on this lack of information, I am unable to conclude that you were in a genuine and continuing relationship with your sponsor prior to the cessation of your relationship’.

*(Case file study)*

In outlining the reasoning behind their decision, the official (in the same case noted above) drew attention to the inconsistencies in the account provided, stating that:

I find it significant that you have provided conflicting information regarding the nature of your relationship with your sponsor. You initially provided documents to the department on 6 December 2013 to support your claims that you were in a genuine and continuing relationship with your sponsor and that you and your sponsor provided each other with love and support. Following your sponsor’s withdrawal of sponsorship in May 2014, you later claimed to the

department that you had been a victim of family violence committed by your sponsor since March 2013.

*(Case file study)*

The emphasis on consistency in women's accounts, and the role this plays in official decision-making, was also evident in another excerpt from the case file study:

You provided [a] very different account of the history and nature of your relationship compared to your earlier statements. This places significant doubt on the reliability of the various claims that you have made about the genuineness of your relationship with your sponsor. Based on the information before me I therefore conclude that you were not in a genuine spousal or de facto relationship with your sponsor.

*(Case file study)*

What emerges from these and other similar excerpts is the emphasis placed on the perceived credibility of women's accounts and the need for consistency when supplying evidence to support the nature of the relationship. As Aradau and Canzutti (2022, p. 8) have discussed in relation to asylum determinations in the UK, discrepancies in migrants' accounts can play a central role in influencing decision-making processes, whereby inconsistencies tend to be viewed as 'evidence of fabrication'. In the context of DFV, we see how the administrative process of evidencing the provisions can become a 'balance sheet exercise' (Aradau & Canzutti, 2022, p. 8), rather than an exercise that prioritises women's safety, and has the effect of obscuring and/or minimising the violence that women have been exposed to in their private lives. We see, for example, limited acknowledgement from the department of the dynamics of intimate relationships and how they can change over time, especially following migration (e.g., Mahler & Pessar, 2001) and in the context of DFV (Abraham, 2000; Anderson & Andrijasevic, 2008; Anitha, 2019). In contrast, emphasis is placed on the need for consistency in women's accounts. This speaks to the practical operation of the provisions as a mechanism of compliance that is gendered, racialised and connected to the suspicion of migrant women (Aradau & Canzutti, 2022; Borrelli et al., 2022). Here, the capacity to provide proof that meets the standard of a 'genuine' claim is key. Those who are unable to meet this threshold run the risk of further uncertainty, which 'adds time' to both decision-making and to living with uncertainty (Aradau & Canzutti, 2022) and which therefore can compound harm, especially given that

access to critical DFV supports (including housing, as noted above) can be dependent on a successful outcome under the provisions.

Other examples contained in the case notes reveal the types of judgments made by decision-makers, especially as they relate to what is or can be considered a legitimate relationship, and what is viewed as not legitimate. The decision in the excerpt below uses the victim-survivor's failure to evidence the pooling of finances, as well as inconsistencies regarding claims around access to finances, to make a case against the existence of a genuine relationship:

In your statement dated 5/8/2017 you contradict your claims made at the time of the application and stated you did not have any access to finances. Having regard to the financial aspects of the relationship, I am not satisfied that at the time of application you and [perpetrator] had pooled your financial resources in any way, or that you and your sponsor made any joint purchases, or that you shared the day-to-day household expenses.

*(Case file study)*

Although the relationship assessment draws on different forms of evidence, what emerges from this and other excerpts from the case file study is that decisions tend to be shaped by the lens of *suspicion* rather than a focus on protection and safety and recognition of gendered vulnerabilities, including how the experience of DFV can impact a woman's capacity to prove the genuineness of a relationship and/or that DFV occurred. In this regard, specialist victim support workers in the case file study identified the presence of DFV as a key reason for some women's inability to provide evidence of a genuine relationship. This is highlighted in the following excerpts:

[Aditi] arrived in Australia 4 months ago. [Aditi] was isolated by the husband, not allowed to leave the house. The couple never attended any social events. They do not have a joint membership of organisations or groups, they never travelled together. They did not share any financial commitments together, such as joint utilities account, joint bank account. The couple does not have any children, so there's no joint responsibility for children.

*(Case file study)*

At the time of consultation with inTouch migration agent, [Ling] was required to provide evidence of genuine relationship, such as: photos for two year period of the couple being together, bills on both names,

bank statements for the last two years, any letters received at the same address, statutory declarations from mutual friends. Out of all of these required documents, [Ling] could only provide few pictures.  
*(Case file study)*

These excerpts demonstrate how women who are eligible and apply to access the provisions can be treated as regulated subjects who are ‘summoned to provide endless details and evidence about their lives, bodies, and relations’ in order to make a claim for protection and are then judged on this basis (Aradau & Canzutti, 2022, p. 7). These requirements remain in place even though numerous studies in Australia and international jurisdictions have shown that victim-survivors are uniquely positioned when it comes to proving the social and economic components of a relationship as defined by migration law and policy (c.f. D’Aoust, 2018). What emerges is a specific type of protection that is rationed and limited by the state and afforded only to those who can more readily evidence their claims and provide accurate and consistent details over time (Aradau & Canzutti, 2022). A consequence of this approach is that temporary migrant victim-survivors seeking to exercise their rights are penalised if they are unable to meet certain administrative requirements, as the following excerpt indicates:

You did not notify the Department [of Home Affairs] with the changes in your spousal relationship status. I note that you stated that you continued contact with your spouse until you called the police as your sponsor threatened you and your family. You have not provided convincing evidence to substantiate this claim.  
*(Case file study)*

We argue that the way decision-makers differentiate between women by designating some claims as legitimate and others as lacking credibility forms part of the bordering practices that play out in temporary migrant women’s intimate lives, as discussed in [Chapter 3](#). Once again, we see bordering practices extend into the interpersonal domain via an examination of women’s claims regarding the nature of their relationship, which are met with suspicion. In this way, suspicion is a central part of the ‘operational arrangements’ associated with the provisions, which can be seen to operate as ‘a “technology” in the sense in which technology of power and suspicion are deployed for the purposes of governing’ (Aradau & Canzutti, 2022, p. 9). This is further evidenced by examples that speak to the reach of the state into women’s private

lives *as* temporary non-citizens. For example, in one of the files a case manager notes:

[Emina] received a letter from DIBP [Department of Immigration and Border Protection] dated on 20/10/16, stating, ‘The Department has received documentary evidence that your sponsor is not the biological father of your claimed child of relationship. [Child] was granted citizenship by descent based on the evidence you provided stating that your sponsor was the father, however the Department holds evidence which suggests otherwise. It can further be claimed that your relationship with your sponsor was not mutually exclusive as conception occurred while you were offshore, and your sponsor was in Australia.

*(Case file study)*

In this case, the Department [n.b. the Department of Home Affairs, which has had multiple names over many decades, including previously the Department of Immigration and Border Protection] used evidence – presumably supplied by the sponsor – to discredit Emina and her claim for protection from DFV. This is revealing of the standard to which women who are temporary are forced to adhere, noting that the DFV system does not require citizens to evidence the genuineness of their relationship to access support and secure their own safety. These different standards create a sense of precarity for women on temporary visas, including those who have limited options and may be seeking help at a time of crisis, or dealing with other intersecting issues (such as those related to child custody, housing and income insecurity).

The discussions with victim-survivors from the interview study revealed how departmental practices of this kind were experienced as an additional form of control (Bumiller, 2008), whereby women, such as Gayathri, felt as though they were being penalised for coming forward about the abuse they were experiencing:

He withdraws the visa, then they give the 28 days. The reason we have to show family violence and that. Where we can find the evidence for that? Even though I stayed with him I don’t have evidence. How I can make evidence? I don’t know about that. Where I can put the camera, where I can put the record, what I can do for that because I don’t have any ideas that family violence will happen like this. But the immigration ... the court they need evidence for this. They need witness for this. The immigration they need evidence for that. They need that court documents for that ... IVO order. Where? The court

need evidence if they not want to give the IVO without evidence then they cancel that ... they also don't want to give the visa for us.

*(Gayathri, interview study)*

Gayathri's account is a powerful example of how reforms put in place ostensibly to support women and promote safety from violence can have a disempowering effect in practice, especially where a victim-survivor's account is undermined by dominant discourses based on suspicion and where evidence suggests that the integrity of the migration system is prioritised over women's safety. The accounts from the interview study provide additional insight into the context of women's lives surrounding their decision to apply for the provisions, which tends to occur at a time of significant disruption and upheaval, as well as concern for safety. Danah expressed that:

And once you are going through all the, you know, stress and all that, about leaving the house and violence and all that and on the other hand, visa is also another stress for you ... and you don't know where you stand, are you going to leave here, are you going to leave the country, what's going to happen to your kids and all that.... So, yeah ... for me it was difficult, it was difficult a lot but there are other women who don't have kids or who have kids they are not citizens or PR it's more difficult for them. ... Because my son was dependent on me and because of him I needed this intervention order and all that was enough but for them, they provided all the evidence, but they are still waiting ... it's a waiting time, a long waiting time.

*(Danah, interview study)*

Similar experiences were documented in the stakeholder accounts, including the following from the interview study:

You need to provide your side of the story. [My client] didn't know how to do that ... and then first of all it took her weeks to get her head around and also, when she needs to write the story there may be a possibility of getting retraumatised because she's ... revealing everything again and she needs to put details ... There were lots of inconsistencies because the woman was very young, and she didn't know – she just narrated the story and then that created problems for her.

*(Victim support worker, frontline DFV service, interview study)*

[My client] was new to the country but she went back [to the country of origin] because there were regular fights, he sent her back then

called, sent her again back ... that's not her fault, because that's what he was doing and then they say that the relationship was not genuine because you were going [and] coming back ... clients sometimes do get refusals on genuine relationships.

*(Victim support worker, frontline DFV service, interview study)*

The Department of Home Affairs' efforts to distinguish between genuine victims and those who lack credibility speaks to the exceptional way that safety under the provisions is operationalised and the competing demands that stem from a desire to support victim-survivors but only to the extent that they can provide substantive proof of the violence and abuse they have suffered.

The accounts provided above highlight how administrative processes can form part of specific bordering practices, which work to construct ideas about who does and does not need protection, creating divisions between women as they encounter different agencies and systems in their search for safety. This is neither a neutral nor an objective process; we see, for example, temporary migrant women judged in different ways, including with respect to the perceived credibility of their claim of DFV. This brings to the fore the 'culture of suspicion' (Aradau & Canzutti, 2022) that targets temporary migrant women who seek help for DFV, irrespective of their eligibility for support. As Aradau and Canzutti (2022) observe in relation to asylum-seeking processes, suspicion is a central characteristic that influences the operation of the migration regime and, in doing so, has the power to transform narratives, as well as the encounters between migrants and various actors who may 'devalue' their claims for protection.

If a woman's claim under the provisions is unsuccessful, she has a right to appeal this decision; however, should the decision be upheld, her options are limited and she needs to move into the protection system, which is the system that oversees Australia's refugee and humanitarian obligations to protect people (based on being a refugee, having a well-funded fear of persecution or other protection obligations). Decisions made by the Department of Home Affairs, including decisions related to the provisions, can be appealed via a request for the Administrative Appeals Tribunal (AAT) to review (the AAT has responsibility in part to review decisions under the *Migration Act 1958* [Cth]). The type of care that is afforded to victim-survivors who then seek protection will differ among the states and territories and we know that engaging with this support can be a lengthy process, involving considerable periods of uncertainty (McDonald & O'Sullivan, 2018; van Kooy & Hirsch, 2022). Moreover,

as [Aradau and Canzutti \(2022\)](#) have previously argued, as part of this process discretion and arbitrary decision-making can work in tandem to minimise, devalue and/or erase experiences of violence, which undermines a victim-survivor's protection claims.

We note that we are writing this at a time when the Australian Government has made several commitments to temporary visa holders as part of its broader efforts to address violence against women. In addition to announcing that the provisions will be expanded to apply to more permanent visa applicants in May 2023 (see [Ministers for Social Services, 2023](#)), the government has also recommitted to a pilot initiative designed to provide specific emergency financial support for temporary visa holders escaping domestic violence and dedicated legal support (see [Segrave et al., 2023](#) for analysis; see also [Segrave, 2021](#)). Anecdotally, we know that this funding may be helpful to assist organisations in addressing the complexities of women's cases; however, we also know that this federal funding has not necessarily been directed towards existing organisations (at the state and territory level) that already do this work without government funding. In light of this, we reflect on [Bumiller's \(2008\)](#) account of how the delivery of piecemeal, short-term funding does not go far enough to ensure women's safety and can instead cause division among DFV agencies, organisations and actors who must compete for small pockets of funding as well as competing for legitimacy. Although we acknowledge the changes in policy for temporary visa holders in the past few years, we recognise that the federal government's recent commitments have been facilitated by targeted advocacy among stakeholders from across the country to highlight the limitations of the migration system in protecting temporary visa holders experiencing DFV and the direct consequence migration status has for every other aspect of support (National Advocacy Group on Women on Temporary Visas Experiencing Violence, 2019, 2022).

## Conclusion

In this chapter, we have sought to interrogate the degree to which safety for temporary visa holders is prioritised within state systems of intervention (police) and support (DFV services and the family violence provisions). We acknowledge that our analysis has not examined all aspects of the systems women interact with in seeking safety. However, in examining how women negotiate these systems, we reveal important negative impacts of women's access to safety (or lack thereof) that endure owing to their migration status and the limitations of the state's response to DFV. We have highlighted how safety is operating structurally via an

interrogation of women's experiences at the individual level. When we examine the principle of safety as it applies to aspects of DFV support, we find different agendas at play and that the safety of victim-survivors who are temporary is not always a priority. We see, for example, how systems that are designed to prioritise safety can operate in ways that do not address the specificity of need. Moreover, where aspects of the border apparatus are drawn into DFV responses and support mechanisms, women's right to be in the country becomes a key consideration: there are examples across both studies of this being prioritised over and disrupting women's search for safety. Women's accounts also speak to the complications arising from migration status that impact their safety: the experience of navigating different aspects of DFV support is also harmful and compounds the violence they were subjected to (and often continue to be subjected to) by perpetrators. There are also aspects of the migration system that can be weaponised by perpetrators, including where the assessment of eligibility for the provisions requires victim-survivors to provide certain evidence, which can act as a key barrier to access to supports that are critical to women's safety. Although all victim-survivors across the Victorian community – as in other states and territories – are encouraged to seek formal assistance for DFV, support options for women who are temporary are limited in practice such that for some women, safety depends on the decision to avoid these systems owing to the uncertainty and harm they produce, grounded in suspicion of temporary migrant women.

## Notes

- 1 These were the two pathways to the middle of that concentric circle: specialist DFV services.
- 2 Specialist support services across the DFV system are victim-oriented to the extent that they provide wrap-around support via 'case management', as a way to both recognise and respond to the needs of victim-survivors and their children.
- 3 There are some exceptions to this. Temporary partner visa holders may be able to apply for an exemption to access the severe hardship payment known as Special Benefit, which is administered by Centrelink (the service that delivers social security payments and services in Australia and falls within the remit of the federal government). At the time of writing, the special benefit payment is lower than the national unemployment allowance.

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# 5

## BEYOND THE LAW

### Trafficking, slavery, servitude, forced labour and abandonment

#### Introduction

Human trafficking, slavery-like practices and modern slavery have captured the attention of the international community over the past two decades. This is not without consequence. A significant focus of this attention has been paid to the horrors of exploitation, with calls for the need to protect victims (see [O'Brien, 2018](#)). At the same time, there has been consistent, rigorous research that points to the need to take care when producing narratives of victimisation and highlights the importance of looking beyond the facade of the nation-state's concern for victims to attend to the ways nation-states create the conditions that produce and sustain exploitation (c.f. [Brysk & Choi-Fitzpatrick, 2012](#); [O'Connell-Davidson, 2015](#); [Segrave et al., 2017](#)). Although the focus on 'who' commits exploitation, including human trafficking and slavery-like practices, is important, it can also be limiting; we also need to carefully interrogate who defines such harm and how. On the international stage, we see divisions that determine where and how gendered violence is recognised. In the context of DFV, international instruments, specifically conventions and treaties such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), have had limited capacity to hold states accountable for gendered violence at the global level (c.f. [Alkuwari, 2022](#); [Briddick, 2022](#); [Merry, 2003](#)). In the context of human trafficking, the Trafficking in Persons Protocol (hereinafter TIP Protocol, one of three supplementary protocols to the Convention against Transnational Organized Crime) is largely unable to account for gendered violence, particularly the intersections between trafficking and the forms of violence that occur in the familial setting, given its emphasis on transnational crime and criminal justice interventions ([Brysk & Choi-Fitzpatrick, 2012](#); [Hathaway, 2008](#); [O'Connell-Davidson, 2015, 2012](#); [Segrave et al., 2017](#)). However, there are signs

of an emerging recognition that practices that may be defined as human trafficking or slavery are evident in the context of familial violence in Australia and elsewhere. This must be examined carefully, not least because, as we detail in this chapter, this recognition is primarily a superficial identification of overlap rather than a deep interrogation of the boundaries around violence that borders produce and the limited purview of law. This limits recognition of cross-border violence and precludes interrogation of how migration systems and all aspects of the bordering apparatus may contribute to sustaining this violence. In fact, there tends to be a focus on the ‘vulnerability’ of victims of trafficking, or increasingly, ‘modern slavery’ (see [Anitha, 2019](#); [O’Brien, 2018](#); [O’Connell-Davidson, 2015](#)), eliding any direct engagement with the culpability of the state, both for the structural conditions that enable and sustain gendered violence and for the impunity of perpetrators.

In this chapter, we use existing legal definitions to consider how violence and exploitation, and in turn victimisation, may be denied, hidden or misrepresented in part because of the operation of the criminal justice system and the implications of this. We do not use the language of modern slavery in this chapter ([Piper et al., 2015](#)). This is in part because the criminal offences in federal criminal law in Australia we are referring to do not refer to modern slavery but rather engage specifically with sections 270 and 271 of the *Commonwealth Criminal Code Act 1995* (hereinafter *Criminal Code*, see Commonwealth of Australia (Attorney-General’s Department, 2023)), which details the offences of human trafficking and slavery-like practices.<sup>1</sup> We explore the ways that women in our studies were in situations that could potentially meet the definition of trafficking or slavery-like practices under Australian law while also highlighting the limitations of legal definitions and the law’s siloed view of exploitation, violence and abuse. We recognise that in presenting the data in this way we are reproducing the boundaries of the law that we seek to challenge. However, our intention is to highlight elements of the serious harm experienced by women in our studies to ask a critical question about how we understand violence, its forms and its limits, and to identify the harmful impacts of the limited recognition of gendered violence. Many of the scholars and advocates we work with in the area of DFV do not focus their research on issues of exploitation that sit under the banner of labour exploitation, servitude, trafficking or slavery. Those who do in some cases reproduce narratives that run the risk of elevating harm by reinforcing essentialist arguments about violence in ‘other’ women’s lives (see the arguments of [Abraham & Tastsoglou, 2016](#); [Anitha, 2019](#)) and/or reiterating that the law and the criminal justice system are best placed to ensure women’s safety (for arguments about the implications

of this, see [Bumiller, 2008](#); [Goodmark, 2018](#)). Increasingly there is recognition in Australia's commitments to address violence against women (via the National Plan to End Violence against Women and Children 2022–2032, see [Commonwealth of Australia \(Department of Social Services\), 2022](#)) and modern slavery (via the National Action Plan to Combat Modern Slavery 2020–2025, see [Commonwealth of Australia, 2020](#)) that there is an overlap between gendered violence (including DFV and sexual violence) and slavery-like or trafficking offences. Despite this, there is no active commitment by the state to investigate the violence that sits outside existing legislation and/or to reconsider whether current policy and support mechanisms are fit for purpose for the exploitation, violence and abuse that sits across these two areas.

In [Chapter 4](#), we highlighted how critical it is to examine the ways in which safety is conceived and operationalised within different systems. In this chapter, we build on the foundational critiques of the ongoing failures of the response to trafficking and slavery-like practices in Australia and elsewhere (see [Anitha, 2019](#); [George et al., 2018](#); [O'Connell-Davidson, 2012, 2015](#); [Segrave & Tan, 2021](#); [Segrave et al., 2017](#)). We note that the 2023 review of sections 270 and 271 of the *Criminal Code* identified the relatively low number of victims identified and the very low rate of prosecution of cases under this suite of offences (since 2004, there have been only 30 convictions). The reasons given for this are that the numbers reflect 'under-detection and reporting' ([Commonwealth of Australia \(Attorney-General's Department\), 2023](#), p. 6). We further note that there is no critical engagement with attrition rates, no recognition of the ongoing failure to examine the challenges arising from the evidentiary requirements for these offences and no engagement with victim-survivor disinterest or withdrawal from the investigation process (see [Segrave et al., 2017](#)). Critically, this most recent review also stated that 'Australia's family, domestic and sexual violence laws and policies have relevant intersections with modern slavery offences ... [but these intersections] are outside the scope of the Terms of Reference for this Targeted Review' ([Commonwealth of Australia \(Attorney-General's Department\), 2023](#), p. 27). We argue that there is a consistent failure to address these intersections beyond the acknowledgement that there is some overlap. In response, this chapter centres the reasons why we need to rethink the beginning point of law and policy and do what both the National Plan to End Violence against Women and Children and the National Action Plan to Combat Modern Slavery fail to do, which is to put migration and borders at the forefront. While many aspects of violence are evidenced in our data, we focus specifically on key offences and in examining those consider what is recognised as gendered

violence and the question of the elusiveness of justice. These practices are defined in the legislation as exit trafficking, forced labour and servitude. We do not examine these as lawyers; we are not examining the weight of the evidence. Rather in our analysis we consider these offences and how limited in scope the offences are by offering significant detail about women's experiences of violence. We do this via a commitment to recognising that marriage, violence and labour are gendered and can produce gendered harms that are often examined in silos. We add to this our acknowledgment that geographical and jurisdictional borders also limit how violence is understood, defined and responded to. Our analysis seeks to recognise that we need to consider both the conceptual and jurisdictional borders of gendered violence and gendered labour exploitation. Before beginning this interrogation, we outline the lens through which we consider gendered harm and gendered labour in this chapter.

### **Gendered violence and gendered labour and the limits of responses to modern slavery**

Underpinning this chapter are the arguments made by Segrave and others that have pointed to the limits of the response to trafficking, slavery and modern slavery in both the domestic and international settings (O'Connell-Davidson, 2012, 2015; Segrave & Tan, 2021; Segrave et al., 2009, 2017; see also Anitha, 2019). This work has evidenced internationally the consistent failure of action on these forms of abuse to translate into a serious reckoning with the conditions that sustain and perpetuate exploitation and violence. We do not canvass this work in detail here, but suffice it to say that over the two decades since the international response to trafficking was reignited via the TIP Protocol, we have witnessed a consistent focus on the 'horrors' of various forms of exploitation (beginning with sex trafficking), with limited interrogation of the ways we define violence and/or how these definitions may reproduce rather than disrupt harm. The previous research in this area is vital to this chapter, but so too is the significant scholarship that provides a critical gendered analysis of labour and violence. We do not offer a detailed account of this work (see recently Ferguson, 2019; Hall, 2023; also Mies, 2014), but we recognise that within it, there is a strong critique of the ubiquitousness of the structural influence of patriarchy and capitalism (alongside other key systems including colonialism and imperialism) that in many settings globally instils the gendered dynamic of valuing paid, external labour and devaluing the labour that is attached to the domestic setting (Baird et al., 2017; Ferguson, 2019; Hall, 2023). Patriarchy is also one of the key social systems that serve as a

foundation for the design and operation of both the law and labour systems (Ferguson, 2019). Only fairly recently has there been a move to recognise ‘private’ harm as the subject of law, and the criminal justice system continues to valorise public offending as the offending that is most likely and most readily addressed by the system, particularly in the context of gendered violence (c.f. Goodmark, 2018). It is in this context that labour and marriage remain viewed as largely separate domains and also as separate considerations for the state and for law and policy.

Closely tied to the limited understanding of the connection between marriage and labour within social and legal systems are the various cultural conceptions of marriage and family. For example, as Abraham writes with respect to the South Asian diaspora in the US:

Unlike the United States, where there is an emphasis on the notion of romantic love and independence in choice of marriage partners, among South Asians marriage is an alliance between two families.... South Asians perceive themselves as family oriented rather than individual oriented, [and] divorces are frowned upon, especially for women.... The family- and group-oriented structure views the individual as a representative of the family. In this context, shame and guilt attain a different meaning whereby the failures of the individuals result in the ‘loss of face’ or loss of honor for the entire family. Therefore, among South Asians, as is true for many other Asians, there is considerable pressure to maintain harmony and minimise any actions that would potentially jeopardise the family and community.

*(Abraham, 2000, p. 19; see also Anitha, Yalamarty, et al., 2018)*

While Abraham (2000) writes about the transformation of these values over time, we argue that a close interrogation of assumptions around how a marriage ‘should be’ remains essential in any analysis of exploitative conditions in the domestic sphere (see also Lister, 2003; Young, 1990). As others have examined, this includes challenging assumptions about the role of third parties in enabling or ‘brokering’ a marriage and/or the practice of arranged marriage more generally which, under gendered and racialised conditions, can be viewed with suspicion (that is, as not genuine) (see Constable, 2003, 2006, 2012; see also de Hart et al., 2022; Longo, 2018; Robinson, 2007; Wray, 2016). Building on this interrogation of marriage and the role of women as wives, based on certain gendered and cultural expectations surrounding reproductive and domestic labour, is the analysis offered by Jackson (2007). In her analysis of international marriages that most often included a third-party

marriage broker, Jackson (2007) examined the impact of changes to US legislation that required background checks on US-citizen men seeking to sponsor women as their wives. This legislation was in part introduced in recognition at the time that via the ‘cloak’ of marriage, a ‘modern form of involuntary servitude’ was taking place (Jackson, 2007, pp. 895–896). Jackson’s work brings to the fore the recognition of marriage as a means of control and (as argued previously by others such as Calvo, 2003; Narayan, 1995; see for a more recent discussion Anitha, 2011, 2019; D’Aoust, 2018; Voolma, 2018) the claim that ‘immigration sponsorship [can] create ... a sense of entitlement in the US-citizen spouse to define the terms of the marriage’ (Jackson, 2007, p. 900). Jackson (2007, pp. 915–916) asks whether marriage has the capacity to ‘conceal a relationship that could be recognised ... [legally] as slavery’. Highlighting the gendered harms associated with these offences, Jackson (2007, p. 922) calls for vigilance in the examination of ‘severe’ cases of domestic abuse that could be classified under the then US federal law as crimes of slavery or involuntary servitude, while also recognising the importance of ensuring that interventions to protect women do not either inadvertently or directly limit women’s migration opportunities. This is an important issue: the need to protect women can see the migration system operate in a way that limits women’s access to partner visa pathways and/or that involves the significant interrogation of the private lives of non-citizens in order to ascertain that their relationship is ‘genuine’. Such responses by the state raise important questions about who is being protected: women, or the integrity of the migration system. A key issue such responses also raise is that there can be significant differences between the relationship at the time of marriage, at the time of migration and at a later point. That is, the nature of a relationship and/or the pretence of a relationship can shift over time: women can migrate for a new life, they can be married in circumstances that are experienced as entirely positive and celebratory and then migrate to Australia and find themselves in situations that are at odds with what was promised to them by their new husband and family-in-law. We are interested in interrogating the consequences of state laws and policies that are designed to identify violence and exploitation and in exploring how even well-intentioned protections can have unintended and negative consequences for women’s safety.

This chapter affirms and demonstrates that gender is a critical social relation that is tied to how we define and assess work and the value of labour, the status of marriage and the nature of harm. This is influenced, we argue, by the persistence of the ‘gendered geographies of power’ (Mahler & Pessar, 2001; Pessar & Mahler, 2003), which create

the specific challenges that limit recognition of violence that we illuminate in this chapter. These geographies incorporate, for example, the gendered nature of women's domestic labour and its intersections with labour exploitation, women's migration status, the experience of DFV and the shifting boundaries of human trafficking and modern slavery. Our challenge in undertaking this examination is that much of the work on gendered violence in the form of DFV and the work focused on temporary migrant worker experiences of exploitation are largely siloed. This reflects that both at the international and nation-state level, a commitment to addressing discrete and separate forms of violence: human trafficking, migrant labour exploitation and DFV are all covered by different international commitments and associated with different frameworks for responding to gendered violence, although it is pervasive across all of these forms of violence and exploitation<sup>2</sup> (see O'Connell-Davidson, 2017; Segrave et al., 2017). This insistence makes it difficult to interrogate gendered and cultural expectations and assumptions about marriage, labour and migration, what is recognised as harm and, critically, who bears responsibility and accountability for the conditions that give rise to exploitation.

To map the gendered geographies of power, Pessar and Mahler (2003, pp. 815–818; see also Mahler & Pessar, 2001) have articulated the importance of attending to geographical *scale* (such as the body, the family, the state), social *location* (that is, the individual's relationship to power hierarchies through multiple socially stratifying factors) and *power geometries* (drawing on Massey, 1994, who identifies the type and degree of agency exerted by people based on their social location). In doing so, Pessar and Mahler have advanced gendered examinations of migration. Our analysis in this chapter seeks to progress the work on gendered violence and trafficking and slavery-like practices. This is underpinned by a view that both the mere recognition that there are 'overlaps' between trafficking, slavery and DFV and the *silence* around the intersections of DFV, migration and bordering practices require close examination. We draw on the important work on abandonment, for example, led by scholars whose focus is most often South Asian women's experiences (see Anitha et al., 2018; Bhattacharjee, 2013), to consider this practice beyond the specificity of marriage and women's labour among South Asian communities. We do so because this work is important in advancing understanding, but also because it offers a timely examination of the role of the state in sustaining violence *through* the demarcation of crimes and migration law and regulation. Below we begin with a discussion of human trafficking.

## The borders of human trafficking: cross-border aspects of gendered violence and the limits of legal frameworks

Australia's human trafficking offences specify that human trafficking includes practices that involve organising or facilitating 'the entry, proposed entry, exit, proposed exit, or receipt of another person' (s271.2(1) (1A-C)). In the case file study, a range of cases spoke to different trafficking-related offences under section 271 of the *Criminal Code*. We focus specifically on exit, that is, where temporary visa holders are forced, deceived or coerced into leaving Australia. As detailed in an Australian Federal Police media release (AFP, 2023, see also AFP, 2022a); the practice of 'exit trafficking' is understood in Australian law to 'involve a person using coercion, deception or a threat, to organise or facilitate another to leave Australia'. While exit trafficking may appear to be a straightforward offence, it is important to interrogate the legal definition of the offence with reference to the details of situations that arose in the two studies that form our dataset. The articulation of specific offences in law impacts how we understand and 'see' exploitative practices. As we discuss below, the offence of exit trafficking simplifies how we understand border crossing and the way in which a crossing via force, coercion or deception occurs within the context of DFV. In bringing these cases to the fore, we recognise that a major challenge in examining Australian responses is the limited detail on cases that come to the attention of Australian authorities. In the 2023 review of the *Criminal Code*, it was noted that:

In recent years, reports of exit trafficking, which the AFP classifies as a subset of trafficking in persons, have increased at a faster pace than many other forms of modern slavery. In 2021–22, reports of exit trafficking increased 131% from the previous financial year (37 reports in 2021–22 compared to 16 in 2020–21). Australia is primarily understood to be a destination country for trafficking – meaning that victims and survivors are trafficked into Australia.... While Australia remains a destination country for trafficking, the rise in exit trafficking cases demonstrates a shift in reported cases, with victims and survivors being coerced, threatened or deceived into leaving Australia and subsequently being exploited. A number of exit trafficking reports to the AFP relate to forced marriage cases, where a victim and survivor is taken offshore to be forcibly married. However, the AFP has also reported other circumstances where a victim and survivor is taken out of Australia, including for purposes not currently within

Australia's definition of exploitation (such as forced genital mutilation/cutting, forced conversion therapy, to abandon a spouse or child offshore as a way of ending a relationship or avoiding caring duties, and more).

*(Commonwealth of Australia (Attorney-General's Department), 2023, p. 33)*

In relation to the above, we note first that a rise in cases coming to the attention of the AFP does not necessarily indicate an actual increase in this practice; instead, it arguably reflects the wider recognition that this form of abuse can be referred to the AFP and that it is unlawful under the *Criminal Code*. In our data drawn from the case file study, there were 11 cases where victim-survivors were 'returned' or taken to their country of origin under some false pretence and/or within the context of coercion, and left there, with the perpetrator having taken their identification papers, limited their movement and/or withdrawn sponsorship (as the perpetrator returned to or had remained in Australia). This data is based on a single year in Victoria, Australia, and these stories are only those of women who *returned* to Australia. We know nothing about women who this has happened to but who were then unable to return for whatever reason, such as ongoing abuse in their country of origin or financial or other welfare circumstances impacting their ability to fly back to Australia. The identification of this crime and what is both captured (or not) in law and seen or unseen by policing agencies has not been the subject of close examination. We suggest that characterising these practices as exit trafficking creates a blinkered view, as it focuses on the way in which a person *leaves* Australia and in so doing completely underestimates the harm we detail below and also fails to recognise the connection to the DFV occurring prior to and/or after the border crossing.<sup>3</sup>

We now present some examples from our studies of what may be identified as exit trafficking.

[Chun] was deceived to return to Thailand by the husband. When she returned to Australia, she was refused contact with their child (10 months old). In the meantime, husband tried to withdraw his sponsorship.

*(Case file study)*

While the above scenario aligns with the Australian offence of exit trafficking, there are also clearly other substantive issues at play within the context of the abusive relationship, including the perpetrator's

attempt to both withdraw sponsorship and withhold access to her child. In this regard, an important and established area of research has focused on the practice of ‘abandonment’ in the context of South Asian women in transnational marriages, a practice that is criminalised in the UK. While unrecognised as a legal offence in Australia, the practice of abandonment was recognised as a form of domestic violence in England and Wales in 2017 (see [Roy et al., 2019](#), p. 166). Moving beyond the focus on ‘exit trafficking’ to acknowledge the broader practice of abandonment can expose, as [Roy et al. \(2019](#), p. 166) argue, the ‘specific nature of violence and vulnerability experienced by women abandoned in transnational marriages’. In [Roy et al.’s \(2019\)](#) study, based on 57 women from the states of Punjab, Gujarat and Delhi, three patterns of abandonment were identified: women migrating following marriage, and being subjected to DFV and then forced to leave or escape from the country of residence; women being deceived into returning to their home country and being abandoned there (for example, the husband might try to revoke her visa so that she could not return); and women being left behind in the home country (often living with in-laws) with an assurance that her husband will return and/or sponsor her visa, but this not occurring and the woman being ousted from their home or leaving due to violence and abuse perpetrated by her in-laws ([Roy et al., 2019](#); see also research by [Liversage, 2022](#) in Denmark regarding men’s use of fraud to ensure sponsored women left the country and earlier research such as [Bhattacharjee, 2013 in the US](#)). We identified these practices in our research. For example:

After [Noor] told the perpetrator that she would contact police about the abuse, the perpetrator told [Noor] that her mother was sick and she had to return to Afghanistan. When [Noor] arrived, the perpetrator cancelled her return ticket. He then tried to give her a fake ticket (travel agent confirmed it was fake).

*(Case file study)*

Similar to patterns reported in other research cited above, we found cases in which perpetrators deceive women into returning to their country of origin and then withdraw sponsorship and/or undertake other actions to prevent the women from returning to Australia. It was also evident that ‘sending women back’ was used as a threat or punishment, a practice that forms a part of the broader violence of border practices, as argued in [Chapter 3](#). These cases highlight how the migration system is being used to control and punish women, while also facilitating their

exit from Australia and by extension, their exclusion from any protection that may be attached to their visa.

It is through migration, beyond the threats related to deportation, that we see a range of practices employed to ensure that women return to their country of origin, after which the abuse continues in various ways intended to either disentangle the perpetrator from responsibility for the victim-survivor or in some cases to continue to control them. Consistent with other research, we identified the mobilisation of the power of perpetrators, in the border crossing and beyond. Indeed, in the context of abuse and coercion, deception is not required for a perpetrator of DFV to 'exit' their partner from the country, as the following case file notes make clear:

Perpetrator was upfront about wanting to take [Aditi] back to India and leave here there – no intention of 'tricking' her into returning.

*(Case file study)*

The perpetrator did not try to trick [Nabila] into leaving the country, however he contacted her parents and tried to convince them that [Nabila] had brought shame to their family, and therefore they should come and take her back to Pakistan.

*(Case file study)*

Importantly, in Australia, as we have noted previously in this book, the standard response of the migration system to such cases, via the Department of Home Affairs, is to assert that sponsors cannot simply withdraw sponsorship and abandon women in this way as the visa holder has rights and can access support in this context (via the family violence provisions). This is true in theory and practice, to some extent. However, the way in which people are contacted by the Department of Home Affairs includes (at the time of writing) that when sponsorship is withdrawn a formal letter will be written to the visa holder indicating that have 28 days to respond to the allegation that the relationship has ended. This is framed as a 'right of reply' but the deadline is fixed. There is no recognition of the challenges women may face in relation to accessing the letter and/or the ways in which their safety may be compromised by this timeframe. The system works in such a way that the responsibility for a woman's safety in this context rests with the woman herself, who must contact the Department of Home Affairs and make the case that she has experienced DFV (after it has been established that the relationship was genuine, as outlined in [Chapter 4](#)).<sup>4</sup> Notably, there is no available data regarding the number of visa withdrawals that occur this way and/or the response rate of visa holders to these letters. While not our

focus, this is deserving of investigation and analysis. Critical here is that even the systems in place to ‘protect’ sponsored partner visa holders are not effective in the context of the control exerted by sponsors.

Bhattacharjee (2013) has written about the ways in which men as citizens have entitlements to movement and access to the migration system that enable them to subvert and undermine the protection of their temporary non-citizen partners, particularly when they leave the country of destination. This is clearly evidenced in our data:

[Chanda] was returned to India when the perpetrator told her that he couldn’t afford her medical treatment. She was abused while she was in Australia, and the perpetrator took all the money given by her family for the wedding and for her visa. When [Chanda] returned to India, he stopped contacting her and she then found out he had re-joined the matrimonial website on which they met on. When [Chanda] returned to Australia he had left the rental property they lived in and taken all her money, jewellery and visa documents.

*(Case file study)*

The perpetrator returned [Farzaneh] to Iran and then stole her passport so she couldn’t return. [Farzaneh] got a new passport and returned to Melbourne without the perpetrator’s knowledge.

*(Case file study)*

Husband returned [Halima] to Afghanistan under the impression that she was going to visit her family. On arrival in Afghanistan, husband told her he was withdrawing his sponsorship and sent her the papers to sign. She refused to sign the papers, and instead returned to Australia to work out what was happening. When [Halima] returned to Australia [with the help of her family], she called him to pick her up from the airport and he informed her that he had divorced her.

*(Case file study)*

[Yasmin] arrived in Australia in March, and was forced to go back to Pakistan in July after the perpetrator told her that he needed space from her, and that she could not return to Australia without his permission, and he would decide the time that she could return. [Yasmin] returned to Australia without his permission as she was scared about what would happen to her. He later purchased a one-way ticket [for her], but [Yasmin] refused to go back.

*(Case file study)*

[Farida] and the perpetrator returned to Pakistan voluntarily after finding out that the [Farida]'s father was unwell. When she wanted to return the perpetrator took her passport and left her in Pakistan.

*(Case file study)*

These examples highlight that there is protection for abusers through all stages of the border crossing: violence and abuse enacted in and through the border crossing against women who hold temporary visas in Australia is largely unseen and enters legally fraught territory. Offences such as *exit trafficking* do not capture the complexity of what the women in our studies experienced in Australia, and once they had left Australia or following their return. More specifically, exit trafficking does not capture the relationship between the abuse that occurs before a woman enters Australia, after she has migrated and is living in the country, and after the perpetrator's efforts to abandon her (irrespective of whether they remain in Australia). The varied and complex forms of violence and the role of borders and migration in facilitating it can be erased when we focus only on the offence of exit trafficking. The problem is that this blinkered focus ensures that the state has limited responsibility: in this framing, the border crossing is where the crime of exit trafficking occurs, and what happens beyond that is not part of the offence per se and is therefore not a concern for the state.

What was evidenced in both studies (and in the work of others, e.g., Anitha, Yalamarty, et al., 2018; McIlwaine & Evans, 2020; Roy et al., 2019) is that a range of actors can continue to control and abuse women on arrival in their country of origin, as seen in the following excerpts:

The perpetrator's family cut up [Aom]'s passport and prohibited her from leaving India to be reunited with her husband.

*(Case file study)*

On 6th April 2014 husband forced [Indira] to return to India alone. He then refused to communicate with her for 20 days, when [Indira]'s brother rang him. Husband came to India after that and refused to take [Indira] with him to Australia. After [Indira]'s brother gave him \$200, husband agreed to return to Australia with [Indira]. The couple returned to Australia in May 2014. On 6th October 2014 he forced [Indira] to return to India by herself. He purchased [her a] one way ticket, but [Indira] refused to return on her own. He then went to India with her. Upon their arrival in India, he asked her brother to pick her up from the airport and he disappeared. [Indira] later realized that he has returned to Australia without advising her. She

tried to contact him for 5 months but he never responded. [Indira] returned to Australia in March 2015 without informing him of her arrival.

*(Case file study)*

[Kalyani] and the perpetrator returned to India after first arriving in Australia. While there, the perpetrator kicked her and her daughter out of his parents' home (where they were staying). She was forced to return to her parents' home, and then return to Australia alone. Limited information about how [Kalyani] returned to Australia, however she noted that the perpetrator did not know she was back in the country, and she was worried that he would find her.

*(Case file study)*

These cases capture the complexities of violence and abuse that can occur throughout this process of multiple border crossings for temporary visa holders, where control, abuse, deception, coercion and harm are evident in myriad ways. In the following two cases, the women were deceived about the reason for their return to their country of origin, where they were then abandoned, after which they made their way back to Australia where the abuse continued:

[Taraneh] married husband in April ... in Iran. In July he returned to Australia and lodged a spousal visa application. [Taraneh] remained in Iran for the two years that it took to receive the visa. She arrived in Australia on [date]. Then 5 months later (after months of abuse at the hands of her husband and her in-laws) [perpetrator] arranged for her to travel alone to Afghanistan. He told her he needed to go via Iran and would meet her there. When [Taraneh] arrived, she was informed that her traveling alone to Afghanistan was all arranged by his family so they could cancel her visa application. He sent her the forms to cancel the visa, but she refused to sign them and sold her jewellery to return to Australia. She arrived back in Australia on the [date]. On arrival he refused to take responsibility for her as his wife, and she was homeless for four months (she slept in a park on multiple occasions). He has told [Taraneh] that he wants to separate, divorce and send her back to Afghanistan and is making her life difficult in Australia. (NB: [Taraneh] had been referred to the AFP and was being supported by the Commonwealth-funded Support for Trafficked People Program).

*(Case file study)*

Perpetrator told [Sakdu] to return to Thailand to take a hairdressing course. This course would take 2 months to complete. Perpetrator told [Sakdu] that he would look after their child while she was in Thailand. [Sakdu] stayed in Thailand for 5 days (from 15/3 – 20/3). When she returned to the matrimonial home, she found that all of her belongings have been put outside of the house, ready to be sent to Thailand. [Sakdu] was refused entry to the house by her mother-in-law, brother-in-law and husband. [Sakdu] could not see the child.

(Case file study)

These cases highlight the ways in which some perpetrators seek to effectively dissolve the ‘relationship’ and separate themselves (geographically) from victim-survivors. We consistently find no evidence that perpetrators are held to account for these actions; rather, intersecting systems including the migration and the criminal justice system, both enable these practices and ensure they are unseen.

The offence of exit trafficking is a very limited mechanism for capturing the full extent of the cross-border violence we have detailed. The offence does not capture the impact of, for example, practices that ‘make life difficult’, as one case manager above described, it is focused primarily on the conditions and context of the border crossing. We remain concerned that the predominant approach will be to keep adding new offence types in the *Criminal Code*, such as abandonment offences, without any deep engagement with the complexity of violence and abuse women experience, as evidenced in both studies we canvassed. We have detailed how for the women in these studies, abandonment occurred on multiple occasions: in their country of origin and then when they returned to Australia, where perpetrators who had abandoned their wives, locked them out of their homes and refused to support them in any way. This refusal to uphold any responsibilities as a visa sponsor – an issue we explore further in [Chapter 6](#) – is facilitated, in part, by the state’s disinterest in ensuring that sponsorship undertakings are upheld or, more critically, in fulfilling its own responsibility to women who are temporary visa holders and have been abused in Australia. This is compounded by the operation of DFV support systems. For example, DFV specialists cannot capture or address the realities of cross-border abuse within the context of localised risk assessment and services. This is because the violence and abuse that occur through the border crossing, in multiple countries, are beyond the scope of any legal or service purview. We note that even in places where abandonment is an offence, this cross-border practice of abandoning someone who fights, survives and returns to the country of destination and to her previous home is not well recognised or addressed.

There was also good evidence in the two studies of the ways in which perpetrators seek to exert ongoing control over women they have ‘abandoned’ or ‘discarded’ in their country of origin. The cases described below reveal abuse and control occurring beyond the ‘exit’ from Australia and beyond the act of abandonment, with the aim of maintaining control by, for example, refusing to divorce the woman or attempting to extort money from her to enable a divorce to proceed:

[Eleheh]’s husband was highly abusive while she was in Australia and controlled her movements. Then her husband deceived [Eleheh] into going to Iran, where he subsequently burnt all her travel documents and left her with nothing. His family in Iran threatened to harm/kill her if she sought a relationship with another person, and under local custom if she tried to leave without an official Islamic divorce she could be stoned to death if she remarried. When he was asked if he would divorce her, he asked her to pay him \$8000 or he would never divorce her for the rest of her life.

*(Case file study)*

After [Mahtab] applied for [an] IVO [intervention order], her husband told her that they were going on a holiday and returned her to Iran where he left her there. When he arrived back in Australia he contacted [Mahtab] and told her that he had burnt her passport and was withdrawing his sponsorship for the spousal visa in Australia. Despite this, he refused to divorce her.

*(Case file study)*

Similar cases were reflected in the interview study. In Australia, as we noted above, the prosecution of trafficking cases remains very rare (see Commonwealth of Australia (Attorney-General’s Department), 2023; [Segrave et al., 2017](#)), and case notes and immigration documentation alone do not suffice to ascertain whether any of these cases would constitute an offence that could be prosecuted. There are two key concerns to highlight here. First, the legal system cannot ‘see’ these practices. Second, the absence of recognition of these complex cases where cross-border movement is connected to DFV, through both the coercion to return to the country of origin and the return migration to Australia where women are met with total abandonment, means that the ‘story’ of gendered violence, coercion and exploitation is truncated into specific acts, and this has myriad consequences. One consequence is the obscuring of the various ways in which the migration system plays a key role in undermining women’s safety. As we explore below, these limitations on what violence

we ‘see’ or respond to extend to the persistent failure to recognise labour and sexual exploitation that occurs in the ‘domestic’ setting.

### Indicators of forced labour and servitude: drawing lines around women’s care labour

‘I started to feel like I was trapped and his slave...’

(*Case file study*)

Here, we consider offences that sit under section 270 of the *Criminal Code*, ‘slavery-like offences’, in particular servitude and forced labour (see [Commonwealth of Australia \(Attorney General’s Department\), 2023](#), pp. 125–6 for a full account of these offences). Servitude and forced labour are different offences under section 270, and here we explore them separately: we explore servitude evident in the context of domestic labour and sexual servitude, and then we examine forced labour. In the case file study, there were 20 potential cases (among a total of 300 cases) where there was some indication of one or both of these offences occurring (servitude or forced labour). While 20 may be considered small (and we note that it is likely an under-representation as many case files contained limited information regarding the nature of the domestic labour setting, for example), we argue that this number must be seen as significant in the context of the number of cases reported to and investigated by the AFP at the time the research was undertaken. In the reporting year 2015–2016, the AFP investigated 36 labour exploitation cases and 39 sexual exploitation cases across the country. This suggests, as we have noted above, that very few cases are reported to the AFP, but also that there are significant and complex forms of DFV that are not coming to the attention of the criminal justice system. This does not mean that the goal is more referrals, as we have observed at the outset of this chapter. It suggests that a close examination of the ways in which this violence remains largely unseen is needed.

Identifying forced labour and servitude in the context of marriage is challenging. The home is most often imagined, as [Tan \(2022\)](#) reminds us, as ‘the positive site of love, safety and support’, despite overwhelming evidence that it is also consistently a site of ‘oppression, violence and resistance for women’ (p. 31; see also [Huang & Yeoh, 2007](#)). The recognition of and response to the practices and offences in relation to forced labour, slavery and servitude have largely focused on paid or external employment settings rather than the domestic, familial setting (with the exception of significant work around domestic migrant labour (c.f. [Tan, 2022](#)).

In the *Criminal Code*, there are specific offences that capture forms of exploitation, including ‘servitude’, which is defined under section 270.4 as:

the condition of a person (the victim) who provides labour or services, if, because of the use of coercion, threat or deception: (a) a reasonable person in the position of the victim would not consider himself or herself to be free: (i) to cease providing the labour or services; or (ii) to leave the place or area where the victim provides the labour or services; and (b) the victim is significantly deprived of personal freedom in respect of aspects of his or her life other than the provision of the labour or services.

The second form of exploitation we explore is the offence of ‘forced labour’, defined under section 270.6 of the *Criminal Code* as:

the condition of a person (the victim) who provides labour or services if, because of the use of coercion, threat or deception, a reasonable person in the position of the victim would not consider himself or herself to be free: (a) to cease providing the labour or services; or (b) to leave the place or area where the victim provides the labour or services.

When introduced, these offences were not imagined as offences pertaining to the domestic setting, where all those involved (perpetrators, victim-survivors) are family members by marriage or birth. These offences describe labour and services – terminology rarely used in policy settings regarding work in the domestic sphere, whether care work or the work of maintaining a home. The key here is the discomfort in recognising that care work is labour, and like all labour can be exploited, particularly in the absence of protections and in the context of one person in the relationship or family being a temporary visa holder with limited claims to protection. It has been noted that one challenge of addressing the violence and exploitation that occurs in the domestic sphere, even where the work is being undertaken by a person who is not a family member but an employee, is the limited reach of formal workplace protections; and the nature of the relationship between the private sphere and exploitation, violence and abuse ensures that most exploitation occurs with impunity (see [Demetriou, 2015](#); [Parreñas, 2007](#); [Tan, 2022](#)). We focus here on women who are not employees and whose labour is exploited in ways that are obfuscated by

law and the migration system: women who migrate for marriage or as wives and/or women who migrate temporarily and then become wives or partners after meeting someone in Australia, who are subjected to abuse that aligns with the definition of slavery-like offences under section 270.

Women's domestic labour is the subject of a significant volume of scholarship, which interrogates the undervaluing of women's labour in the home (Barker, 2012; Palmer & Eveline, 2012), its exclusion from the definition of 'genuine' work (Himmelweit, 1995) and the persistent undervaluing of women's work overall (c.f. Beneria, 1999; Cox, 2013; Hoskyns & Rai, 2007; Young, 1990). Some of this literature examines the intersection of migration and the work of female migrant domestic labourers and the associated issues pertaining to labour exploitation (see Gottfried & Chun, 2018; Tan, 2022). Some scholars explore the view that domestic labour is 'love work' – part of the natural and performative role of women as daughters, mothers and grandmothers. From this perspective, we can recognise that the interconnection between certain forms of care and domestic labour that do not warrant financial recompense render this 'love labour' rather than work (Gottfried & Chun, 2018; see also Lutz, 2002). Where selflessness is valorised as the embodiment of the good wife, and good daughter-in-law (e.g., Marchetti, 2015), recognising certain conditions that are not employment practices as exploitative requires deeper examination, especially as the contract is unspoken and therefore not legally recognised. In the context of DFV, we see that the specific situations surrounding a woman's domestic labour, which we detail below, are deeply entwined with other forms of gendered violence and that the power of the perpetrator/s over temporary visa holders creates the conditions for abuse. Temporariness is only one factor, of course, but it is nonetheless critical as it calls to our attention the role of the state in sustaining these conditions.

### Domestic servitude

For the most part, domestic servitude, which refers to conditions of unfree labour in the familial home, is not the subject of many investigations by the AFP (Commonwealth of Australia (Attorney-General's Department), 2023). In 2022, via a media release, the AFP (Australian Federal Police, 2022b) provided a 'disruption' case study in relation to domestic servitude, where disruption is defined as activities that are not pursued through to charge and prosecution, but which are counted by the Australian Federal Police as a 'successful outcome' (notably there is

no independent way to assess the success or otherwise of the outcomes they are counting or the details of what encompasses disruption). Our key concern is that there is very little engagement with the exploitative labour conditions women face as wives and temporary migrants in family homes. The exploitation of women for domestic labour was prevalent in both studies examined in this book, as evidenced in previous chapters. Women were forced to work within the context of domestic labour, to maintain the home for the immediate and, often, extended family on the perpetrator's side, who shared the home or were visiting Australia:

[Chun] was forced to do all the chores by her husband, and if she did not do it to the standards of her mother-in-law, she was forced to do it all again. During the year that she lived with her in-laws, she did all the chores, was made to eat alone in her room and was not to leave the house unaccompanied. The only time [Chun] was allowed to leave was to attend church, but that was only with her husband. She was allowed to speak to people there but was not allowed to attend social events or interact with people outside the church setting.

*(Case file study)*

[Jelena] was forced to serve the perpetrator and his two brothers. [They] threatened her with being kicked out if she did not do so. He would be verbally abusive (called her selfish, mean, and stupid) if she did not have time to serve him or his brothers, and frequently told her to stop complaining and just do the work. She was expected to do all of the housework and also solely look after their daughter. He controlled all finances and would leave [Jelena] and her daughter without any food.

*(Case file study)*

Our data set revealed that domestic servitude was connected to preventing women from leaving the house, seeking formal employment, and pursuing learning or social activities outside the home. Women who complained about these conditions were often threatened and/or subjected to violence, and in some cases women's passports and other forms of identification or documentation were confiscated (notably this is a specific indicator for trafficking and servitude). The movement of some women was confined and this was achieved in different ways. For example, in some cases women were not given a key to the house, so if they left without the perpetrator's approval, they would

not be able to get back into the home (in the case of self-locking doors). In other instances, women were denied access to finances so they could not leave the house or go anywhere because they had no money to pay for travel. For example, in the interview study, Fatima began her story with a specific reference to her experience as one of slavery:

I'm from Bangladesh ... I got married to him, my ex-husband, in Bangladesh and then I come to Australia and then I become slave. I become slave, just slave. At home everything do for him, nothing even happiness for me.... I cooked for them, four, five times. Every ... morning I must cook like – you know in Bangladesh they have houseworker to – sometimes they work two, three [people], they come ... and they cook for them, they clean for them, they do everything. When I came here I am like this [houseworker].... I do everything.

*(Fatima, interview study)*

Jasveen described how she was expected to do everything and to 'disappear' when anyone came to the house; her husband never recognised her as his wife:

When I came here ... this is the very worst time in my life ... they expected me [to be] like I'm like a chef, you know? Different meals, need to satisfy everyone. Need to clean, the washing, need to do everything, but he is not introduce me as a wife. Like in Centrelink, he show that he's single and that he's not married because he get the benefit from Centrelink as a single parent. When someone is coming over, he tell me, 'you need to just disappear', because he don't want to show me as a wife. It's very painful. And he tell to the kids, when we going [out], 'just tell [people] she's aunty'.

*(Jasveen, interview study)*

Such experiences of complete control and such labour conditions within the domestic, familial setting demonstrate the ways in which women such as Jasveen can be deceived into coming to Australia for marriage and then instead end up forced into the role of a domestic servant, but without any payment or other work-related conditions. In this regard, we recognise that there is some scholarship that explores the concept of servile marriage (Chuang, 1998; Vidal, 2023; Wijers & Lap-Chew, 1999). Importantly, this tends to be examined only within the context of marriage migration, to account for cases such as Jasveen's, where she has effectively been acquired as a wife to undertake this work

without any protections. We avoid that terminology here, in part because of the potential for these discussions to focus on a particular aspect of migration rather than examining the inequalities that are sustained by systems and/or to be used to feed essentialist arguments about culture and violence in the context of migration (Anitha, 2019; Jayasuriya-Illesinghe, 2018; Murdolo & Quiazon, 2015).

One important aspect of some of the cases was, as in Ananya's case, that the experience of servitude began prior to arriving in Australia. Ananya, like many women in the two studies, lived first with her family-in-law in their country of origin after she was married, as her husband returned to Australia and she joined him later. Ananya's situation reflected how her migration status was weaponised by her husband's family and then her husband, and included her husband explicitly referring to his view that he had control over her, that she was his servant:

So when my husband shifted over here they just keep telling me if you do this, that, I will tell my son to not bring you over there and if you want to go – come here you need to take me as well, my mother-in-law always threaten me like this. ... [In Australia] he keep telling me, 'you are dumb', his parents forcing me to do work [in the home], he not allowing me to work [outside the home in paid work].... [He] said to me, 'You are my servant. I just can't take you here and you are not even doing the housework ... [you] just get lost, you not get any citizenship you are my spouse'. So, he just manipulate me.... Because I feel that I wasn't permanent I not get any support from here. He making me stories and I keep believing that story so when he so violent for me all those years I don't know anything in Australia.... So the pressure that I feel on that time was horrible because his parents threaten me, his mum threaten me all the time to do the jobs and even ... [during] my pregnancy ... they [in-laws] didn't do anything, just want servants. That's it.

*(Ananya, interview study)*

Evidenced in Ananya's retelling of her experience is the weaponizing of her migration status, its intersection with her fears and uncertainty around her rights, and the overarching familial enforcement of her role as a wife as one of service and servility. Indeed, her husband specifically referred to her as a servant. When we consider the broader setting of DFV service responses, these systems are not well designed to recognise that the conditions surrounding DFV are often exploitative labour conditions. Not only are these situations often physically, mentally and/or sexually abusive, but they also frequently involve labour conditions

that would be unacceptable in any other setting. The women's accounts identified in our study reveal how the label of wife enables the labour a woman performs to be largely ignored by legal settings: the consequences of this are that no-one is responsible for these conditions, and perpetrators continue their abusive behaviours largely with impunity. Of course, such practices do not only target temporary migrants, but as we have mapped in this and other chapters, temporariness is exploited by perpetrators to maintain their control over women.

We consistently identified myriad forms of abuse occurring in these cases. If we were to focus on each type of abuse as an offence type, we would risk failing to acknowledge the broader context. For example, as seen in the following excerpt, in many cases of domestic servitude multiple members of the household are complicit in the control and abuse:

[Jiya] was forced to do all housework including during her pregnancy; she was physically assaulted by them – which happens every day or every second day.... They controlled what [Jiya] ate, who she talked to, prohibited her from talking with her family in India; they would check her drawers in the bedroom; they provoked her husband to hit her harder; they threatened to kill her family in India by saying that they have a connection with a terrorist in India and they had a gun; they would take her phone all the time, [Jiya] needs permission to use the phone.

(Case file study)

Evident across these cases is that the woman's labour is effectively hidden simply because it is performed in the domestic setting and because the woman's identity is that of a 'wife'. There is no contract, no work hours, no protection. In this regard, cases of servitude are occasionally reported in the media and pursued under the *Criminal Code* (see AFP, 2023; Commonwealth of Australia (Attorney-General's Department), 2023). However, this is rare, in contrast to the evidence provided by our data set that many women who were temporary visa holders experience domestic servitude in the Australian context. While there are important studies that examine such practices in relation to certain cultural or ethnic backgrounds, such as research on the South Asian experience of marriage and servitude, our focus is on how temporariness enables perpetrators to exploit and abuse women, regardless of their background. This builds on the important scholarship that has interrogated the culturally specific factors surrounding marriage, gendered norms, labour and abuse (see Anitha, Roy et al., 2018; Anitha, Yalamarty et al., 2018; Roy et al., 2019), but focuses specifically on the broader importance of temporariness. It is not only

temporary visa holders who experience what we have laid out. But, as is evidenced above, temporariness is leveraged consistently to maintain the power of abusers. Alongside the recognition of ‘work’, another major issue identified in this research concerns sexual assault and the ‘work’ of sexual services in the context of marriage, which similarly remains unacknowledged either as labour or as sexual assault in the familial context. We examine this as a form of sexual servitude.

### Sexual servitude

In [Chapter 3](#), we detailed how sexual assault and rape are enacted in a context where the perpetrator’s power in part derives from the woman’s visa status; in particular, threats to withdraw sponsorship from or have the woman deported are frequently used. As we note in [Chapter 3](#), sexual violence in the context of intimate partner violence remains poorly identified in the scholarship, for many reasons (c.f. [Bagwell-Gray et al., 2015](#); [Tarzia, 2021](#)), and we understand that what is captured in our data is only a partial representation of the abuse experienced by the women in these studies. We also know that coercion can be present even where specific threats are not made; that is, women may fear deportation because of the potential social, financial or physical consequences of returning to their country of origin and/or because they believe that their abuser holds more power than them in the eyes of the state. Consequently, women may acquiesce to abusive partners without those perpetrators ever explicitly threatening them with deportation for failing to comply with their demands. We say this, recognising that ‘acquiescing’ does not equate with consent, and nor does it negate that these practices are sexual assault or rape; this is effectively a recognition that women often choose the safest option of non-resistance. Systems of law continue to fail those who experience sexual violence; this is generally accepted as truth in most jurisdictions and is clearly tied to the gendered nature of the definition of harm and the ways in which social narratives influence perceptions of victim-survivors (and perpetrators). In the context of sex trafficking and sexual servitude, scholars and others have long criticised the law for failing women, and many argue that temporary migrants, in particular, are viewed as suspicious in the context of claiming victimisation while also seeking certainty and protection from the state via permanent residency, for example (see [O’Connell-Davidson, 2015](#); [Segrave et al., 2009](#); [Segrave et al., 2017](#)). What we infer from this is that there are many reasons why women do not report sexual violence in the context of DFV, and there are many potentially negative consequences

for women who resist or refuse the sexual demands of their partner or husband or other family member.

While there were only a small number of cases in our data set with evidence of sexual servitude, these instances did occur in ways that clearly demonstrate the perpetrator's control over the victim:

[Olga] was brought to Australia and one month into the relationship was forced to have sex with the perpetrator whenever he requested it. The perpetrator would threaten her with deportation and violence if she refused. [Olga's], friends and her family referred to her situation as being 'his sexual slave' ... [Olga] was forced to do sexual activities that she did not want to do, such as what the perpetrator watched on porn clips.

*(Case file study)*

[Thuy] was married to the perpetrator after they met online. Shortly after her arrival to Australia and the marriage the perpetrator pressured her into signing a contract that meant she had to provide sex whenever he wanted it, and contribute \$116,000 to his debt and finally, not to tell anyone about the contract. He also controlled [Thuy], including not allowing her to see anyone, and monitoring her mobile phone (she indicated that it was bugged). He also had all of her documents (visa, passport etc).

*(Case file study)*

These situations clearly evidence servitude: there is evidence of the woman being forced to pay a debt and of the perpetrator having complete control over and access to the woman's body, including her silence. The creation of a contract is at odds with what we have identified in relation to other forms of labour, where no contract enables abuse to be undocumented. In the case above, this contract thus acts as a pretence of something formal and binding. This practice, however, is arguably aligned with those that constitute domestic servitude more broadly: where the man has 'purchased' a woman to act as a sex worker but not via payment to a sex worker to provide this service but instead via the pretence of making her his wife. The case above could be identified as indicative of sexual servitude or sex trafficking given the deception involved in the border crossing, akin to early responses to trafficking at the turn of the century (see [Segrave et al., 2009](#)). She is his wife, she is not a labourer, and she is a victim of DFV that includes significant sexual violence, but her story is much bigger than this. In the case file excerpt

below, we see the abuse that is all-encompassing in a context where the perpetrator effectively treats the victim-survivor as his property to control and to who he can dictate what she can and cannot do:

When [Heidi] arrived in Australia the perpetrator made her do all the domestic work, including looking after his 5 children (all of whom had issues with schooling and bed wetting). She explained that ‘I was responsible for all the cooking, cleaning and the chores in the house, teaching the children and their grooming’. If she did not clean the house properly, he would become angry and throw [Heidi] around the room. He smashed her computer while she was trying to speak to her sister in the US after becoming angry that she didn’t finish the gardening. The perpetrator controlled [Heidi] financially, and did not give her access to any money or bank accounts. She explained that she was constantly sleep deprived, and he had deprived her of food. He also expected sex 2–3 times a day, and when [Heidi] refused he threatened to cheat or divorce her.

*(Case file study)*

In such cases, there is no pretence of a relationship, and critically, we argue, the status of temporariness is a significant factor in the perpetrator’s ability to exert power and control, which effectively produces conditions of servitude. In the case above, there is evidence of forced labour, sexual servitude and DFV. In the final case file excerpt below, which draws on the victim-survivor’s statement, there are significant intersections with trafficking and slavery offences in Australia, which begin from the moment of the perpetrator effectively ‘paying’ for his wife when he pays out her debt obligation (to the bar where she was working as a sex worker):

I met with my sponsor in 2012 in [my country of birth] when I was working in a bar, under a contract that required me to be with various men and do whatever they wanted as long as they were able to pay; this more often than not, included sexual contact. After I met my sponsor he paid off the remainder of my contract at the bar, shortly after that I found out I was pregnant. Initially I thought he would be angry, however he was not and stated that he would continue to support me and my children as long as I continued to do as I was told. I had no other option and at the time I was grateful for his support as I was from a very poor region of [my country] and felt I had no other option than to do as he has asked. As my sponsor had paid out my contract, I had no other means to support myself or

my children and made me wholly dependent on him. I came from an impoverished area of [my country] and had no choice but to work in the sex industry, this where I met my sponsor. Since coming to Australia and having support from various services I believe that I was a victim of human trafficking and the experience I had with my sponsor had resulted in trauma for not only myself but for my children as well. This includes physical, financial and sexual abuse, slavery and controlling behaviour towards me and emotional and physical abuse against my two children. While living in Australia with my sponsor he abused me in many ways, and when I attempted to run from this situation my sponsor would blackmail and threatened that I had a debt that needed to be repaid, and that if I chose to leave he had all the power to make sure that me and my children are deported and take away the citizenship that had given to my youngest child.

*(Case file study)*

On the one hand, a question we could ask in relation to such cases concerns where the lines are drawn between trafficking, slavery and DFV. We would argue that the focus on the various offences, which sit across different jurisdictions, can be a distraction and serve to undermine how we understand the breadth and complexity of gendered violence and also how border practices can enable the practices and contribute to women's silence. Cases such as those above challenge the silence around women's experiences of violence and harm that occur in part via the border crossing and the explicit devaluing of women's status when they become temporary non-citizens. In the final section of this chapter, we shift away from the familial setting to consider labour exploitation that occurs outside the domestic setting but in a context that is familial: the abuse of labour undertaken in the family business.

### **Forced labour/labour exploitation in a family business**

In the case file study, four cases involved women being forced to work in a family business who were either unpaid or poorly remunerated and subject to work hours and conditions that were exploitative (that is, working seven days a week, from early morning to late in the evenings without a choice, and without being paid appropriately or at all). These practices could be recognised in the *Criminal Code* as servitude (section 270.5(2) relates to the business setting) or potentially as forced labour. Our concern is less with the specific offence/s these practices fall under than with identifying

the consequences of women's unrecognised labour in the formal, non-domestic setting. In this case:

[Luna] came to Australia with the perpetrator after they married. They purchased a [business] about 3 months after arriving. [Luna] explained that when they started working together in the shop he became increasingly abusive. He controlled all her movements and accused her of flirting with customers. He began making threats to harm her, and at one stage hit her ... causing bruising. When she started working at the shop, she asked the perpetrator to get [Luna] a bank account and he refused. If she needed money for herself or the shop she was forced to justify it, and she would often not get any money. She never had access to any money, and yet continued to work 12–14 hours a day at the shop and never got paid.

*(Case file study)*

In family-run businesses, financial arrangements can be complicated and the decision not to have family members on the payroll and/or to pay them for some but not all the hours they work may be considered reasonable and, while not lawful, still in line with small business practices. However, such arrangements pose considerable risk to women in the context of DFV. Such cases are highly complex in terms of their intersections with various aspects of law; and it is consequently very difficult to create transparency and thereby ensure accountability for harm that occurs in these contexts. Women working in a business may be seen by some as less 'at risk' than women who are confined to their home; and yet even in a public-facing role, they may rarely be receiving any income and consequently, they have no work history and no formal or informal work contract. Every aspect of this financial and employment arrangement undermines women's safety. Broadly speaking, there are specific risks for women working in such contexts who are experiencing abuse. Here, we want to focus on how this abuse of women's labour is connected to other forms and patterns of abuse, including in some instances reproductive abuse:

[Georgie] was overworked and underpaid (occasionally not paid at all). She was required to work 9am–11pm every day. History of verbal abuse while she was working at the restaurant. When [Georgie] found out she was pregnant, the perpetrator booked her in to have an abortion, indicating that she could not have the child as she would not be able to work at the restaurant and he had put too much time and money into it (during this time [Georgie] found out that the baby

was outside the womb and she needed an ultrasound, but perpetrator refused, saying that it cost too much money). She continued to work the long hours at restaurant, and had a miscarriage shortly after.

*(Case file study)*

Evidence of restriction on freedom to leave relationship/situation (employment) and deception about expected working conditions/situation on arrival: [Jiya] reported being confined to the house and the restaurant and being subject to sexual abuse/exploitation by husband/restaurant owner/perpetrator. He forced [Jiya] to work in the restaurant where she was not paid, and not allowed to leave without him.

*(Case file study)*

The following case would broadly fit with a definition of forced labour or servitude, in part because of the physical removal of the woman's passport:

[Diwa] was forced to work at the husband/perpetrator's restaurant 7 days a week for long hours. She was occasionally paid \$50 unless she ate at the restaurant, then this was not given to her. The husband/perpetrator locked away [Diwa]'s passport and other identification and restricted her movement beyond the restaurant/home. He also sexually abused her, and when she refused locked her out of the home for hours at a time (in the middle of the night). Husband threatened to cancel her visa if she tried to leave or report her case to the police, and told another worker (who submitted a statutory declaration for the case) that he was going to send her back to Thailand if the restaurant was successfully sold.

*(Case file study)*

In seeking to organise these case notes according to existing legal frameworks, we were consistently challenged not simply by the failure of the legal definitions of offences to capture the full context of abuse, but also by the ways the law encourages a focus on offences, which undermines the threat of violence and abuse. What was also evident was that the domestic setting was invariably unsafe. This is not exclusively the reality for temporary non-citizens. However, for this group, not only has the state failed to recognise the abuse and harm they experience, and the criminal justice system failed to provide an adequate response, but these failures also constitute a significant contributor to the conditions that ensure this violence remains unseen and continues largely uninterrupted.

## Conclusion

In this chapter, we have ambitiously sought to explore the boundaries of gendered violence, abuse and exploitation. We have highlighted how forced labour and servitude in all its forms are exercised in the context of DFV and through migration processes. These practices are rarely the subject of the law: while there are exceptions, the number and rate of these forms of violence are simply not evidenced in policing or prosecution. In examining the boundaries of gendered violence, we have sought to draw attention to the fraught impact of law and policy responses that function to create boundaries around harm and what is seen and unseen as part of efforts to compartmentalise violence, and to identify 'hierarchies' of harm. As we suggest, the siloing of different forms of violence demarcates what services and systems do and do not respond to rather than recognising violence, abuse and exploitation in all their myriad complexities.

By drawing on the lens of slavery and trafficking, we contribute to the critical scholarship on modern slavery, which reveals how state responses at once obfuscate harm and reinforce simplistic narratives about victims (and offenders) that do not account for the complexity of the domestic or the familial. We are also very aware that gendered and cultural expectations and understandings of gender roles, family and labour are all at play here and that the exploitation that occurs in the familial home can be concealed because it remains steadfastly tied to the idea of 'love' (which is tied to familial obligation and responsibility) and at odds with any formalised recognition of labour. A key outcome of these processes is that they obscure responsibility in different ways: they ensure that questions of labour are about the 'workforce' rather than the home or the family, and that women's labour is routinely denied. This is evidenced in some detail in the stories presented in this chapter, where the guise of marriage is a veil to enable complete ownership of women with no oversight from the state, aided by the threat of deportation. What is clear is that state law and policy can make these complex stories difficult to tell: how do we explain, for example, that labour exploitation, DFV and servitude and trafficking are all relevant in discussions of gendered violence, harm and migration? Such practices are also sustained by patriarchal and capitalist systems that view labour as a commodity when it is not tied to love or family. These social and legal systems benefit perpetrators of violence, who are rarely held to account for their abuse, including in the migration context, and who benefit the state insofar as state responsibility is largely eschewed.

In this chapter, we have also sought to trace the ways in which identity, as a 'wife' and as a temporary non-citizen, prevents recognition of

women's experiences of violence, abuse and exploitation by the state. Such recognition is not just through the lens of marriage migration (as per the work of Jackson, 2007), but also in relation to DFV, which is connected to migration status but is legally framed as slavery-like or trafficking offences. Pessar and Mahler's (2003; see also Mahler & Pessar, 2001) articulation of the gendered geographies of power reminds us to consider the intersection of geographical scale, social location and power geometries and is a useful frame to recognise how legal borders and geographical borders have profound implications for what is seen and unseen, as evidenced in this chapter. Our examination of the serious and harmful practices of exploitation highlights the importance of performing a deeper interrogation of temporariness and state responsibility in the context of DFV and gendered violence more broadly. In so doing, this chapter contributes to a growing body of work that critiques the gendered (and cultural) 'neutrality' of systems. Trafficking responses, DFV services and labour exploitation responses do not currently work together – each relies on very different and limited understandings of the gendered and cultural factors shaping work, labour and marriage.

This analysis extends beyond temporariness, but through our focus on temporariness, we are able to interrogate how the dominant expectations and understandings of harm and victimisation of work and the family are bound to ideas about belonging and the limits of the responsibility of the state. We do not imply or argue for the expansion of the criminal justice system. In the context of gendered violence, we have seen the persistent effort by the state to reform how the law is designed and operates in order for it to better address the way in which private, gendered violence occurs. In that setting, we have seen persistent failure. Our focus instead is to argue for a reckoning with the practices that sustain gendered violence by demonstrating the state's failure to recognise or respond to this violence because the design of its legal and migration systems works to keep it hidden.

## Notes

- 1 Forced marriage and other offences under the *Criminal Codes* s270 and s271 are not explored in detail in this chapter, largely because there was less data pertaining to these other offences. Forced marriage is a major focus of policing in this area (see Commonwealth of Australia (Attorney-General's Department), 2023, regarding the number of cases referred to the AFP), but this issue was not well evidenced in our dataset. There are many reasons for this, as Vidal (2023) and Tan and Vidal (2023) have noted, including that forced marriage is not a clear focus in the context of DFV risk assessment. There is important work underway in Australia to challenge the status quo response, which has largely remained unchallenged since

- the introduction of the suite of trafficking and slavery offences (Tan & Vidal, 2023).
- 2 A larger critique of the CEDAW is that it broadly seeks to capture all aspects of gendered discrimination that intersect across the public and private spheres, including interpersonal violence and the violence of migration regimes, but that it has largely remained ineffectual (c.f. Alkuwari, 2022; Briddick, 2022).
  - 3 Notably, at the time of writing there have been no convictions to date for this offence. But it is a serious crime that can come with a sentence of 12 years' imprisonment for a conviction under the *Criminal Code*.
  - 4 Moreover, if a victim-survivor does not respond to the Department of Home Affairs within 28 days with their right of reply, the provisions may be inaccessible to them. This situation is further complicated if women are no longer residing in Australia, which can be taken to mean that the process has ended and the state is no longer responsible for facilitating a pathway to permanent residency.

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# 6

## THE BORDERS OF DOMESTIC AND FAMILY VIOLENCE

### Exposing violence that is unseen

#### Introduction

In 2016, in a project led by Segrave focused on temporary migration and labour exploitation (see [Segrave, 2019](#)), an interview participant reflected on her observations on the overlap between violence against women and labour exploitation. She told the story of Bernila, a South-east Asian woman whose situation she described in the following way:

Bernila, she married – she was made into a doll. Even if they are going to the market, her husband would like her to make up ... to dress up. And she is pretty. And then they went on a holiday to Thailand and without her knowledge she was ... she didn't know, she was just brought to a clinic, she was put into sleep, when she woke up her boobs was already big. She didn't know about it. Her husband made her – and then her husband would invite men to display her. The men are sick, some men, not all.

*(Key stakeholder, 2016, drawn from [Segrave, 2019](#))*

This case is not drawn from the two studies that are the foundation of this book, but for Segrave, this interview discussion has long underpinned the importance of bringing to the forefront the violence that is often not included in discussions of gendered violence or border violence, and which is largely unseen or hidden. In this chapter, we focus on violence that is often concealed. The interview conversation about Bernila links to the important analysis that has been and continues to be undertaken regarding the racialised power dynamics evident when white citizen men (in this case, Australian men) perpetrate violence against women from non-white backgrounds in the context of intimate partner relationships (see c.f. [Crenshaw, 1991](#); Thiara & Gill, 2010). This includes significant research particularly in the area of 'mail order brides' as a phenomenon

in Australia (e.g., [Cunneen & Stubbs, 1997, 2002](#); [Easteal, 1996](#); [Iredale, 1994](#)). This work has been critical to exposing these issues, but we seek to explore beyond the focus on partner migration and beyond the racialised dynamics of the ‘mail order bride’ phenomenon to consider how patterns of unseen gendered violence play out in relation to the experiences of women who hold different types of visas and have varying stories of migration, relationships and violence. Our beginning point is that just as geographical and physical borders demarcate how we label and recognise violence, so too are the borders of what is named as violence critical to understanding what can be seen and what remains hidden. In [Chapter 5](#), we explored this via the interrogation of what is understood as trafficking or slavery-like practices; here, we consider forms of violence that are produced by state systems and border crossings and sustained by policy and law. This extends to the borders or the limits of responsibility for the state and for perpetrators of DFV.

Many of the situations and the violence we detail in this chapter are not ‘counted’ in any official manner. We take our cue from other critical scholars of border criminology and violence against women to ask what is and is not counted. For example, [Weber and Pickering \(2011\)](#), in detailing deaths at the border crossing, identified the importance of creating data sets and counts where official counts of border crossings were, at best, insufficient. We also recognise how [Walklate et al. \(2019\)](#) have drawn attention to the data on femicide and the ways in which deaths that are directly and yet not observably a consequence of domestic and family violence (for example, victim-survivor suicide, or illness and injury due to long-term exposure to stress and violence) are not ‘counted’ and yet are a major part of the collateral damage of men’s violence against women. We also draw on [Rose’s \(1999\)](#); see also [Andreas & Greenhill, 2011](#)) claim that we need to attend to the ways in which data, particularly numbers, are in fact shaped by political judgements that can be challenged and scrutinised. Not only does data hide the full extent of a problem, but it can also obfuscate the consequences of state action (or inaction) and can be used to either generate or prevent state action and/or the call for the state to be responsible for violence. In this chapter, we seek to interrogate the question of who is responsible for violence, particularly forms of violence that challenge the traditional jurisdictional and geographical demarcations of state responsibility.

Underpinning this analysis is recognition of the state’s denial of responsibility for non-citizens’ safety in the context of gendered violence. We suggest, as we have discussed throughout this volume, that this is evidenced in the delivery of short-term, border-bound and visa-specific interventions, which [Cohen \(2001\)](#) characterises as forms of interpretative

denial. We argue that the suspicion (Aradau & Canzutti, 2022; Borrelli et al., 2022) that underpins the state's relationship with non-citizens is closely connected to its piecemeal policy responses to support temporary visa holders experiencing DFV. We further argue that this is writ large when the system and the border crossing are entwined in the abuse and control of women, in ways that are unseen by the state. We build on Kapur's (2005) observation that 'the legal interventions in the lives of transnational migrants' are articulated and practised 'primarily from the perspective of the host country' such that 'the perspectives of the migrant subject are omitted' (pp. 134–135). While we see evidence of the possibility for the state to extend its reach beyond the border – for example, by criminalising the sexual abuse of children by Australian citizens in other countries – the will of the state does not extend to holding men's violence or the violence of family members to account or to protecting temporary non-citizens. Drawing on Canning's application of Mathiesen's conceptualisation of 'hidden silencing', we explore how individualisation and the displacement of responsibility underpin state responses to DFV (Canning, 2017, p. 139). The consequence of this is that significant aspects of the violence that temporary migrants experience is unrecognised and unnamed, and even when states recognise the specificity of temporary migrants' experiences of DFV, they do so in a way that is superficial or absent any effort to address structural causes. We argue that much of the violence enacted through and by systems, borders and policies, which we examine in turn in this chapter, is hidden or denied by these same systems: one of the major consequences of violence being unseen is that no-one is accountable. Another consequence is that it undermines any broad commitment to ending violence against women: this cannot be achieved without attention to state systems and holding those systems to account.

### **Violence via the system**

Throughout this volume, visa status has arisen as a key point of leverage for perpetrators. In Chapter 3, for example, we detailed how perpetrators threatened women and enacted various forms of violence, using the threat of deportation as a key source of control. We also demonstrated that the promise and misrepresentation of visa status were also used to trick and deceive women: for example, perpetrators would promise women they would apply to sponsor them on a partner visa and convince them to come to Australia on a short-term visitor visa, and then proceed to control them via the promise of applying for the visa and punishing women by refusing to do this if they were not compliant.

While close attention to the perpetrators is important, we wish to shift our gaze here to the migration system itself and the ways in which it operates to reinforce the idea that those on non-partner temporary visas have no access to or guarantee of safety in the context of DFV.

Within the Australian migration system, the reality that people travel on short-term visitor visas to be with their partners is not recognised by the state, even though it is known that this happens (Segrave, 2017; Segrave & Burnett-Wake, 2017). Non-citizens on temporary visas have limited support, as detailed in Chapter 4. In other settings, it has been argued that where support is in place, such as for victims of trafficking, it has been primarily predicated on the state's desire to ensure that most victims return to their country of origin (Segrave, 2009; see also O'Connell-Davidson, 2015). From this perspective, it can be understood that violence that occurs in or via the border crossing is a disruption to order that requires state intervention, absent any acknowledgement that the state *creates* the conditions of border crossing and entry that enable such exploitation to occur (see Segrave, 2009). For those holding working holiday visas, a student visa, a visitor/tourist visa or other short-term visas (such as for work) that offer no guaranteed pathway to permanency, the reality of gendered violence is not a reality for which the state accepts responsibility in any clear or comprehensive way. This is true whether or not the abusive partner is a citizen or permanent resident<sup>1</sup>: there is no specific focus on women's safety or men's violence in such a context. In this section, we want to highlight how the border crossing, and women's status in the crossing and on arrival, is weaponised by perpetrators. In some cases, perpetrators recognise and manipulate women's desire and need to seek permanent residence in Australia. We argue that the migration system is specifically set up to enable this: it is set up to privilege permanency and to empower citizens, and it consequently operates to ensure that perpetrators are never held to account. As we have outlined to some extent in Chapter 3, these actions – of promising but never pursuing a partner visa, for example – are not considered violence and are not screened in formalised risk assessments and yet they are commonplace practices (Segrave, 2017, 2021; Vasil, 2021, 2023a, 2023b). Our focus in coming back to this issue is to raise the question of the responsibility of the system for these points of manipulation and violence.

Mary, a victim-survivor and advocate in the interview study, described the way some men insisted on their new wives coming to Australia on tourist (visitor) visas specifically because it enabled them to manipulate and abuse them with impunity. She commented that 'they're using [us] because we're vulnerable because of that visa and they think

that they can easily send you back, because you're just on that tourist visa'. She further explained:

Yes, the perpetrator, when they bring their wives here, I think they know what to do. I think ... that's why some, they just ask their partners to come here, just on tourist visa first. So, some victims, I know, are [on] tourist visa[s] ... although they married in [country], they already married [so] ... they should apply for partner visa, right? But they [the perpetrators] want their partners to come here with tourist visa first. So, when they're here on tourist visa, that's the time they victimise the girl. So, she's on the tourist visa even though she's married ... already.... So that's the thing. Because tourist visa is like nothing ... like prospective marriage visa. So, most of the victims I've heard are on prospective marriage and tourist visa ... and they can manipulate that girl ... because you're [on] the tourist visa.... I'm sorry to tell that ... Some people like that ... they're using us because we're vulnerable [on] that visa and they think that they can easily send you back, because you're just on that tourist visa.

*(Mary, interview study)*

Capturing the extent to which this happens is incredibly difficult: people travelling on visitor visas are not well represented in data on DFV and/or in specialist service provision data. In the case file study, 18% of victim-survivors entered Australia on a visitor visa (Segrave, 2017, p. 20). Visitor visas are used for a range of reasons, including to enable family reunion and partners to spend time together. While there is a family stream within the visitor visa system, it is a visa that requires a commitment to leave within the allocated time, and there is no published data on the details of who accesses that stream (that is, it includes parents and other family, beyond intimate partners). In 2022, over 1.5 million people were granted an Australian visitor visa (Department of Home Affairs, 2022). Of this number, a proportion would have travelled to be with family and partners, but the precise proportion cannot be ascertained. In this regard, and as noted earlier, we recognise that there is a substantial group who may be experiencing violence who are both largely unprotected and also unseen. Weber and Pickering (2011, p. 94) have argued that it is 'the invisibility of the human culprits, rather than the presence or absence of intention to cause harm, that best defines structural violence'. Similarly, we see here the benign practice of granting tourists visas without consideration of the consequences for those on such a visa who are already in a violent relationship and/or who join a partner and/or family who become violent. Both the state and the

perpetrators of violence – the culprits – are invisible in this context. As Mary explained above, her view is that perpetrators do this intentionally: for example, ensure women they marry from other countries come to Australia on short-term visas so they can get rid of them easily and have no responsibility for these women. The migration system protects these men. Wonders and Jones (2021, p. 296) observe that ‘given that significant political and economic advantages accrue to those already privileged by selective border regimes, nation-states have little incentive to extend rights, resources and belonging to less advantaged border crossers’. While Wonders and Jones (2021) go on to imagine how to disrupt this, we focus here on exploring how the absence of any incentive to extend rights and resources is evident in the way the migration system is used to sustain violence. We begin with examining the ways in which promising but never delivering on a partner visa ensures that women who experience violence have little protection from the state and that perpetrators avoid recognition in the migration system as abusive sponsors, such that this practice can be repeated.

Visa sponsorship is promised, denied and used as a tool of control and manipulation. Part of this manipulation involves encouraging women to migrate on tourist visas, but it also takes other forms. For example, one ‘unseen’ strategy is the refusal to sponsor women when the perpetrator is also temporary (which involves adding women as a secondary applicant to a temporary visa, like a student or work visa). These situations are alluded to in the following brief excerpts from the case file study:

The perpetrator and his family started to blackmail [Haniya] [and] stated that [they are] going to cancel her visa. The perpetrator [initially supported the application] for a partner visa, but cancelled this later. This meant [Haniya] remained on a visitor visa, and thus was not eligible for [the] family violence provision.

*(Case file study)*

[Inda] [who was married to the perpetrator] was on a visitor visa (subclass 600) and was not eligible for the FV [family violence] provision.

*(Case file study)*

Perpetrator has refused to apply for a spousal visa.

*(Case file study)*

The perpetrator refuses to sign documents required to apply for [a] partner visa.

*(Case file study)*

A more substantive example of the hidden nature of violence and abuse within the migration process and system is the way short-term visas, including the visitor visa, can lead to women who experience DFV remaining largely hidden and excluded from support and also ensure the absence of accountability or consequence for perpetrators. This is evidenced in Sahar's story. Sahar's experiences in Australia were detailed in [Chapter 4](#), where we highlighted the way in which her visa status (where she was the partner of a student visa holder) resulted in daily pressure from a refuge to find her own solution to her situation, as her visa status rendered her ineligible for many forms of support. We focus here on the beginning of her story and the perpetrator's efforts to prevent her from coming to Australia at all:

Yeah, when we got married, he sponsored me, but our visa didn't come ... until my son born. So, when my son born, then I ... got visa, for just ... for the three months [that is, she accessed a visitor visa]. And ... he said that it's only for three months, you guys don't have to come here, and I don't have a separate house, I'm living in the sharing house, you don't have to come. But because of the family pressure and everything, everybody was saying that he got married and he leave you like that, he used you ... words I was listening from the cousins and the friends. That's why I had to come here, to stop them, to tell them that 'no, it's just because of visa. It's not because he doesn't want us'. Everybody was saying, he just came, he married, and he left you. So, I came here to join him, and he was not willing to call us so that's why he didn't send any money to buy the ticket. He [did] not agree [for me] to come here [to Australia]. And I don't know why he was not agree ... maybe, um, he was changed or something or maybe he was telling truth, that he has no separate house, where he was living. To keep the family and the child it's very hard in Australia. You can't judge when you are overseas. So, my mother she borrowed money because my in-laws was also saying ... 'our son doesn't have a house, don't go'. He was telling all the brothers and sisters ... my mother-in-law, father-in-law, stop her ... [she is] not to coming here. And he threaten me that if you come without my permission that I will divorce you here. And I was very surprised, and my mother and father was saying, 'Don't go if it's happening like that' ... I said no, I will go. I'm an educated person, I studied postgraduate from my country and I want to see what's the problem, why he doesn't want us, and I want to see with my face ... face to face. I didn't care about anything, I just ... took my suitcase, all the shopping for my son, because he was baby and I came to Australia ...

and I was very happy after a long time I got a visa ... I need to take my son there, he needs to go to and see the father, he didn't see the father [since he was born]. So ... my mum helped me, and I was happy to come over here

When I came here, I realise that that night he was going to engage with somebody else. That's ... that's the very sad night on me, I still remember that ... I realised why he was not accepting us to come here. Every weekend he was out from the – he was not coming in the house. Every weekend he's not coming in the house. Whenever he's in the house we are fighting, arguments and everything. Finally, one day, he said that he book the tickets ... three tickets for us to send back to Pakistan. And I was shocked. I don't want to go back to Pakistan, and I know that now he's going to apply for residence soon ... And I was very scared that why he sending us [back].

*(Sahar, interview study)*

The details of Sahar's case align with the established work on abandonment, where women are married to men, sometimes in the context of pressure on both parties to marry, but then the wife is either left in the country of origin and/or the husband attempts to deceive or force her into returning to her country of origin, as discussed in [Chapter 5](#). However, Sahar did eventually come to Australia, on a short-term visitor visa, and then faced a situation where her husband wanted her to leave. She had no claim in Australia: no right to remain, no access to a pathway to permanency, and no access to services such as health-care, housing or welfare support. In these conditions, the isolation and abuse she experienced were in part sustained by her fears regarding her ability to remain in Australia with her son, which is what she desired. Foregrounding these stories is important because they are largely hidden, happening in the shadows of the migration system. In exploring these accounts, we reference Bumiller's claim that the 'conditions of culture, bureaucracy, and government ... create the conditions for injustice' (2008, p. xiii). Drawing on that critique, we can identify the ways in which the relationship between temporariness and the provision of support produces a specific form of injustice that is founded on exclusion. Stories such as Sahar's offer some insight into this dynamic, as do the simpler statements above that reveal perpetrators refusing to allow women to be on sponsored visa pathways and preventing their access to permanent residency and to the full suite of support options for women experiencing DFV. This is a form of injustice. It also sustains violence against women.

To some extent, [Rose's \(2021, p. 6\)](#) argument that 'domestic violence is so prevalent because it has been and continues to be created, legitimated, perpetuated and even endorsed by the very same state structures, institutions, and systems that purport to prevent and address it' resonates when we can clearly map that the migration system is an institution that perpetuates violence by ensuring that all avenues to support and safety are limited or curtailed because of someone's visa status. However, whereas Rose examines domestic violence as a state crime, our attention is on how the migration system and bordering practices ([Chapter 3](#)) enable the denial and silencing of the complexity of women's experiences of violence, including violence that occurs within and across borders. It is well documented that migration can be used as an escape from DFV (c.f. [Bowstead, 2015](#); [Tan, 2022](#)), but our focus is on the ways the migration system allows women to be stripped of control over their own lives and to have no recourse to protection, while there are no consequences for perpetrators.

The denial of various forms of care and welfare to women seeking safety is important to highlight as even in the midst of the Commonwealth, state and territory government commitments to reform (see [Commonwealth of Australia, 2022](#)) that will extend who can access the family violence provisions and provide dedicated resources to temporary visa holders experiencing DFV, there remain many ways in which the migration system continues to deny responsibility for women's safety. A key example of this is in the granting of visa sponsorship which brings conditions that include ensuring the welfare of visa holders. In this context, we are particularly focused on partner visa sponsors – the spouse (or soon-to-be spouse) – who allow their non-citizen partner to access a temporary partner visa.

While it is the sponsor's responsibility to ensure the welfare of the visa holder, throughout both studies, we repeatedly identified significant harm perpetrated by the sponsor via controlling the physical and mental wellbeing of victim-survivors. Every aspect of living and surviving in Australia for temporary visa holders can be exploited by perpetrators leveraging the power they hold over victim-survivors. While in other chapters, we have mapped the specificity of forms of interpersonal violence (see [Chapters 3 and 5](#)), here we want to focus on the denial of access to services, including healthcare. Consistently, across both studies and in the COVID-19 study ([Segrave & Pfitzner, 2020](#)), perpetrators denied or disrupted women's access to healthcare, an essential human right. The 2020 COVID-19 study ([Segrave & Pfitzner, 2020, p. 20](#)) found that in 38% of cases, the perpetrator had denied food, a secure place to live and/or medication to the 100 women in

that study. Two examples from that study demonstrate the seriousness of the denial of healthcare alongside the perpetuation of physical violence:

Zareen cannot work due to her pregnancy and the perpetrator uses this power against her: she is totally dependent on him for money. Zareen said that she had GP appointments which she had to pay for and the perpetrator would not give her the money. Zareen had missed a few GP appointments because of this. She had been told that the unborn baby has lost a lot of weight and so had she, which can cause implications for the baby's health and wellbeing. Zareen said that the perpetrator often doesn't buy food or give her money to buy food. There are days where she starves and has very low energy due to food deprivation. Zareen said that when she confronts him about not giving her money and starving her, he yells at her, calls her names and says very hurtful things to her. (*COVID-19 case file study, Segrave & Pfiztner, 2020, p.21*)

Aruna is 8 months pregnant, and both her and her baby have lost significant weight due to the perpetrator starving her. Aruna said that she is experiencing high levels of stress due to his abusive behaviour towards her. She is scared to call 000 in case he gets angry and harms her daughter who is in Kenya. Aruna has no one here in Australia and her family overseas don't support her to leave him due to traditional beliefs that 'good women stay with their husbands no matter what'. Aruna had no money and no income. (*COVID-19 case file study, Segrave & Pfiztner, 2020, p.21*)

Similarly, in the original case file study and the interview study,<sup>2</sup> situations arose where perpetrators denied their partners access to information about rights as a deliberate strategy of control, for example:

he knew that I have a rights for Medicare but he hide it from me. And I didn't have Medicare for one year. I have my thyroid problem and even ... medicine I bring for my thyroid is already finished, I need new but I cannot buy without receipt [script] so I need to go to GP. I didn't have money to go to GP for my receipt.

*(Mina, interview study)*

For Mina, access to medicine was denied indirectly via the denial of access to finances. In other cases, this form of harm extended to re-productive coercion, as in the following excerpt detailing how the

victim-survivor was forced to have an abortion and was then coerced into leaving Australia at a time that significantly impacted her overall health:

[Grace] was forced by her husband to have a termination of pregnancy on the 17<sup>th</sup> July 2013. She was required to return to the hospital 10 days following the surgery. In the meantime, husband forced her to return to India. She suffered from fever and infection as result of this [travelling and not returning for a check-up].

*(Case file study)*

Much of this violence is not the type of violence that is pursued by the criminal justice system. Largely, this violence is unseen. This is evidenced by government commitments to addressing temporary visa holders' experiences of DFV, where the commitment includes legal support, a one-off emergency payment and small amendments to the provisions; such commitments are piecemeal at best, and do not reflect the breadth of violence women experience or their needs (Commonwealth of Australia, 2023, pp. 50–51). Health care access, ongoing financial support, assistance to navigate the family law systems: none of these issues are addressed. Yet we know that visa status, which is managed within the migration system, has a direct relationship to whether, for example, any health care is freely available: many temporary visa holders cannot access free or subsidised healthcare. What does this mean? It does not just mean that without sufficient funds or appropriate insurance they may not be able to access health care, it means that their perpetrator wields considerable power to control their access to healthcare as detailed above. Often, the question of access to healthcare is framed as an individual problem: for example, the messaging for student visa holders, as temporary migrant women, is that they should not get pregnant, and if they do, they must ensure that obstetrics is covered by their private health insurer, because they are not eligible to access the Australian public health system. This is a responsibility that thus lies with the visa holder (and of course in the broader social context, we recognise that the responsibility for reproductive care overall is placed on women). In the interview study, Jayani described how, as a student visa holder, she was unable to rely on public healthcare and her private insurer did not cover the costs of her pregnancy, so she was forced to defer her course and return to Sri Lanka to give birth while her husband stayed in Melbourne and continued working. While the trip home provided her with a reprieve from her abusive husband and in-laws, she explained that in the months leading up to the birth of her son when she was still in

Australia, her husband continued to deprive and exploit her, regulating her behaviour and using physical violence against her, which left her exhausted, overworked and in a state of constant stress and fear. The threats to Jayani while she was pregnant came from her family-in-law as well, where in addition to the lack of medical care for her pregnancy, the threat of being 'sent back' was omnipresent:

One day I didn't go to work because I had a headache and I stay at home and I didn't tell anyone I am ... because they are blame to me, I stay at home, then I didn't tell anyone and I close the door and I stay at my room and my husband went to work and I think he told them I'm stay at home and my brother-in-law blame me, 'why are you stay at home, then you didn't work in here, I will send you back to Sri Lanka', like that.

*(Jayani, interview study)*

Jayani's situation exposes the significant impact of the exclusion of access to healthcare and support based on visa status. It also exposes the ways in which some countries, including Australia, are happy to reap the financial benefits of international students coming to Australia, but are not willing to offer support to student visa holders who fall pregnant and have a child, not even those who do so within the context of DFV. Jayani experienced violence in her relationship and in her home setting, had to return to her country of origin to have her child, and then returned to that violent familial home in Australia. In this context, the possibility of returning to study, covering the cost of her student fees and/or accessing alternative migration pathways were fraught, complex and financially unobtainable for her on her own. However, it was Jayani's visa status that determined her exclusion from support and consequently made her responsible for finding a solution and, critically, paying for that solution. As [Kapur \(2005\)](#) observed some time ago in relation to migration, it remains the case that 'the larger part of the responsibility lies with those who move' (p. 35) even where the state is profiting from that mobility, and this extends to temporary women migrants who experience gendered violence. Critically, in such settings, the pressures and challenges facing mothers with young children and insecure visa status very often result in these women choosing to stay with violent partners and family-in-law. This is a decision made within the structural limitations the state places on temporary visa holders who experience DFV.

We return later in this chapter to the consideration of perpetrators and their almost total absence from policy efforts to address violence. Here, our concern is the limits of our DFV system when border crossing is involved.

In particular, because violence that crosses borders and occurs in other jurisdictions remains largely unseen, the full picture of the breadth of violence and abuse exercised in the context of DFV is obscured. As a result, state responsibility for violence and for the failure to find effective ways to disrupt this violence is evaded. This example now brings us to explore the ways in which violence exists across, within and beyond border crossings.

### Violence across borders

Bredal's (2022) examination of violence in the transnational border crossing drew on the work of Mahler and Pessar (2001; see also Pessar & Mahler, 2003) to examine the spatiality of family violence, 'with the aim of understanding how transnational spaces and practices are hierarchically organized along different intersecting and interacting dimensions such as gender, class, ethnicity and legal affiliation with states' (p. 153). In this section, we draw on that work alongside other research, including that on abandonment (see Anitha, Roy, et al., 2018; Anitha, Yalamarty, et al., 2018; Roy et al., 2019), to explore violence via border crossings. In Chapter 5, we explored abandonment as a practice and a crime within the context of women being deceived into crossing borders. Here, we consider abandonment in the context of multiple border crossings, extending the important work led by key scholars who have explored this issue (Bhattacharjee, 2013; Liversage, 2022; Roy et al., 2019). For example, in the case file study was one woman's story of multiple border crossings:

When the perpetrator returned [Soyara] to Iran, she was effectively homeless as she could not return to her family (who, when she tried, reiterated that she is no longer their responsibility, and therefore she couldn't stay). He left her no money, so she was also unable to support herself, purchase food or medicine. While in Afghanistan, she attempted suicide after the consulate told her the only way to secure a passport was to provide sexual favours to the staff member, she had to rely on her uncle's family to take her to the hospital and look after her. When she finally returned to Australia, her husband refused to take her back, and she spent three months homeless, and spent nights sleeping in the park.

*(Case file study)*

In this and many other stories across both studies, *multiple* border crossings are undertaken and there is a continuity of violence throughout these crossings in myriad ways. There is, however, no recognition

of this kind of violence in any formal policy setting. In our studies, the women involved had managed to seek support and safety. However, we know these cases only represent a proportion of the women in Australia on temporary visas experiencing violence. Violence and abuse are not limited by borders; but our response is very much limited by the geographical border.

In some instances, control was exerted via denial of access to border crossings: that is, perpetrators seeking to ensure that their partners did not leave Australia. This was evidenced in cases such as the following, where a woman's passport was withheld to prevent her from leaving:

Perpetrator has withheld [Anastasia] and [Anastasia]'s children's passports so that she could not leave. Similarly, perpetrator's in-laws (secondary perpetrators) have withheld passports. The in-laws also discouraged [Anastasia] from leaving Australia to live in NZ as they suggested that it would be very difficult for her to live there.

*(Case file study)*

In other instances, it was children and their relationship to both their mother and the border that was weaponised. Weaponising Australian citizen children was a key strategy used by perpetrators across the two studies, whereby mothers who were temporary visa holders were threatened with deportation and the claim that their children would have to remain in Australia, as detailed in [Chapter 3](#). Beyond such efforts to keep children in Australia, there were other actions that involved weaponising children. In some cases, it involved children who were not Australian citizens and, in some cases, not in the country, but in other cases it involved children who were sent overseas and efforts were put in place to ensure the children remained with their paternal grandparents. One such act in the case file study involved the deliberate attempt by the perpetrator to separate his wife, Saanvi, from her children while she and her children were in Pakistan, as detailed in the following excerpt:

The husband suggested [Saanvi] travel to Pakistan for a few months. [Saanvi] agreed to this. [Saanvi] and child departed Australia in July, with a return date booked for December that year. Husband remained in Australia. In September, the paternal grandfather asked [Saanvi] to give the child's passport to him for renewal. As the child is an Australian citizen, [Saanvi] was aware that child had only been granted a 90 days visa by the Pakistan government. However, the child's passport was never returned by the paternal grandfather to [Saanvi]. While in Pakistan [Saanvi] [had to try repeatedly to] contact

her husband in Australia. She told him what had happened and that she wanted to return to Australia with the child. The husband told her that the child's care was not her decision to make and that he would ultimately decide whether the child return to Australia or remain in Pakistan with the paternal family. [Saanvi] tried to seek help from the Australian Consulate in Islamabad. When she informed her husband that she has contacted the Australian Consulate, her husband told her to tell the Australian Consulate that she had lost [the] child's passport and ask them how to get this renewed. [Saanvi] attended an appointment with the Australian Consulate in December. She was told that the emergency passport could be issued for the child providing the child's father's signature was obtained. The Consulate informed [Saanvi] this document needs to be received within five days. When client informed this to her husband, he first promised to sign the document but later on said that he would not give consent for an emergency passport to be renewed. As result of this, [Saanvi] had to travel to Australia on her own and left the child behind in Pakistan. When [Saanvi] returned to Australia on her own, she sent [a] text message to her husband informing her arrival. He called [Saanvi] in response and was extremely abusive on the phone. He was angry that [Saanvi] had returned to Australia and demanded to know why she had come back. He then threatened to kill her and their child (who was) at the time living in Pakistan.

*(Case file study)*

Another common but often unseen act of violence enacted in the border crossing involved situations where the perpetrator promised to bring non-Australian citizen children – often children from a previous relationship – to Australia but then not doing so and/or delaying as a way to exert control over women. This enabled the promise of supporting children and/or reunifying them with their mothers to become a pawn for perpetrators to leverage. In the case file study, 32 of the 227 dependants for whom victim-survivors were responsible, financially and legally, were not in Australia. There was often very little information about the arrangements associated with children living outside Australia in the case files, but two particular situations emerged. In some cases, women had travelled to Australia to be with their new husbands, on the promise that the children would be supported to come to live in Australia at a point in the near future. In other cases, the arrangement was that the perpetrator had agreed that he would support the victim-survivor to support her child/ren in her country of origin, where there was no clear expectation that the child/ren would be migrating to Australia (Segrave,

2017). An example of this from the case file study captured how the victim-survivor had made a commitment to provide financial support for her child and parents in her home country, but not long after her arrival in Australia, this made her then-husband angry:

[Phuong]'s 5 year old son was living in Thailand with his grandparents throughout the case. [Phuong] was trying to financially support her son and her parents while she was in Australia, until the perpetrator got angry at her and told her to stop.

*(Case file study)*

Similar stories were relayed in the interview study. For example, Mary came to Australia with her youngest child on a prospective marriage visa based on the agreement with her fiancé/perpetrator that she would be able to work in Australia and in so doing could continue to financially support her eldest child (who was studying at university) and her elderly parents who remained in the Philippines. On arrival in Australia, the perpetrator immediately reneged on their agreement: he would not allow her to work (this included ensuring that she had no access to the internet or a laptop so she could not take on any form of work that was remote/flexible) and ensured her total financial dependence on him. In another case, the victim-survivor, Maryam, wanted to ensure that she was able to send money back to her parents in her home country, who were looking after her three children:

And then my kids were there, my parents are looking after three children, they are giving their time, definitely I should send some money for the other expenses to my children, you know? And then I wanted to do that, he wasn't willing, he thought like, it doesn't matter for them ... for him my parents, they don't mean anything, you know? They don't even exist. ... If they are staying with my mum, I will feel like they are staying with me. So, he wasn't willing to send money. 'You left them with your parents, you know, they will look after it ... why did you leave [the kids] with them?' And then I had to send some money like ... two hundred, three hundred at least per month. It's big money there, you know. And then he started from there ... abuse me, like financial abuse. I was earning \$6 per hour and then if I make some money, I send to them. You know, what's the big deal? I'm sending to my parents, I'm not sending to any other person, you know. I'm sending to my own children. And then, he started to abuse me if I say like ... if I said I don't have money to

buy the things or to do the things ... 'What happened to your own money?' You know? He ... he stopped giving me money from there.  
(*Maryam, interview study*)

Some of these forms of abuse, as experienced by Mary and Maryam, may be labelled as financial abuse, but not all would neatly fit into that category. Indeed, focusing on the category of abuse is a distraction; what is more important is to recognise the ways in which children and family and the financial responsibility women have to their dependants in their country of origin can all be leveraged by perpetrators in Australia. This aspect of the connection between women and their families across borders is critically important in understanding violence across borders. In the interview study, Jayani explained how she had tried to remain silent, even when her brother-in-law directly asked her about her injuries, because she wanted her son to come to Australia, despite her perpetrator's insistence that they support her son financially to remain in her country of origin:

He sometimes hit me, lot of bruises in here and here, every day, every people ask me what happen, and I told them, some injury from my workplace, something drop here, like that things because every time I protect him. Because sometimes his ... my brother-in-law also asked me, what happened, I didn't tell anything. I really need [my son] with me but my husband doesn't like it. He told me, we will send some money for him, he will stay with my parents [overseas], that's better.  
(*Jayani, interview study*)

Berman (2003) has observed that 'the concern over the exploitation of women is haunted by a more immediate and instinctive concern about border violations' (p. 43). In the context of lawful border crossings, we see that these migrations enable significant harm to be hidden from view and that systems that are not designed to be responsive to the ways in which the border crossing and the promise of the border crossing can facilitate significant violence. The visa regime is one of inclusion and exclusion, where the priority is not the security of the border crosser but the security of the state. We, therefore, might ask: at what point can we recognise the violence at the border as being produced *by* the state?

Weber and Pickering asserted in relation to the abandonment of humanitarian responses to be replaced by border-hardening practices to respond to asylum seekers:

Once the violent implications of these structures are unmasked to potentially critical audiences, the political task of challenging the

ideologies that legitimise them, and the competing interests that motivate them, can begin.

*(Weber & Pickering, 2011, p. 95)*

Our task here has been first to highlight how DFV occurs across borders and in the context of migration in myriad and largely unseen ways. [Weber and Pickering \(2011, p. 95\)](#) noted further that: ‘operating within a bureaucratic framework, visa regimes often present a facade of legitimacy and non-violence – they do not depend, in the first instance, on hard rhetoric or military forces against targeted groups’. Where [Weber and Pickering \(2011\)](#) are focused on the exclusion of ‘high-risk’ travellers, we are focused on people who take ‘regular’ migration pathways and the violence and abuse they experience in doing so, which is often hidden and silent precisely because their mobility is legal.

### **Violence via policy: impunity for the state and for perpetrators**

[Bowling \(2013\)](#) has argued that ‘borders have become a key locus for discipline and punishment, and have grown ever higher, thicker, and tighter’ (p. 291). A key concern for the criminology of mobility is to problematise the boundaries of existing notions of state punishment, recognising that ‘the border can be the location of punishment’ ([Bowling, 2013](#), p. 291). We seek to extend this call to problematise the border and the role of the state, but we recognise that the border is not only a site for punishment but also for enacting and silencing harm. The state, via the migration system, ensures the absence of punishment or consequence for the abuse that perpetrators enact against temporary visa holders. It has been observed that citizenship and the associated right of mobility provide impunity to perpetrators for the violence they enact (c.f. [Anitha, Roy, et al., 2018](#); [Bhattacharjee, 2013](#)). However, perpetrators do not need the privileges of citizenship to enact violence against women who hold temporary visas. They also remain largely protected by the inability of our migration and legal systems and policy settings to recognise the full extent of women’s experiences of violence and abuse when they are temporary visa holders.

In this final discussion, we refer specifically to aspects of policy and the operation of the migration system in Australia.<sup>3</sup> This is a largely hidden and complex bureaucracy. One exemplar of the production of migration-related system data is the public reporting on the number of family violence provision applications and the number of applications granted. We would argue this is an exemplar of the performance of

transparency: where the numbers tell us very little about the operation of the system (see [Segrave & Milivojević, 2010](#)). We focus on this here, following the examination of administrative decision-making in [Chapter 4](#), in relation to the production of numbers. As [Rose \(1999\)](#) and [Weber and Pickering \(2011\)](#) observe, numbers are political and reflect a judgement on what story to tell. This can, therefore, be a story as much about the ‘transparency’ of the agency as the specific nature of what is being reported. Similarly, [Andreas and Greenhill \(2011\)](#) have argued that both what is counted *and* what is not counted is important. They argue that numbers are produced to present a narrative around a defined problem and to determine the shape and size of that problem. It is important to interrogate the limits of the definition of ‘the problem’. It is also critical to attend to how numbers are often poorly engaged with and/or interrogated by the public, including the media ([Andreas & Greenhill, 2011](#)). This is particularly true in the context of border harm. It means that a key role for researchers is to consider the production of numbers that are not publicly counted or shared, such as deaths in the border crossing. It also means that there is power when researchers create new ‘counts’ that illuminate harm and victimisation that has been hidden or denied. As [Weber and Pickering \(2011\)](#) write in their volume dedicated to counting border deaths, ‘quantification can transform the political domain into a docile arena where the “apparent facticity” of numbers can silence debate’ (p. 34). We have detailed evidence in this book that offers an account of practices that are not counted in official DFV or modern slavery numbers. We turn now to consider how the transparency of sharing numbers on applications and approvals in relation to the provisions, detailed in [Table 6.1](#) below, requires our careful and critical attention.

What do the numbers in [Table 6.1](#) tell us? At first this appears to be trend data, where we can see the number of applications to access the provisions and the numbers approved. However, this is misleading. This is, in part, because there is no relationship between these numbers and the number of people in each year holding a temporary partner visa who would potentially be eligible to access the provisions if they needed. Another challenge of interpreting this data is that it does not account for the lag across the reporting period between an application and a decision. For example, an application made in 2021 may be reported in 2022 as a granted application, so it is captured in both the 2021 application number and the 2022 granted number. This is a specific device of administrative bureaucracy that ensures that accountability for the operation of the system is challenging to ascertain. Given these limitations we cannot read this data to determine how well this system is working

**TABLE 6.1** Family violence provision applications lodged and granted between 2016 and 2022\*\*

	2016–2017	2017– 2018	2018– 2019	2019–2020	2021****	2022****
<b>Applied (total)</b>	<b>544</b>	<b>619</b>	<b>638</b>	<b>793</b>	<b>702</b>	<b>717</b>
Female*	454	517	520	NP***	571	569
<b>Granted (total)</b>	<b>417</b>	<b>494</b>	<b>413</b>	<b>599</b>	<b>688</b>	<b>703</b>
Female	NP***	415	359	NP***	590	577

\* NB Only data on females was provided: males and/or not specified cases would be included in the additional applications.

\*\* NB this data has been sourced via email communications and FOI requests. We note that the numbers are not consistently reported, that is, there are some variations in application numbers in different datasets we have received, but these are not significant variations, it is within the realm of 1-2 less or more than reported above.

\*\*\* NP = not provided

\*\*\*\* from 2021 the data is calendar rather than financial year data.

for temporary visa holders experiencing DFV. The danger, though, is that the data is used in this way. This is exemplified in a media report indicating that the Department of Home Affairs claimed that ‘The number of dependent migrant women suffering domestic violence is dropping’, based on fewer applications to access the provisions (Le Lievre, 2018). Claiming that the reduction in applications for the family violence provisions can be equated with lower rates of DFV is fundamentally flawed; it also conceals the reality of the detailed accounts of violence that women experience. Such claims not only silence the realities of gendered violence, but they also ensure the protection of perpetrators and the ongoing perpetuation of violence against temporary visa holders.

We draw attention to the provisions and the obscurity of their operation to highlight that perpetrators who act as visa sponsors and abuse their partners are enabled by the absence of any aspect of recorded data that could offer clear insight into whether the safety net built into the partner visa system is working to protect women. Not only does this protect perpetrators it ensures limited scrutiny of the state. We suggest that administrative obfuscation via the pretence of releasing ‘data’ can reassure an otherwise unknowing public that the system works to protect women who experience DFV, without acknowledging that there are potentially thousands of temporary visa holders who could access the provisions who are not accessing this safety net. And, critically, there are many more thousands of women who hold temporary visas who have no safety net at all.

To interrogate this further, we shift away from consideration of how women may be protected and the extent to which the safety net operates as it was designed to question who is responsible for this violence against women and what are the consequences for them as partner visa sponsors and perpetrators of DFV. Notably, this is an area in which silence reigns supreme. We sought to examine this but found there is no public data or public statement around perpetrator accountability. We sought information from the responsible government department in 2023 and received a reply via email. We use their response and the information provided in the discussion that follows. A key question we asked in the context of partner visa sponsorship and DFV, was how sponsorship obligations are upheld and how the minister responsible, under the *Migration Act 1958* (Cth), seeks to ensure the integrity of the migration system via a focus on ensuring sponsors uphold the obligations they take on when sponsoring their partner. We asked these questions because there are clear demarcations in the *Migration Act 1958* (Cth) and the *Migration Regulations 1994* (Cth), that point to both the minister and sponsors having responsibility towards temporary visa holders, specifically:

1. Under the Migration Act, the minister has a responsibility to ensure that sponsorship obligations are upheld by sponsors and section 140HA details what the Act specifies in relation to this (including paying prescribed medical, hospital, aged care or other health-related expenses).
2. Under the [Migration Regulations \(1994, Reg 1.20\)](#), the sponsor agrees to ‘undertake to assist the applicant to the extent necessary, financially and with respect to accommodation’.

There are three important points to make here about visa sponsorship obligations (as opposed to undertakings) under the Act and Regulations, and enforceability. The first is that the obligations of visa sponsors weigh more heavily in relation to labour migration and the rights of migrant workers who are sponsored for work and the consequences for sponsors (employers) who mistreat or underpay temporary migrant employees. This echoes our earlier discussion in [Chapter 5](#) of what labour ‘counts’ and the predominant recognition across every aspect of law and policy that labour in the workplace is both separate from and more readily viewed as work than women’s labour and experiences in the domestic setting. Entrenched within migration law is that while employment visa sponsors have *obligations* under the Act that if unmet can result in fines or imprisonment for breaching, sponsors of partner visas, as per the Regulations, are only required to adhere to

an *undertaking*. This is a less formal and less enforceable commitment under the Regulations. The migration system is thus structured in such a way that it does not prioritise the protection or safety of partner visa applicants or recognise the risk inherent in the power differential when they are sponsored by their partner. We argue that this constitutes a form of structural violence.

The operation of this ‘fuzzy’ requirement of an *undertaking* was confirmed to us via our communication with the Department of Home Affairs. We asked about some of the situations we have detailed in this book, for example, sponsors of partner visas removing women and locking them out of their homes. Providing accommodation is one of the commitments that sponsors make to the department regarding their responsibility for the welfare of the partner visa holder. The following excerpt from an email we received from a department representative reinforced first that providing accommodation is an undertaking *not* an obligation:

The current Partner visa framework provides for sponsorship undertakings (Regulation 1.20) and does not impose sponsorship obligations. The undertakings include that sponsors must assist their partner financially and with their accommodation for a period of two years.

*(Personal communication, Department of Home Affairs representative, 20 June 2023)*

We have detailed in this book the ways in which women were locked out of their homes, forced to sleep outside in the cold, denied access to healthcare, or locked into their homes such that they became prisoners. What is clear is that the undertaking sponsors make when sponsoring their partner is not enforced. In not holding sponsors to account, there is no formal accounting for the extent to which sponsor undertakings detailed in the Regulations are not upheld and this, we argue, is an act of silencing. [Canning \(2017\)](#) describes how migration processes and structures can deny or silence harm: in this case, the structure of the system provides perpetrators with the protection of inaction, and arguably total disinterest, in the failure of the sponsor to provide this undertaking. For temporary partner visa holders, then, what is clear is that safety is not guaranteed, and that their safety is not the responsibility of the state when the harm takes place in the domestic setting.

This takes us to our second point, that there are no consequences in the migration system for perpetrators who fail to uphold their undertakings under the Regulations. There are no specific consequences in migration policy or law (that is, in the Regulations or the Act) for a

perpetrator who sponsors a partner visa and abuses the visa holder. Even when the provisions have been granted to a victim-survivor, if this has been done absent judicial evidence (as was the case for several women in the interview study, see [Chapter 4](#)), it remains unclear that sponsorship would be denied if that perpetrator sought to sponsor another partner visa. The Department of Home Affairs told us:

There is no specific bar on a subsequent sponsorship for a sponsor whose former partner was granted a visa under the family violence provisions. A sponsor may be excluded by other limitations on approval of sponsorship in Division 1.4B. These include:

A lifetime limit of two Partner sponsorships, and a minimum time period between them of five years, under Regulation 1.20J. A visa granted under the Family Violence Provisions counts towards these limitations.

Sponsorship may not be approved if the sponsor has a conviction for a ‘registrable offence’, and the application involves a child under 18, under Regulation 1.20KB.

Sponsorship may not be approved if the sponsor has a conviction of and a significant criminal record for ‘relevant offences’, which include violence against a person, harassment, molestation or stalking, human trafficking (including forced marriage), and breach of an apprehended violence order, under Regulation 1.20KC.

*(Personal communication, Department of Home Affairs representative, 20 June 2023)*

We note that these limitations include offences, such as human trafficking, for which the rates of reporting and prosecution are extremely low compared to the estimated number of likely victims (see [Segrave et al., 2017](#)). We also know that cases of human trafficking can occur in the context where men are unable to be approved as visa sponsors. These limitations may sound reasonable, but they are not related to proactive action or a commitment to hold sponsors accountable for failing to uphold their obligations and for enacting DFV towards women they have sponsored. Critically, there is no accounting in the system for how many sponsorship applications are denied on the grounds outlined above. We asked but could not access any data around this to have any sense of how well these limitations are enforced; we were told this data is not collected.

The third point to note here is the use of policy to ‘facilitate superficial changes’ ([Canning, 2017](#), p. 147) that are inherently dangerous. In a move (first announced in 2016, and later in 2020 as detailed in [Chapter 1](#))

that was heralded as ‘protecting’ women, the government made a decision that sponsorship applications under Regulation 1.20KC would not be approved in cases where the would-be sponsor has a criminal record (this is specific to violent and interpersonal offences, generally, as detailed in Division 1.4B and as noted in the communication from the department quoted above). This move was designed to protect women. In the second reading speech outlining the decision, the then Home Affairs Minister stated:

The changes we are making in this bill will complement the work being done right across government to reduce the incidence of domestic violence in our community, and I commend the bill to the House.

*(Dutton in Commonwealth Parliamentary Debates, 2016, p. 288)*

The action of denying a sponsorship application will not reduce violence against women, but the rhetorical assertion is neat in its logic and moral pretence. This is an example of the effective façade of legitimacy and of non-violence in visa regimes referred to by [Weber and Pickering \(2011\)](#), where the foundations of exclusion and suspicion are obscured with the rhetoric of benevolence and protection. When this idea was tested via a Parliamentary Inquiry, the submissions overwhelmingly objected to this action (see [Segrave & Burnett-Wake, 2017](#)). As [Segrave and Burnett-Wake \(2017\)](#) detail, the analysis of these submissions revealed that there was no consideration of the impacts these changes would have on women and, further, no consideration of the potential for this move to make women less safe.

Critically, the claim that this process would identify the risk of family violence for potential temporary migrant women seeking partner visas was entirely questionable. One reason for this was that DFV ‘is not solely dealt with via criminal jurisdiction’ ([Segrave & Burnett-Wake, 2017](#), p. 160). More importantly, the denial of sponsorship to men only serves to impact women. It entrenched the structural denial of women’s experiences of violence and ensured their exclusion from safety. We have detailed in this volume how perpetrators build relationships, marry women from other countries, and promise permanent migration pathways but encourage women to come to Australia on short-term visas to visit and stay. This group of women is unprotected in the migration system: the provisions are only available as a safety net to women on temporary partner visas. So too, denying men with criminal records the ability to sponsor women on partner visas only impacts women. When sponsorship is denied, women are shut out of access to the safety net of the provisions.

This reality is not addressed. The decision to prevent men from sponsoring women is not accompanied by proactive support for women who are in relationships with them already and who were to be the visa applicants. The decision to not approve a sponsor can be seen at best as a paternalistic measure of protection that occurs in a vacuum. The lives of women, their relationships with their Australian or permanent resident husbands or partners, the consequences for their children – none of this is of any concern to the administrative authorities who make determinations about sponsorship applications. Whether offshore or onshore, the Department of Home Affairs does not know what happens to women whose partners are willing to sponsor them on partner visas but whose sponsorship application is denied. The system is built in such a way that this question is simply not asked: there is no accountability for the potential consequences for women who are locked out of this pathway.

## Conclusion

In this chapter, we have focused on violence that is produced via systems, across borders, and via policy action and inaction. We sought to draw out some of the ways the state has configured complex migration systems and abstract, unaccountable, administrative decision-making machinations in a manner that ensures there is no protection or support for temporary visa holders who experience DFV. Within Australia, in the border crossing and in countries of origin, there is a significant volume of violence that is largely unseen. We have detailed here the importance of paying close attention to who and what is rendered silent. We need to recognise the blustering obfuscation of public data that appears to be an act of transparency or accountability but tells us nothing about women's safety. We need to ask who is responsible for decisions that claim to be protective, but which cut women on temporary visas off from one of the few safety nets available in this country. We also need to recognise that even this safety net enables denial and silencing of the full extent of the violence that is experienced by temporary visa holders and sustained by state inaction. In the midst of the Australian Government's post-COVID-19 commitment to increase migration, including both temporary and permanent migration, we must not stop providing evidence on the complexity of women's experiences of violence, which are obfuscated by the language and operation of regularised mobility. The overarching question driving this chapter is that of who and what sustains gendered violence. The chapter points squarely to the state and its systems, which sustain and obscure this violence with impunity and which have barely felt the ripple effect of critical feminist interventions.

## Notes

- 1 We do note, however, that the Australian Government is committed to deporting non-citizens who commit a family violence-related offence under Ministerial Direction 90 (Visa refusal and cancellation under section 501 and revocation of a mandatory cancellation of a visa under section 501CA). This raises a particular issue regarding the view that Australia is willing to take the action of deporting violent men, who are then never able to return to Australia. This is a debated stance and this remains an issue at the time of writing. It has been labelled a double punishment and it is noteworthy that there is no equally harsh or unequivocal response to citizens or permanent residents who commit such offences.
- 2 The COVID-19 study was based on 100 cases of women accessing support from inTouch Multicultural Centre Against Family Violence (see Pfitzner et al., 2023; Segrave & Pfitzner, 2020), using the same methodology as the original 2017 study (Segrave, 2017; see also Chapter 2).
- 3 The immigration department has undergone nomenclature changes repeatedly over the past few decades, and currently sits within the broader Department of Home Affairs, with a Minister for Home Affairs and a Minister for Immigration both having responsibility and oversight of its operation. We refer broadly to immigration to capture that key department at any one time that is responsible for the management and enforcement of migration law and policy, including issuing visas.

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# 7

## THE BOUNDARIES OF BELONGING AND THE BOUNDARIES OF SAFETY

### Introduction

This book has sought to position the state and borders front and centre in the conversation around DFV as experienced by women who were temporary migrants. In this chapter, we bring together the arguments presented throughout the book, to make clear that the boundaries of belonging, as maintained by the state and reinforced in the context of women's everyday lives, are in fact the boundaries of safety. This lays the ground to both refuse and challenge piecemeal and/or siloed policy interventions and responses in order to establish broader connections between everyday bordering practices and structural violence, which must be reckoned with if we are to achieve progress in addressing gendered violence. We locate our argument within the emerging gendered analysis in border criminology and in so doing aim to also advance the broader scholarship on violence against women. We believe this enables a view that recognises the ongoing legitimisation of strategies at the border to control and limit access to socioeconomic and political life – that is, the formal or informal denial of full membership and the protection it affords – as deeply connected to the everyday, interpersonal and intimate nature of DFV.

In Australia and elsewhere, the efforts to address DFV have consistently focused heavily on victim-survivors and have foregrounded victim-survivor lived experience. Research and policy on violence against women continues to focus heavily on women and the specificity of forms of violence or responses to that violence (e.g., [Vasil & Segrave, 2024](#)); in Australia, the most recent 10-year national plan is focused on ending violence against women and their children in a generation ([Commonwealth of Australia \(Department of Social Services\), 2022](#)). In focusing on victim-survivors, the role of men and men's violence against women can be left wanting (e.g., [Westmarland, 2015](#)). We draw on the work that points to the

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importance of focusing on the actors who use violence, still largely with impunity, across every country, every day. In so doing, we also want to ensure that turning our attention to perpetrators does not create an illusion that violence against women, specifically DFV, is a problem of the individual. Men's violence is not simply about men; it is about the structural and social conditions that sustain gendered inequality and violence. In this volume, we have sought to illuminate in detail how the violence enacted by individuals, most often men, is enabled by state structures and that state structures are themselves inherently violent. Canning notes, drawing on [Stanley and McCulloch \(2013\)](#), in [Canning, 2017](#), p. 149), that 'critical research is important in drawing attention to state crimes and harms'. In order to support greater accountability and thereby to reduce or eradicate violence, we must adopt a critical lens to illuminate how structural violence manifests. In this book, we strive to examine what lies beneath the rhetorical commitments to addressing violence against women by recognising that all women who experience violence are not treated equally by those who purport to be committed to ending violence against women. In Australia, the Albanese government came into power and led a National Plan to End Violence Against Women and Children that was announced in 2022, with a commitment to ending violence in one generation ([Commonwealth of Australia \(Department of Social Services\), 2022](#)). However, ending men's violence, we argue, will not be possible if men continue to be protected and empowered *by* the state via the migration system. Indeed, ending men's violence is not possible without examining state power: we do this via our focus on structural violence. In this chapter, we discuss four key contributions of the analysis presented in this book and the ongoing challenges we must address in order to shift how we understand and work towards women's safety. We make the case for rejecting the frame of *vulnerability* as the language used to articulate the structural inequality linked to temporariness. This is important not least because it often leads to a focus on women's deficits (e.g., lack of English-language proficiency or not knowing where to seek help), rather than the broader structural conditions that sustain violence. This focus on the state and structural harm is drawn from the exceptional work of border criminologists, such as [Canning \(2017\)](#); see also [Gerard, 2014](#)), and other critical scholars such as [Aradau and Canzutti \(2022\)](#) who have recognised the importance of extending the scholarship on border criminology via a gendered harm analysis. As we map in this chapter, it is critical for border criminology to pay attention not just to the fatal outcomes of border exclusion (see [Weber & Pickering, 2011](#)) but also to the gendered violence of the administrative, policy and legal systems that

regulate temporary migration and empower perpetrators to act with impunity. It is vital to ensure state accountability for this violence, which [Bumiller \(2008\)](#) noted over a decade ago, remains an ongoing challenge in the context of the state's co-option of a feminist agenda that sustains siloed, piecemeal responses to violence against women and ties safety to citizenship status.

### **Beyond vulnerability, precarity and resistance: the insecurity of safety**

In the context of writing about a group of women – in this case temporary migrants – experiencing violence in specific ways, there is an inevitable tendency to focus on the vulnerabilities of that group, sometimes this can be referred to precariousness (we note this varies, see important exceptions, for example, [Vasil \(2021, 2023\)](#) which provides a detailed account of how precarity is linked to structural inequality in the context of critical migration studies). However, the risk of this approach is that vulnerability and/or precariousness can be viewed and understood as an inherent deficit possessed by this group: they are vulnerable in a specific way owing to specific factors or barriers that render their experiences ‘different’ and/or ‘complex’ (cf [Maher & Segrave, 2018](#)). This has important consequences, largely because it can be appropriated as a rationale for addressing women’s vulnerability, representing a straw man in relation to understanding the structural conditions that sustain and enable this violence. While we can identify the risks for temporary migrants produced by state systems, we have not sought to tell the stories of women as detailed in the case file notes or within women’s own accounts as tales reflecting the vulnerability of the ‘non-citizen other’. In this, we want to ensure that the view of temporary migrants is not one that simply focuses on precarity or vulnerability, not least because this can silence resistance and strength, but also because it can lead to work that celebrates resistance in a very narrow way. This book is written to begin the work of striving for state accountability in reckoning with the ways state systems enable and sustain violence and with the ongoing failures to address violence, which can be traced directly to the state co-opting and disarming the feminist project. We reflect on these issues in turn with a view to identifying ways forward. We take [Bumiller’s \(2008, p. 156\)](#) cue, when she recognised in relation to sexual violence that:

Injustices ... are brought about not only by the persistence of sexual violence but by the unfortunate conditions under which women seek help.... [T]he [feminist] movement has encountered countervailing forces of criminalisation and social control. This has created detours from the primary goals of women’s empowerment.

One risk arising from the identification of any specific group of women as ‘vulnerable’ or ‘precarious’ is that it can inadvertently suggest that women’s safety is elsewhere (potentially) guaranteed. Temporariness, like safety, is dynamic. Yet DFV, as a significant aspect of men’s violence, is a consistent, ever-present reality in all women’s lives that state systems and structures contribute to sustaining. From this perspective, we can understand that advocacy to improve the safety of women who are temporary visa holders will not protect them from violence but can work towards reducing the leverage and power of perpetrators in important ways. This work lays the ground for recognition and reckoning with injustice; a critical step, we suggest, in holding systems to account and ensuring that states do not continue to advance response efforts that rest on the exclusion of certain groups of women, including temporary visa holders.

In this book, we have documented significant and ongoing injustice, and we note that many women facing such violence and exploitation are unable to access pathways to help and safety. Young (2000, 2002) has argued that women’s precarious status must be understood in the context of the injustice enabled by the operations and practices of political institutions, which place women in positions of structural disadvantage. However, while the recognition of injustice is important, the notion that temporary visa holders, for instance, are vulnerable or precarious because of their visa status can be limiting. Drawing on Hirschmann, Bumiller (2008, p. 161) recognises the need to ‘understand how violence directed against women is often the direct result of constraints on freedom and agency’. From this vantage, perhaps the increasing focus within research on the intersectional *experience* of migrant women, or others, could be extended to examine more deeply the intersecting limits on freedom that women experience under the conditions of male violence and state power. In this book, we consider this specifically in relation to migration and the administrative structures that demarcate the limits of the state’s responsibility to temporary migrants. We recognise this as a reciprocal relationship, where control is also achieved and exercised via the responsibilities temporary migrants have to the state and the consequence of deportation (that is, exclusion) if these responsibilities are not met. We argue that understanding this relationship between temporary migrants and the state is vital to understanding the violence experienced by women: we look beyond the examination of injustice to account for the ways in which structural violence shapes women’s experiences of violence and the persistent failure of the state to effectively address gendered violence.

In this setting, women as temporary non-citizens occupy a space of non-belonging. This is important not least because of what it reveals about the nation-state and how responsibility and accountability are tied to questions of citizenship: as we examine, the nation-state has no obligation to ensure the safety and security of temporary non-citizens. Mezzadra and Neilson (2013, p. 161) write about the importance of scholarship that identifies the ‘multiplicity of subject positions’, including that by Crenshaw (1991), Hall (1990) and Castles (2004), in recognising that exclusion and inclusion work in tandem, ‘with an inclusion that is never complete’. Drawing on this work, we see some efforts to highlight precarity and vulnerability as potentially less potent ways of speaking about women who navigate systems that deny responsibility for their safety, rewrite their experiences and, importantly, place boundaries around the violence and harm that can be recognised. As we have sought to highlight, significant limits are placed on women’s freedoms owing to the ways that state systems produce and sustain structural harm. However, in recognising this, we do not mean to undermine or negate women’s agency. Throughout this book, it is evident that women negotiate, resist and counteract men’s violence. But we also offer insights into women’s experiences of violence and expressions of agency as well as, importantly, into the denial of safety, protection and support for migrant women. Our intention is to demonstrate the ways in which structural violence is an insidious component of gendered violence, which limits and curtails women’s safety.

### Bringing the state into the conversation around DFV

We are not the first scholars to argue that we need to foreground the state in conversations on DFV (c.f. Bumiller, 2008; Lister, 2003; Watson, 1990; Young, 2000; Yuval-Davis & Werbner, 2005). We have detailed the importance of ensuring that in the midst of burgeoning literature that describes specific acts of violence and abuse, we must reckon with the way in which the nation-state enables structural harm by empowering perpetrators to abuse women within and across national borders. When we produce new data on the latest ‘type’ of violence, it can create its own, often insular, community of experts and advocates looking for legal and policy reform and recognition (see Vasil & Segrave, 2024). The challenge, though, is that this can obfuscate the responsibility of the state *for* violence: the role of the state becomes reactionary and focused, for example, on investing in addressing a specific aspect of violence or a *barrier* (that is, which is perceived as tied to a particular group or aspect of identity or experience), absent any responsibility for recognising

what sustains conditions of gendered violence. In this regard, Bumiller (2008) reminds us to interrogate the ‘crumbs’ the state throws at gendered violence, in the form of one-off, short-term projects or funding announcements that do little to address the systemic inequalities impacting resourcing and access. The performance of state benevolence via investment in gendered violence prevention, response and, most recently, survivor recovery (Commonwealth of Australia (Department of Social Services), 2022) is at odds with the limited willingness to interrogate how state systems sustain violence.

Such arguments have been well canvassed in the analysis of responses to other forms of cross-border violence, including human trafficking (see O’Connell-Davidson, 2015; Piper et al., 2015; Segrave et al., 2017), and in relation to detention and asylum systems (Canning, 2017; Gerard, 2014). The argument in the trafficking and modern slavery context attests to the ways in which the emphasis on specific forms of exploitation and new practices of harm (e.g., Boucher, 2023; O’Connell-Davidson, 2015; Piper et al., 2015; Segrave et al., 2017) ensures that migration and labour systems are not a key focus of state responses to exploitation. This has extended into the shift away from human trafficking to modern slavery as the ‘problem’, where the focus is increasingly on the role of corporations in addressing exploitation via transparency in supply chain operations. O’Connell-Davidson (2015, p. 207) reminds us that ‘the term “modern slavery” names not a thing, but a set of judgements and contentions about political authority, belonging, rights and obligations, about commodification, market and society ... and what it means to be free’. The failure of nations to directly engage with the role of systems as key to sustaining exploitation and violence is evidenced in the initial commitment across the international community to the TIP Protocol and the simultaneous refusal of most countries to commit to the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* which would require an active engagement with and recognition of the ways migration and labour systems sustain exploitation (Anderson, 2013; Segrave & Tan, 2021). This is further evidenced in recent developments in the UK, which, at the time of writing, see the government refusing its humanitarian obligations to asylum seekers, including those trafficked into the UK, because of their status as undocumented or unlawful migrants (c.f. Gleeson, 2023). There is magical thinking in the pretence that the criminalisation of non-citizens and/or refusal to uphold humanitarian obligations towards them are not significant aspects of the conditions that sustain exploitation. These developments are indicative of the ongoing importance of migration

status and border control – and specifically of the state’s deep investment in the determination of belonging and/or exclusion. While our work is focused on temporariness, where a significant body of border criminology work is focused on asylum seeking and the specific cruelties of border hardening practices, this group and their experiences of everyday bordering are important. The harms experienced by the women whose stories appear in this book arise from the same system, where border policing and the administrative functions surrounding the management of temporary migrants sustain the unbelonging of non-citizens and allow the state to evade its responsibility to care for those who are exploited or abused and for the very existence of this exploitation and abuse.

These practices are not exclusive to migration and bordering systems; they extend to the state’s persistent failure, for example, to interrogate policing practices and functions. There is strong evidence in Australia (and elsewhere – c.f. [Cripps, 2023](#) regarding Australia; [Goodmark, 2018, 2023](#) regarding the US context) that the foundational operations of policing are inherently harmful. However, the prevailing response to critiques of policing operations is to maintain them as they are but add specialised police and specialised training as a means of responding to DFV (see [Segrave et al., 2018](#)). In the research we have drawn on in this volume, and in established bodies of research produced by scholars examining the ongoing injustice of violence against women, police repeatedly fail women, cause harm to women, and deny and silence women’s experiences (c.f. [Anthony et al., 2021](#); [Goodmark, 2023](#); [Watego et al., 2021](#)). For First Nations women in Australia and elsewhere, a key point of interrogation has been the recognition that policing and other state systems have been and continue to be built on racism and colonial violence (c.f. [Anthony et al., 2021](#); [Cripps, 2023](#); [Watego et al., 2021](#)). For temporary migrants, the system is based on suspicion and denial of state responsibility. The migration system is designed to constrain the relationship between the temporary non-citizen and the state, and in doing so, it both sustains violence against women and silences women’s experiences of violence. In this volume, we have highlighted the importance of detailing how the migration system does this. But we have also detailed how women prevail against these odds, by engaging in survival strategies to counter different forms of control, negotiate access to safety and rebuild their lives in the context of DFV and structural harm. The goal is to reduce the burden on women to ensure their own safety and to consider how we can hold the nation-state to account for its responsibility in the perpetuation of gendered violence.

### **Bringing DFV into the conversation about borders and bordering practices: reconciling suspicion, temporality and everyday bordering**

In [Chapters 5](#) and [6](#), we sought to extend our understanding of DFV. Specifically, these chapters challenged dominant ideas about what *is* and *is not* a specific form of abuse, but more importantly, we sought to bring the border into the understanding of gendered violence in its various forms. Key to our work is the identification of suspicion as an organising principle determining the state's willingness to recognise and name women's experiences of violence.

Border criminology work has developed into an established field that has built a sustained interrogation of bordering technologies, the intersections with criminal justice systems via the lens of crimmigration, as well as the gendered harm of border control (c.f. [Canning, 2017](#); [Gerard, 2014](#); [Weber, 2013](#)). What this interrogation has failed to account for is the everyday bordering practices that occur in intimate spaces, where the state is ever-present and enacted through the assertion of power in the familial context. Border technologies include new digital frontier technologies, as [Milivojevic \(2021\)](#) points to, which are developing at a pace and with consequences that are largely unaccounted for. However, they are also present in intimate familial exchanges. The border is present in the everyday violence enacted by perpetrators – men and men's families – whether they are in the same home or another country. The border is a threat and a weapon used to exert control through the exploitation of the temporary visa holder. For border criminology, the interrogation of this is key to advancing the ongoing reckoning with state violence and harm that have driven this field to date. In particular, our work interrogates the ways in which the state uses the border to define and delimit what is and is not recognised as violence. Only very specific offences that occur across borders are recognised (most evident, we argue, in the commitment to prosecuting Australian citizens who travel internationally to commit sexual offences against children), and otherwise, cross-border offences are largely unseen. The spatial or geographic demarcation of violence undermines recognition of the complexity of gendered violence and of the consequences of the absence of state responsibility. As the women's accounts in this volume highlight, violence and its impacts do not stop at the state border. The law's narrow definition of the violence enacted in border crossings results in the state's limited recognition that such violence is occurring, contributing to a piecemeal, superficial response. Through the example of the crime of exit trafficking, we have detailed the failure of the law to reflect women's lived experiences of

violence and abuse. We can also point to the rare use of the legislation, which is therefore not effective or instrumental in supporting women victim-survivors of violence.

We have argued in this book that to understand bordering practices, we must attend to the everyday, interpersonal assertion of power and control, and the use of violence and exploitation in the intimate sphere, as rooted in the border performance. In the context of work that focuses on border hardening and on the exclusion and harm (and serious and often fatal violence) produced by denying asylum seekers the right to claim protection and punishing those who seek asylum, we must also recognise that these bordering practices are everywhere, in every aspect of life. This includes the everyday, intimate reality of the familial setting. [Squire \(2011\)](#) pointed to the importance of paying attention to the various apparatuses of governance that target migrants, in order to recognise how many aspects of migration management and border control function to demarcate the lines of exclusion and where the limits of protection or support may lay. In this book, we have sought to pay attention specifically to temporary visa holders who experience DFV and violence that is not always defined in law as DFV. We have sought to demonstrate that it is not just administrative and legal systems that enact border practices, but that perpetrators are also part of the bordering apparatus. From this perspective, we can rethink the accounting for structural harm and the question of accountability for such harm.

### **Structural harm and accountability: rethinking commitments to ending violence against women**

We have documented in detail that understanding temporary migrant women's experiences of DFV as structural violence that is produced and sustained via the migration and legal systems can shift how we think about perpetrators and the state. Rather than indulging the view that perpetrators are simply a problem for the state, we argue that they are reinforcing the demarcation of inequality that is key to the management of temporary migrants and the administration of citizenship regimes. This raises important questions, including how we can work towards accountability for the violence that temporary migrant women experience in Australia and for the response to their experiences of violence.

On the one hand, this book has sought to uphold a perspective that reveals the persistent failures of the system: while a country such as Australia makes myriad commitments to ending violence against women, at the same time, it maintains migration and legal systems that are failing temporary migrants. We have documented how suspicion is an

underpinning logic that limits support and accessibility for temporary migrants, which is at odds with what is known about how to ensure the safety of women, including migrant women, escaping DFV. We have also documented the ways in which the siloing of different forms of violence ensures that we have an incomplete understanding of the breadth and complexity of the forms of violence women experience. For example, the legal demarcation of labour exploitation, sex trafficking and slavery is problematic in a number of ways, not least of which is the failure to recognise how these practices occur in the context of intimate relationships and across borders. We do not argue for increased recognition in law or for an increased level of referring to policing agencies, however, because the Australian response to trafficking and slavery remains deeply limited when it comes to responding to gendered violence (Tan & Vidal, 2023). We believe the more important concern is that these demarcations carve out what is and is not recognised as DFV and reinforce the understanding that these are separate or different ‘types’ of offences – a demarcation that is undermined by the violence evidenced in this book. Just as the border operates to limit what we see, the extensive and various ways in which DFV crosses borders also remain unseen by the legal system.

The question to consider, then, is how to ensure accountability in systems that are ostensibly designed to support temporary migrants experiencing DFV. As we have shown, the systems temporary migrant women engage with when help-seeking can reinforce and reproduce harm. Moreover, as Bumiller (2008) reminds us, we must be alert to the ways that the state takes on the ‘problem’ of violence, which can undermine the larger feminist project of ending gendered violence. In the context of temporary migration, this plays out in various ways. The introduction of a pilot scheme – the Australian Red Cross Family and Domestic Violence Financial Assistance program – that provides an emergency relief fund and legal support (see Australian Red Cross, n.d.) is welcomed, yet it is fundamentally inadequate. While short-term funding will ease pressure on a sector that has come to rely on different stakeholders to provide support with limited resources, measures of this kind cannot ensure women’s safety in an ongoing or sustainable way. In the context of advocacy, the question is how to push forward recognition that piecemeal responses to violence, or attaching limited protections to specific visa classes, will not address the conditions that sustain violence. This is key to the feminist project we are undertaking with this book. In the same way, we must question how the ‘safety net’ of the family violence provisions works. As we have shown in this book, these provisions are both limited and exclusive and can serve to further regulate women who, in seeking safety from violence, are met with suspicion. Moreover,

we have noted the barriers to accessing knowledge or insight into how well this system is working: the yearly data on the accessibility of the system is not linked to the number of people on temporary visas who would be eligible for the family violence provisions, for example. There is no accountability for how well this system is working and whether it is working as it was originally intended. The presence of a safety net mechanism cannot automatically be equated with a mechanism that is effectively providing safety to all of the people eligible: it remains critical that accurate and independent data on the operation and impact of interventions is made available, this is key to holding the state to account. It is not enough to rely on process data and accept this as evidence of women's safety.

We have identified the specific risks to women's safety that arise from the administrative management of temporary migration and this is where accountability must lie. [Weber and Bowling \(2013\)](#) have argued for the importance of interrogating how the suspicion of non-citizens is legitimised. With this in mind, we need to understand the limits of services and system responses put forward for temporary migrants who experience DFV. In this book, we have demonstrated that the consequence of this is a piecemeal system that cannot address violence against women and that prevents state accountability in relation to this violence. As such, new funding announcements may sound 'good' but will do little to address the systemic nature of this issue or resolve it. Accountability requires directly addressing the opaqueness of migration administration and its interaction with other systems, particularly the criminal justice system. Our inability to identify the proportionality of access and support is by design; we argue, following others, that the system is intentionally opaque. Decision-making processes are fragmented and, as many have documented, particularly in relation to the protection system and the migration administrative appeal process ([Failla, 2024](#); [Powell & Wickes, 2024](#)), are not publicly reviewable. Added to the harms produced by state systems is the manipulation of rights and entitlements demarcated by the border: responsibility and accountability end with the border crossing in the context of DFV. In this book, we have asked critical questions about the consequences of countries of destination forsaking any responsibility to temporary migrants who experience DFV, particularly violence that is perpetrated from another country and/or in relation to border crossings.

In addressing the impacts of temporariness, we need to understand it as a dynamic rather than a fixed 'state'. We find time and again that women who seek permanency are not trusted: the provisions require women to prove the genuineness of their relationship and the DFV

experience, which is not something that is required of citizens facing DFV to access safety. We must recognise that this differential treatment is broadly accepted: the idea that temporary migrants are deserving of less when they experience DFV. And yet the consequence of this, as we have documented, is that it enables DFV. If ensuring accountability necessitates that we address and reduce violence against women, we must directly engage with the limitations of the support offered to women. If the commitment is to ending violence against women, then it has to be women's safety, not their migration status, that leads the response. Limiting rights and access to safety for one cohort in the community undermines the broader project of addressing violence against women and thus sustains this violence.

## Conclusion

We are asking these questions about progressive social change in the context of deeply entrenched inequality, the hold of neoliberalism, and the shifting winds of bordering practices that are focused on exclusion and a rejection of humanitarianism. This is no small challenge. Our argument is that state systems must be positioned front and centre in the discussion not as barriers, but as enablers of violence.

The research on which this volume is founded is neither indirect nor clinical. We have read accounts, and talked with women and advocates, in order to further extend the scholarship in this field. This book is not our story in the sense that the violence we have documented is not drawn from our personal experience. But nor are we merely onlookers in seeking to understand violence against women: we are all implicated and impacted. The research that lies at the heart of this volume and our analysis of it form part of the larger collective effort of researchers, advocates, victim-survivors and change-makers who contribute to the field in order to strengthen and deepen the broader commitment to resisting silence and refusing to accept the status quo. At the start of this volume, we cited the following excerpt from Balibar as a signal to women's survival and capacity:

Resisting violence is not only about the preservation of life but equally about 'the capacity to imagine the future'.

(Balibar, 2020, p. 387 in Aradau & Canzutti, 2022, p. 4)

We finish this volume with the call to recognise that resisting violence is not the sole burden or responsibility of women subjected to men's violence. It is men's violence that impacts us all and it is the state's

complicity that sustains and empowers men and others to enact violence against women. This is not limited to temporary visa holders, but it is through the lens of the individual who momentarily occupies the liminal space of temporariness that we can see more sharply the boundaries of state responsibility, the violence of suspicion and the silence that enables the impunity of violent men and families. This book is another brick in the wall of the resistance. It marks the beginning of work we will continue as researchers and advocates and is founded upon a deep commitment to an imagined better future.

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