

FREE FROM VIOLENCE AGAINST WOMEN AND GIRLS (VAWG)

**REPORT
FOR 2018**



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INTRODUCTION

Jesuit Refugee Service (JRS) works with many women who are seeking asylum in Australia and who are living on temporary visas. In our work, we have found that this group of women are particularly vulnerable to sexual and gender-based violence (SGBV) and face significant barriers to accessing appropriate support services.

This report aims to give voice to the experiences of women seeking asylum in the Australian community who have experienced SGBV, particularly those women who have experienced domestic and family violence (DFV) in Australia, and their struggles to access services and support.

As part of this project, JRS has also consulted with workers from refugee and asylum seeker services and specialist women's services, including those working on DFV, to hear their experiences of supporting women on temporary visas who are experiencing SGBV in Australia.



"Sometimes you're even scared, because you don't know if the person you're going to seek help from is the same as, is going to treat you the same as what you've gone through. So um, you, like you don't have enough confidence to even seek support... You're scared, you have fear in yourself because you don't know what's gonna happen next."

LITERATURE REVIEW

While some studies have looked at the experiences of settled refugee women (Rees and Pease, 2006; Spinney, 2014; Pittaway, 2004; Versha and Venkatraman, 2010; Zannetino, 2013), very little has been written about the experiences of women seeking asylum in Australia who have faced or who are at risk of SGBV. These studies have highlighted the heightened vulnerability for refugee women when resettled in a new country. This increased vulnerability can be due to the impact of trauma experienced prior to arrival in Australia, with many refugee women known to have histories of sexual and gender-based violence and abuse (Heineman, 2011). The experience of resettling as a refugee in a new country has also been found to impact upon women's vulnerability to SGBV. This can be due to factors such as social isolation, a sense of not belonging, separation from family members, racism and discrimination, low socio-economic status, language barriers, access to housing, education and employment (Zannetino et al, 2013).

These studies have further illustrated how there can be many barriers to refugee women seeking assistance with DFV, such as a lack of trust in authorities, lack of knowledge of local laws, social and community pressures to remain married, lack of social supports and the impact of broader discrimination of refugees in society, leading women to be hesitant to seek out formal support services (Spinney, 2014; Versha and Venkatraman, 2010).

While the findings of such studies can also be applied to the experiences of women seeking asylum who have fled persecution and who are seeking safety in Australia, women seeking asylum are still in the process of applying for a protection visa and do not have access to the protections and safety nets that come with permanent residency or citizenship. For women seeking asylum, there are even greater barriers to accessing government-funded support services and increased vulnerability due to their uncertain visa status and the pressures of a life in 'limbo.'

Recently, reports from the NSW peak body, Domestic Violence NSW, and DVNSW Service Management, have highlighted the issue of access to services for women on temporary visas. While these reports have largely focused on women who are in Australia on prospective partner visas and then experience DFV, this report focuses on women who are in the process of applying for a protection visa in Australia and are living on temporary visas while they await the outcome of their application.

Through one-on-one consultations with women seeking asylum who are living in the Australian community, JRS sought to gain insight into the experiences of these women in relation to SGBV experienced at different stages of their journeys, as well as how these experiences intersect and impact on the process of seeking asylum in Australia.

ASYLUM SEEKER WOMEN'S EXPERIENCES OF SEXUAL AND GENDER-BASED VIOLENCE AND SEEKING SUPPORT IN AUSTRALIA

Challenges in seeking assistance for SGBV

A number of the women interviewed discussed experiences of SGBV and trauma from their home countries and in refugee camps. They also spoke about how their experiences before arriving in Australia have impacted on their confidence to seek assistance. One woman explained how the threat of sexual violence increased once living in the camps and that it was often people who were meant to be protecting them, such as security guards who were the perpetrators:

"... actually, it's very worse... there's a lot of like sexual harassment in the camps... Like you find men, ah most of the toilets in the camp they are outside, so mostly you find women are scared to go to the toilet at night, because they get raped. There's a lot of raping. People who are working there, meant to be the security there, they do that."

This woman went on to explain the impact that these experiences can have on an asylum seeker woman's ability to trust or seek out help in the future:

"Sometimes you're even scared, because you don't know if the person you're going to seek help from is the same as, is going to treat you the same as what you've gone through. So um, you, like you don't have enough confidence to even seek support... You're scared, you have fear in yourself because you don't know what's gonna happen next."

Prior experiences from home countries and the uncertainty of their temporary visa status can also impact upon a woman's confidence in approaching police. One woman explained that she was too scared to approach police when experiencing sexual harassment while living on the streets:

"I mean, going to the police here... I think if I go to the police they're maybe gonna take me in you know, things like that, maybe they're gonna take me to a refugee camp or things like that, so you're scared..."

"... you're not sure, you know, if I go to report to the police, will they help me, or will they put more problems on me?"

Women expressed that their reluctance to denounce SGBV and seek support from the police results from fear about the uncertainty of their visa status and whether they are likely to be sent back or detained as a result of reporting. Many women prefer to stay in abusive relationships rather than risk losing their visas or risk not having their visas extended.

Another woman explained how she reported the abuse to police and took out an Apprehended Violence Order (AVO,) which then prompted her ex-husband to take their son and return to their country of origin:

"He took my son, my ex-husband. He didn't let me know that he's going to [country of origin]. He just, because I gave a complaint against him to the police and I got a court order, AVO. After 2 days, he say that they're going somewhere outside... The next day I heard the news that they reach [country of origin]... I couldn't even, I couldn't even dream like in this big country how could he leave me alone and go... I thought maybe I want to kill myself or something at that time... still I am living. I hope maybe I will get my son back."

This woman's ex-husband has further threatened to seek retribution for her taking the matter to the police:

"He didn't expect that I go to the police station. He explain like 'in front of others you took me to police' and he say like he can't forget that, he can't forgive that..."

My ex-husband still he is threatening me, ok you come back to [country of origin]... that time he will show who he is... He knows very well that nobody is going to support me in [country of origin]."

These examples highlight some of the challenges that are present for women seeking asylum in trying to seek assistance from police. Due to prior experiences of SGBV that were perpetrated by people who were meant to be protecting them, many women may feel scared and unsure if the police in Australia will actually support and protect them. They are also very scared of the police speaking with immigration and border control agents and may fear that they are the same government authority.

Furthermore, as these women are on temporary visas and do not yet have permanent protection in Australia, they fear the consequences of reporting SGBV in Australia. Women also fear losing their visas and the right to stay in Australia, as they know that, Australian law cannot protect them if their claims for protection are rejected and they are returned to their countries of origin.

The example of the woman whose ex-partner has returned to their country of origin, taking her son with him, illustrates how women can be fearful of violence now and continued violence in the future, and why they are hesitant to disclose instances of SGBV to the police.

These examples also illustrate the need for women seeking asylum to be able to report SGBV without fear and to have further legal avenues that take into account her risk of harm if she is returned to her country of origin after reporting domestic violence in Australia.

A few of the women interviewed for this report were at the later stages of the process of applying for protection and were appealing negative decisions on the merits of their protection claims. At this stage of the process, the vast majority of people seeking asylum lose access to all government supports, such as financial assistance and casework. For women who have received a negative decision at the Administrative Appeals Tribunal (post-AAT,) their situation becomes even more precarious as they may lose work rights, access to Medicare, and are unable to access Centrelink payments. Due to a lack of income, these women are less likely to find a place in a refuge as domestic violence refuges have a limited number of 'no-income' beds.

Women seeking asylum who are post-AAT are also acutely aware of the risks of being returned to their country of origin and the implications for them if they have reported SGBV while in Australia and are then deported. Two of the women who participated in this study have since been returned to countries of origin after having reported SGBV in Australia. One of these women had told her caseworker, "if we are returned, he will kill me". Immigration were aware of this woman's fears and offered for her to be returned on a separate flight to her ex-partner. However, she was very sure that he would be able to find her as she could not survive without the help of her family and her ex-partner knew where her family lived. A pro-bono legal service assisted this woman to apply for Ministerial Intervention to request that a visa be granted given the risks she now faced since reporting SGBV in Australia. This request was refused and the family were all deported to their country of origin.

This example highlights the significant risks that women take in reporting SGBV in Australia, particularly for those women who are at the stage of appealing a negative decision on their protection visa application. This example also illustrates the importance of establishing further legal avenues for women seeking asylum who report SGBV in Australia, which acknowledges the risk of harm to women if they are returned to countries where they will not be protected from the perpetrator.

Impact of temporary visa status

All of the women interviewed discussed the significant impacts that their temporary visa status had on their experience of SGBV. For some, this was a major factor in them feeling that they could not leave the abusive relationship:

"You know he had that arrogance about it and he used that a lot on me. Make me feel like I can't leave him you know. I need him in order to survive here."

"I was very afraid because I was relying on him with the visa status, financially, for everything."

One woman explained that her husband had been completely in control of the visa application process. She had no idea where they were at in this process or how to separate her visa from his:

"I didn't know about it, the visa. He did it all, I know nothing about it."

For a number of the women, their uncertain visa status was a much greater threat than the SGBV they experienced and resolving their visa status was seen to be a much higher priority than seeking help for DFV:

"I feel like no use with my life. Because I'm not sure if I get the visa and if I get my life."

"I feel like I live until this day because I am here, that's it. If I go back, maybe I will not be alive now."

"Sometimes you have this big problem, you're confused and think am I gonna be able to solve it? Is it gonna come to an end? And then you have another problem, like sexual violence or maybe, ah like, maybe you're beaten by your partner or your husband, so your mind becomes so much occupied by this asylum seeker thing, you end up thinking these other ones are just too, they're not as serious as what you have. Because, like seeking asylum, it's about like, that's your life. So, it occupies your mind and it's like a very big mountain you know, you're trying to climb, so these other ones, you tend to... so you're sexually abused or molested there, so you're like ok, it's not as serious as what you have at the moment."

The responses from women highlighted that for asylum seeker women, their life is on the line if they do not get a permanent visa. For some, SGBV, specifically DFV, is something they feel they can live with, but not getting a permanent visa would mean an end to their life. While for settled refugees, they have some security in knowing that they have the right to live permanently in Australia, for women seeking asylum this is still uncertain and they are waiting to find out if they will have to return to the country they have fled.

These examples demonstrate the multiple traumas and challenges that women seeking asylum face and how women have to prioritise these in their minds. It is important that services working with these women are conscious that for some women seeking asylum, SGBV may not be considered the greatest priority at that time.

Access to services

Another issue that was discussed by each of the women interviewed was how their temporary visa status impacted upon their ability to access support services for SGBV in Australia. Many reported feeling that their visa status was a significant barrier to accessing services and support:

"Most places I remember, you cannot just walk in and you say ah this is me, they will ask you which visa are you under? And if you tell them I'm on Bridging Visa E for example, at what stage they'll look at and then they'll say, you can't get service from here, you'll have to try somewhere else."

One woman discussed how she felt when her caseworker would explain the difficulties she was having in getting her into a refuge:

"... and she'd say oh I spoke to this place and the only problem was your visa, because you're on a bridging visa... and you know it made me feel, ah I was a bit like, it just upset me, I was like 'what's with the visa? I'm a human being. You know, I need to get out of this relationship'. Yeah, I was really mad you know? I mean I understand that I'm from a foreign country, but you know, domestic violence is domestic violence."

Another woman explained how she was accepted into a refuge, only to find out that it was too close to where her ex-partner lived, so she had to leave. The refuge referred her on to another refuge out of the area, but there was some miscommunication between the two and once the new refuge found out she had no income and no prospect of an income, she was told she had to leave. She described how the workers at the refuge were constantly pressuring her to find somewhere else to go:

"They just wanted to get rid of me... they keep asking me, 'when are you going to stay here until and where are you going to go after here?' The women who don't have money are the women who suffer".

This woman felt that she was treated this way purely because of her visa status and inability to access financial assistance.

One woman explained how she has been sleeping on a friend's lounge for the past year, as she has been unable to access a domestic violence refuge. Due to her current inability to provide for her children, they are with their father full-time:

"I been everywhere but no-one help me. It take long time, but they didn't answer me, didn't accept me... Yeah, no space for me, I'm on bridging visa, I'm nothing."

For many women, their self-esteem had already been eroded from years of domestic violence and to then be told that they could not access services due to their visa status only reinforced their sense of worthlessness.

Another woman similarly stated:

"I live for my kids... apart from them I am nothing."

A lack of knowledge of services available to women was also mentioned by a number of the women. One of the women interviewed did not get legal assistance with her application for protection as she was not aware of free services:

"I don't know about these organisations, nobody give any advice, so I don't know all these even RACS or something like that. I didn't think about that, I was thinking I have to pay money to the lawyer. So I didn't go to any lawyer because of money and I applied myself anyway, but that was a wrong decision I took. So that made things worse. So I think like maybe if I could have gone and meet all these organisations that time, maybe I would be safe at this moment".

These interviews revealed the significant barriers that women seeking asylum face in accessing specialist domestic violence services and the impact that this can have. Homelessness is a very real risk for women seeking asylum who leave situations of SGBV, particularly DFV, and this is likely to impact a woman's decision to stay or leave an abusive relationship.

Throughout the interviews it was often raised that visa status was used by abusive partners to make women feel like they could not leave the relationship. This was then reinforced when caseworkers had great difficulty in finding access to a refuge due to the woman's visa status.

Isolation and lack of social supports

Many women talked about feeling isolated from their communities due largely to the sense of shame and feeling that people in their community would view them differently.

Some feared the stories their ex-partners were spreading within their communities, whilst others felt rejected from their communities because leaving your husband was not an accepted thing to do:

"...and now I'm like avoided from people in my community because people see me in a different way now."

"And even now, I'm not going to church anymore, because I feel shame to see the community people. And some people ignoring me, so I feel something bad about myself."

"But I am scared of my community people. I don't know who's keep in touch with my ex-husband. And those people are saying like your husband is calling us and saying bad things about you."

One woman who was a survivor of a forced marriage with a man who was a blood relative, explained how her family would not accept her decision to leave him:

"From the beginning I wasn't happy. If I was supported at that time, I wouldn't have had children in the first place. It would be much better for my children. And because you live in a very narrow minded society, narrow minded community, they don't accept you to just get divorced."

This woman went on to explain how she moved to her parent's home after leaving her husband, but she was not supported and was told repeatedly by her family that she was a burden and had brought shame on the family. She ended up fleeing the family home with her children as she was experiencing physical and verbal abuse from her brothers.

Another woman who had an arranged marriage when she was 17 years old, shared that her family did not accept her decision to leave her husband and did not support her. She stayed in her parent's home for a couple of months after leaving him, but due to the 'burden' she ostensibly placed on them, she ended up sleeping on a friend's couch, where she has been for the past year.

Talking about her current housing situation she explained:

"Yeah, I had no choice. My family, my mum, my parents, they reject me, for everything. They unable to help me, unable to support me."

Another woman explained how she had left her partner and ended up returning to him due to lack of support from family members:

"I felt like I was a burden again. And that made me go back, because I was like ok, you guys are not gonna take care of me, it's obvious."

Some of the women discussed how they felt gender norms impacted on these responses from their families and communities:

“Ah my mum very, she’s very old thinking... I’m always talk to my mum about my situation, about his behaviour. But she talk to me, all men are like him and it’s normal.”

“I think it’s a power thing, because we are taught that men are the head of the family. You know, so they are the boss of the home, so whatever they say goes... they can get away with anything, but in the process women are suffering.”

A lack of access to specialist domestic violence services, combined with experiences of exclusion from their families and communities, places many women seeking asylum in particularly vulnerable situations where they have limited options for support.

Ideas for future projects

As part of the consultations we asked women what kinds of projects they feel would be beneficial to them and what they would like to be involved in.

The vast majority discussed education, prevention and awareness raising in relation to domestic and family violence, sexual and gender-based violence and women’s rights as being of great importance:

“Training, education is very important and making people aware, not that they don’t know what is right or wrong, but that they don’t know what is their rights.”

“Yeah and to make them have that confidence, because most of us we’ve come from backgrounds where women are, they’re second class. You know? And like men have the say, but women come second. So um, just making women, so when people come to this country, to be aware and to build that confidence, we are all the same and we have the same right.”

Many also discussed the need for support groups specifically for women seeking asylum who have experienced DFV and other types of SGBV and the importance of women increasing their self-esteem and confidence, as well as the need for services and other stakeholders to be able to understand their situations and respond appropriately.

CONSULTATIONS WITH SERVICE PROVIDERS

In February 2018, a round-table discussion was held with service providers and other key stakeholders to hear about workers' experiences of trying to support women seeking asylum who have experienced SGBV, particularly DFV. There were workers in attendance from a range of services from both the specialist domestic violence sector, women's organisations and the refugee and asylum seeker sector, as well as advocacy organisations. JRS also held individual consultations with a number of services who were unable to attend the round-table.

Financial assistance

Access to an income was discussed as being a significant barrier for many women seeking asylum who are leaving DFV. Services highlighted that many women are not eligible for any government benefits due to their visa status. Whilst there is a type of payment that people seeking asylum with specific vulnerabilities can apply for, called a Status Resolution Support Service (SRSS) payment, workers noted that it has become increasingly difficult to have these payments approved.

Services talked about how many of their clients had a strong desire to work, however, they often faced multiple barriers to employment such as a lack of childcare, language barriers, and mental health concerns. Some services felt there is a compelling need for more specific supports for women seeking asylum who have experienced SGBV, particularly DFV, to access to the workforce.

Housing

Access to safe housing was cited as a major issue by many services, largely due to the lack of income. Services spoke of the significant difficulties in accessing housing in a refuge for asylum seeker women and children. Although many refuges do have a small allocation of 'no income' beds, these are often full and experience a lower turnover.

Specialist domestic violence services discussed how their funding models make it very difficult to take on too many clients who are likely to remain in the refuge for a long period of time. At many refuges there is an expectation that women will move on to other accommodation within approximately three months. However, due to their lack of income and access to public housing support, women seeking asylum often need to stay in a refuge for significantly longer periods of time. It thus becomes unsustainable for refuges to accommodate too many women seeking asylum.

Services also discussed how the complexity of the casework required for a woman seeking asylum can sometimes be beyond the expertise or the capacity of mainstream services. Casework support that is needed requires a specialist knowledge of asylum related issues which most caseworkers from mainstream services do not have.

One worker from a small community organisation informed that their work has had to become largely focused on trying to help women to stay safe while remaining in the relationship, as they have found that access to services is so difficult for this group. These difficulties were echoed by another service that stated, *“so women go back because they don’t see any other options for them. It’s really hard to find refuge accommodation for them, so they just end up going back to the perpetrator.”*

Relationships between the two sectors

Whilst building strong relationships between the two sectors was seen as key to providing the best possible support to this group of women, and some felt this was working well for their organisation, the limitations of this were also raised. Stronger connections and referral pathways were also noted as being necessary to provide full support for women seeking asylum affected by SGBV.

One worker highlighted the fact that services are so tied up in funding that, *“you may have a strong relationship with the services, but they still cannot provide assistance to the woman.”* Another lamented how difficult it is to change these processes. *“You’re coming across that bureaucratic red tape all the time and not being able to shift any of it.”*

Training

Workforce development was cited as an issue, in that workers in the specialist domestic violence sector may not have the skills required to work confidently and effectively with women seeking asylum and that workers focused on asylum seeking clients would not be experts in DFV or SGBV, more broadly.

It was recommended that there is a need for specific training that crosses over between the refugee and asylum seeker sector and the specialist domestic violence sector. It was also acknowledged that workers in these sectors are specialists in their own fields, but do not necessarily have the skills and knowledge of the other. Thus, specific training that combines the knowledge of these fields would be highly beneficial to workers. Although it was also noted that time for professional development is limited, it would be important that organisations prioritise this for their workers.

RECOMMENDATIONS

JRS' consultations with women seeking asylum and with services that are trying to support this group, have highlighted a number of gaps in services and point to a need for further advocacy and policy change on this issue. Some of the areas for advocacy that have emerged from these consultations include the need for:

- Specific housing and/or additional beds allocated within existing refuges for asylum seeker women and children leaving DFV.
- Targeted funding allocated to women seeking asylum, so that they are not disadvantaged by domestic violence service funding models.
- Access to social security payments for women seeking asylum who have experienced DFV, regardless of their visa status.
- Employment assistance specifically for this group.
- Access to childcare subsidies for women seeking asylum, who are survivors of SGBV, who have left abusive partners or family in Australia and who are looking for work to support themselves and their children.
- Targeted information sessions and capacity building training for asylum seeking women and training for mainstream services and police to reassure women that they are able to report SGBV to the police in Australia safely without jeopardising their visas status.
- Clear policy guidelines that separate reporting of SGBV from Immigration controls, thus ensuring that women can disclose issues of SGBV without fear of being detained or deported.
- Increased pro bono legal assistance and access to an independent visa for all women seeking asylum who report DFV and other forms of SGBV in Australia, particularly for those that are at significant risk of harm if returned to their country of origin.
- Education and awareness raising programs for women and their communities about DFV, SGBV, and women's rights.
- Support groups specifically for women seeking asylum who have experienced SGBV, particularly DFV.
- Training that draws on the links between the process of seeking asylum and SGBV, particularly DFV.

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