

# **An Underdeveloped World within the Developed World**

## **Part II**

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The following is the second and last part of the article '*An underdeveloped world within the developed world*' published in January 2004 by ENLACE.

As I mentioned before in the first part of this article published in January 2004 by ENLACE, this is the moment to address and share with you a pattern I have been observing amongst Latin American women experiencing domestic violence in London. These include: a) the husband's or partner's manipulation of immigration law requirements; b) the types of violence and abuse inflicted; c) the options that women fleeing domestic violence might have. At the end of the article I will suggest the way forward and offer some emergency telephone numbers to contact in case you or somebody you now might need it.

### **Husband's or partner's manipulation of immigration law requirements**

Regardless of the nationality, education, ethnicity and/or age of the partner, when he has a right to live in the UK and his woman entered the country as his dependant, the immigration law makes women vulnerable to violence. This is because the British law expects immigrant wives to spend two years with a British resident, and five with an European Citizen resident in the UK to grant them 'indefinite leave to remain' and residence status. This period is usually known as 'probation period' and during its length women are entitled to work and live in the UK but do not have recourse to public funds. Public funds means benefits such as income support, housing benefit, council tax benefit, and so on. In addition to this, if during the probation period the relationship breaks down the woman can be liable to be deported.

Many women put up with their abusive husbands because they depend totally on them, both financially and for continuing living in the UK. Many of these women have left jobs and a career in their home country, which they will not find out if returned. Furthermore, to leave a violent husband requires access to accommodation. Social affordable accommodation, both in the form of council and/or housing association's housing, or a place in a woman's refuge

have to be paid. People in low or no income pay their accommodation with their housing benefits. Since immigrant women within the probation period do not have recourse to public funds, this means, that the main form of response to domestic violence in the UK is not accessible to them.

It is important to note that most of the abusers threaten their wives with not signing the required immigration papers for them to stay legally in this country. Others demand on their wives the payment of certain amount of money for them to sign the papers, or for not divorcing them.

## **Types of violence inflicted**

***Immigration blackmailing.*** One of the typical abusive behaviour reported by Latin American women experiencing domestic violence in London consists of their husband's blackmailing on them saying that if they do not follow their whims, that means "the wives married them just for the passport". Other forms includes: evicting the wife from the home and asking her to return to her country; and to threaten her that if she does not do as he demands he will make her be deported from the country. This verbal abuse usually said in private is then expressed in public when a police officers is summoned to the premises where the husband is abusing his wife, or written on divorce papers.

Amongst those Latin American women in London who I assisted due to their experiences with domestic violence, the most common types of abuse, besides the immigration blackmailing, include: emotional/psychological, financial and sexual abuse. Although there have been some reports of physical violence, the others are the most usual. *Financial abuse:* Many abusive men forced their wives to work and to give them all their wages, to pay for any kind of service at home, to pay rent for the matrimonial home even when he is not required to pay rent for their home.

*Sexual abuse:* Implies to have to put up with their husband's sexual requests even if they do not want to, or if they are ill is very frequent. Many women reported their husbands demanding sex after beating them. Frequently abusive men succeeded in carrying out these abuses for a number of reasons. A crucial factor are their threats of harming their wives or their wives' beloved ones (in London or in their country), and this compounded by their manipulation with their wives' insecure immigration status.

## **The options that women fleeing domestic violence might have**

The immigration laws that rule the 'probation period and its consequence, the lack of access to public funds' is a barrier for women's empowerment. In fact, these laws make women vulnerable to male violence and put theirs and their children's lives at great risk. Some priorities to achieve when working with immigrant women experiencing domestic violence are: to improve their safety, and to improve the woman's immigration status is crucial.

*Non-molestation orders* provide women with some 'safety'. To improve the woman's safety, she can apply for a Non-molestation Order with Powers of Arrest Attached. Family Act, 1996, Part IV. Although it might depend on the woman's income, our experience is that women can find emergency legal help and/or legal aid to cover the solicitors' fees and costs to apply for a non-molestation order. Legal aid is not included as "public funds", and therefore, women with no recourse to public funds are also entitled to it if they are in low income or with no income at all.

*Apply for residence based on the Domestic Violence Rule.* The Domestic Violence Rule was passed in December 2002. This entitles wives of British citizens who abused them to apply for their residence before completing the required two years. They will have to prove the abuse and be represented by an immigration solicitor. The law requires two or more of the following evidences to prove these women had experienced domestic violence. These are, amongst other:

1. A non-molestation order granted by the Courts.
2. Criminal proceedings.
3. A report of the woman's GP and/or hospital records of the injuries sustained by the woman.
4. A letter from a woman's refuge where she has been admitted.

My suggestion is, thus, that when a woman is assaulted she must:

**Police:** Call in the police, and ask the crime reference number corresponding to her charges.

**Photographs:** If she is injured, make photographs of her injuries.

**Hospital:** If you have injuries that required medical attention go immediately to a Hospital Emergency Department.

**GP:** Visit her GP as a matter of urgency, and reported she was assaulted by her husband, and that she suffers DOMESTIC VIOLENCE. Unwanted sex, even when is requested by a spouse or there is no physical force involved amounts for RAPE. Psychological abuse is also DOMESTIC VIOLENCE, and although there are no physical marks, the psychological impact usually emerges as: depression, eating disorders, nightmares, etc. Ask your GP to refer you to a **COUNSELLING** where you will be able to disclose the abuse and heal your emotional scars.

**Immigration advise:** Ask for immigration advise. See some useful numbers at the bottom of this article.

**Women's Aid:** If you need emergency accommodation call Women's Aid telephone line. Some refugees admits women with no recourse to public funds and they might be able to assist you.

**Do not blame yourself.** Only who inflicts violence is responsible for his violence.

## **The way forward**

At present Latin American Women's Rights Service is participating in Women's Resource Centre Policy Forum. This forum is working together with Women's Aid (the national federation of women's refugees) and Southall Black Sisters organising and lobbying the government to increase the access to public funds for women with no recourse to public funds who experience domestic violence in the UK. This campaign is at present, being carried out around the Domestic Violence Proposal of Bill which has been recently read, for second time, in the Parliament.

## **Useful telephone numbers**

Spanish practical advice and counselling for Latin American women:

**Latin American Women's Rights Service: 0207-336-0888**

Immigration advice in Spanish:

**IRMO, 020-7729-8833, Migrants Resource Centre, 0207-834-6650**

Women's Aid and Refuge 24 hours:

**0808-2000-247**