

Submission to the Royal Commission into Family Violence

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I am a Lecturer in Psychology in the School of Psychology at [REDACTED] University and a Registered Psychologist. I am making this submission in my capacity as a pro bono psychologist, working with migrant women who experience family violence. I assist women from a range of cultural backgrounds, however the women who predominantly contact me are from an Indian background. I also conduct research in the area of family violence focusing on differences in the experience of violence, help-seeking behaviour, resilience and depression between migrant and non-migrant women. I also examine gender norms within different culturally, linguistically and religiously diverse communities.

I have been assisting women involved in critical and non-critical situations of family violence in a pro bono capacity since 2011. I assist them based on my training, knowledge, oral and written skills in three Indian languages (Hindi, Kannada and Telugu) and only oral skills in another (Tamil); network of contacts, and an interest and passion to support them. Most of the women whom I support are involved in a critical situation when they first contact me. 'Critical' indicates them having attempted suicide and being hospitalised; fleeing/needing to leave their home/the perpetrator because of a threat to their/their children's lives; in a refuge shelter; being heavily pregnant and living in a refuge shelter or having no other contact/support person in Australia; in severe emotional distress due to violence perpetration; not having food, shelter or money; and the impending threat of needing to leave the country.

The challenges that migrant women face are numerous. There are shortcomings within our refuge shelter support services; food, housing, financial, and healthcare support services; the legal system; the immigration system; law enforcement; community support, and community organisation support; and the respective country Consulates. Through my work, I have attempted to access support from all of the above services to assist the victims. Although we have received assistance at different stages, the victims and I have met with numerous challenges at every stage, making it difficult to alleviate the stress caused by family violence; protecting them from perpetrators; and helping them to live well. There are systemic changes required. In the ensuing sections, I have outlined the **challenges** within each system and have then highlighted (*in italics*) the **strategies** that could be adopted to improve the service. I have included information (*in red*) about some cases to explain the nature of the challenges; please **do not make this information public** – it is only for the knowledge of the Commission. I have encountered every challenge described in this document while assisting victims; therefore, all the points made here are experiential.

1. Refuge Shelter Support Services

Access to refuge shelter support services is limited and dependent on a number of factors. First, most migrant women are unaware that such safehouses exist; the only instance they become aware of it is when they are referred to it after police intervention in serious life-threatening

circumstances. *As such, there should be a greater awareness of refuge shelters across the entire cross section of our community.* When migrant women enter a refuge shelter, they feel extremely intimidated (as all women in such a situation would be) because of their stressful situation, suddenly residing in a place that they have known to previously exist, not being able to communicate due to a lack of English language proficiency, not having the financial support to buy items for daily living, difficulties with food because they are vegetarian and/or not used to eating Australian/Anglo-Saxon-style cooked food, no contact with anyone else in Australia (primarily because they are recent migrants and/or have not been allowed to establish contact with anyone else), no knowledge of the Australian legal, immigration, and support services system, a limited knowledge of commuting, and challenges with the medical system. [REDACTED]

[REDACTED] *Hospital staff at every level and especially the social support workers need to be culturally trained. They need to respect the wishes of culturally diverse people with regard to the delivery process, and before and after care. Every shift worker should be able to read their case history rather than us needing to repeat her entire case to every nurse and social support worker. Hospitals should provide transport options to women living in refuge shelters.* [REDACTED]

Women with children who do not have any other form of support and are ineligible for support from Centrelink etc. should be allowed to stay in refuge shelters for as long as another suitable accommodation is found. [REDACTED]

[REDACTED] *The food again was a challenge due to it being very different to what she and the children were used to eating.* [REDACTED]

[REDACTED] *Women on different visas which do not make them eligible for community housing should be allowed to remain in a safe house for as long as is required.*

2. Food, Housing, Financial ,and Healthcare Support Services

Migrant women are unaware that they can access food donations and avail (albeit the limited) of housing support should they require it. They tend to remain in relationships with their violent partners because of a lack of this knowledge. *Education across all migrant communities about the services available, in different languages, is required. Posters informing them about*

services should be placed in places of worship and grocery stores as these are the most accessed places by women living in violent relationships. Further, community organisations should promote the availability of support services through their various modes of communication.

I have created a support group (not incorporated) called the 'Indian Women's Support Group' to assist Indian and other women from the sub-continent with all aspects of difficulties in their relationship. I have set up a FaceBook page (www.facebook.com/IndianWomensSupportGroup) for this group and promote a range of information regarding contact details of support services, apps the women can download for their safety etc. on this page. I have received positive feedback about the accessibility of information via this mode. *Because most women are able to access the internet, information about support services could be promoted electronically. It is recommended that all community organisations and other support services actively promote their services through electronic means.*

The amount of financial support available to migrant women depends on their visa status. Many women who do receive support from Centrelink have their income directly controlled by the perpetrator. *They are therefore unable to access the funds and in most situations, do not have an individual bank account. Centrelink and similar services should ensure that the funds reach the intended person: one way of doing this is by insisting on transferring the funds to an individual account.* Newly arrived migrants and women on student visas are either ineligible for financial support or are not aware they could access support. *For women who are ineligible, based on an assessment of their circumstances, some financial support should be provided.* For most women I have assisted, I have supported them financially through my own funds or through the generous donations of friends of the Indian Women's Support Group. In most dire situations, when I first encounter the women, they have no more than \$10 with them. *Community organisations that receive funding from the government or other organisations should financially support those in dire need, without the victims being required to explain their entire case history to those on the boards/committees of those organisations.*

Health care service providers need to be culturally trained when assisting migrant women and especially women who experience family violence. There is an acute shortage of culturally trained counsellors and psychologists. Because of the lack of cultural understanding of professionals, migrant women are not comfortable accessing their support as they believe they will not be understood within the dynamics of their culture. Victims feel frustrated that they need to explain their reasons for their every action/inaction to counsellors who are not aware of the culture-specific family dynamics. Therefore, victims do not usually return to seek their help. Without such assistance, the victim's and her children's physical, emotional and psychological wellbeing is at risk. *Healthcare professionals should also not attempt to generalise the Western model of counselling to victims from different cultural backgrounds; rather, they need to apply culturally appropriate strategies with their relationship support and health care services.*

Finally, there should be a central support system to avoid the need for victims repeating their case history to every service worker. Steps to avoid further distress to victims should be paramount at every stage of the recovery process.

3. The Legal System

The challenges faced by migrant victims by the legal system are many. (1) They are unaware of the laws that protect them. There should be wider communication of Australian laws that can protect people. (2) Support from Legal Aid, lawyers, migration agents is limited. Victims are constantly having to go from pillar to post to access legal services. (3) Due to the complexity of their cases – in terms of managing their application for an intervention order, multiple court hearings, involvement with immigration, cancellation of spousal visa by the partner, involvement with the migration review tribunal, department of human services (child protection) – and the lack of funds to pay a lawyer, migrant women have immense difficulty with the legal system. There are few legal professionals willing to assist them and even when support is provided, it is not for the entirety of the case. There are also few pro bono legal professionals who are willing to assist victims due to the complex nature of their cases. *Therefore, an improvement in the overall legal support system is required.*

Attendance at court can be an issue because of the lack of financial resources to commute to the court, not having any support person who can care for their children while they attend court, and the fear of needing to confront their partner, his legal team and possibly his parents. *Attending a court hearing should be a simplified process. The number of hearings a victim attends should be reduced.* Usually the perpetrator has funds to secure the assistance of a lawyer and is therefore able to navigate his way around the legal system and delay hearings, decisions and provide impartial evidence. This distresses the victim further and also jeopardises her chance of applying for an Australian resident visa and gaining support from Centrelink etc. *Such delays in the court decision-making process should be avoided.*

Legal jargons should be avoided by legal professionals, court personnel, support workers and the law enforcement personnel. Migrant women, hindered by their English language difficulties in comprehending basic information, are further distressed and unsure of how to proceed with their case because of the difficulties with understanding legal terminology. *Legal decisions and procedures should therefore be further simplified.*

All relevant court personnel should be provided with culturally-intrinsic training to enable them to comprehend the nuances of the family situation with migrants from different cultural backgrounds. For example, it is always not clearly evident (or no relevant evidence is available) that the perpetrator may continue to harm the victim and/or her children; however, the harm may continue through family members present overseas by their contact of the victim's family and the victim, and pressuring her to withdraw her application for an intervention order and re-establish a relationship with her perpetrator. *Therefore, victims' fears need to be validated; this can be achieved through a thorough knowledge of cultural intricacies and family dynamics across cultural groups.*

Vic Roads also needs to work in tandem with court orders. It is very often seen that even when the court orders a car to remain in the possession of the victim, *Vic Roads is unable to assist with the transfer of the vehicle registration to the victim.* Victims again go from pillar to post, describing their situation in great detail to Vic Roads officials but they have all been unsuccessful in getting the car registered in their name. This leads to numerous difficulties including the perpetrator threatening to cancel the registration, sell the car, issue a legal notice for possessing his car etc. *There needs to a greater coordination between all legal systems.*

4. The Immigration System

The visa status and rules for remaining in Australia greatly impinge on the migrant women affected by family violence. First, most migrant women who arrive in Australia on a spousal visa believe that they are entirely dependent on their husband for them to remain in Australia; this is a belief that occurs due to a lack of information provision and the continuous assertion by the perpetrator that they are in control of the spouse's visa. *Therefore, migrant women should be informed of their legal rights and the contact details of support services available prior to migration. The relevant country Consulate can also be more proactive in ensuring this occurs.*

Once the woman becomes aware that she is able to apply for a protection visa and begins to take steps to separate from her perpetrator, he usually takes all steps to instil fear into the victim and accesses the support of migration agents who may also (in some cases) make it difficult for the victim to access support. *Apart from the victim being allowed to have equal access to legal representation, migration agents should be clearly advised to refrain from **not** providing all the relevant information to the victim.*

Many legal professionals lack the training in relation to immigration law especially as it pertains to victims of family violence. Although I am not a trained legal professional, I consult with a range of people, read the Law Handbook, and then guide victims through their long and protracted challenges with the legal and immigration system. I have also been their support person at migration review tribunal hearings. Legal Aid and other professionals supporting victims of family violence need to be trained and well versed in the law as it pertains to immigration law. Although challenging, they should also acquaint themselves with the law in the victim's country of origin, as those laws become pertinent in a number of situations such as divorce, caretaking of children, and the return of the victim to that country. It is presumed within the Immigration system that if the victim has family overseas, they will be able to support her and that she is therefore not eligible for a protection visa. However, cultural considerations need to be made. Specifically, because of the loss of "honour" and social status when migrant women from many countries separate/divorce from their husband, the victim's family will no longer support her and her children and her life is indeed at threat if she is returned to her home country in such a situation. Therefore, upon such culture-specific consideration, immigration rules need to favour a woman and her children to remain in Australia where the laws can protect her and there are systems in place to support her in the absence of support from a partner.

5. Law Enforcement

There is a difference between the behaviour of law enforcement personnel in Australia and several other countries. Victims may not "trust" a police official to assist her when she requires their assistance with regard to making a complaint, speaking to them about the husband's actions, or that they hold a significant position of authority. Therefore, *law enforcement personnel should be culturally trained to recognise the "untrusting" behaviours of victims and to be able to assure them of that they would support her to enable her to lead a life free from violence. Although it is understandable that the police officials do their best and are overloaded in terms of their work (as expressed to me by various police officers), they need to be assisted*

to deliver the best possible service to victims. There should also be one point of contact for victims who are otherwise required to repeat their situation to every new officer who takes their phone call, attends court etc. They should also be provided with enough support to serve warrants and intervention orders (IVO) immediately. In many cases, because the IVO has to be served to the perpetrator in person who may not be at home when the police visit him, it may not be served for many days. During this time, the perpetrator usually abuses the victim in several ways because he is aware that he is not under any court order to stop the behaviour. The victim is left defenceless even though she may have moved house because he usually approaches all the usual places and friends she visits and attempts to contact her.

It is highly important for law enforcement officials such as the police and customs/border protection to all work cohesively. This is because the perpetrator sometimes leaves the country without receiving the IVO, abuses the victim while overseas, and then re-enters the country without the victim's knowledge. In such a situation, the victim remains in fear and is at the mercy of a friend who may reveal that he has returned to Australia. The onus remains on the victim to then inform the police to once again try to serve the IVO to him. If the police and customs/border protection personnel work closely, they can prevent cross-country abuse, ensure the timely delivery of the IVO, and make the perpetrator liable for his abusive behaviour.

It should be ensured that police accompany all victims to a place of shelter/safe house once she has escaped from a life-threatening situation from the perpetrator and the police are aware of it. Because of their limited sources (as discussed with me), they sent a newly arrived migrant who only had the nightgown she was wearing in a taxi, from the western to the eastern suburbs, on her own, to a motel. The distress the victim experienced because of the fear, the embarrassment, the lack of knowledge of where she was going; whether or not she could trust the taxi driver, and the isolation at the motel were all palpable when I first met the victim. Such a situation should be avoided at all costs.

6. Consulates

*The Consulates of the victim's country of origin should be more proactive and play a greater role in protecting their citizens. I have had numerous interactions with Consulate officials (including the Consul General) who tried to support a victim but were unable to continue their assistance for a range of reasons. In such situations, victims are unsupported by the Australian government because of their ineligibility and by their Consulate because it is either not in their jurisdiction, lack of resources, or otherwise. When the victim cannot gain support from their Consulate or a community organisation, she is again left in extreme distress. Therefore, Consulates should support their citizens at a greater level, publicise the information about their services and should work cohesively with the law enforcement personnel in the home country to inform all new migrants about the laws that can protect them in Australia and the contact numbers of important services **prior to them arriving in Australia.***

7. The Community and Community Organisations

The migrant community needs to be educated in family violence, the Australian law that can protect them, and assisted with prevention and intervention strategies to reduce the crime. Several migrant communities are unaware of what abuse and family violence is. Further, gender and social norms pertaining to different migrant communities need to be further

examined. Ostracisation of a victim for leaving her perpetrator should be condemned. Community organisations and the community in general should promote greater support and community cohesiveness. It is not sufficient to only celebrate community's cultural norms (although this is important too); community organisations should provide greater support for victims before, during and after she leaves her perpetrator. Isolation is major issue among migrant victims of family violence. Once they leave their home, their community isolates them and ostracises them. All steps should be taken to avoid isolation and further distress to the victim. Support groups for victims after they leave their perpetrator should be established and maintained. The community should encourage victims to actively participate in all aspects of community life. Community organisations who receive funding from government and non-government organisations especially indicating that they support community members should promote their support services and advocate for the support of victims.

If you would like further information regarding any of the points I have made, please contact me.

Thank you.

Yours sincerely,

A solid black rectangular box used to redact the signature of Lata Satyen.

Lata Satyen.