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Immigration Law, Domestic Abuse and Immigrant Women Living in Scotland

RATIONALE

There is an absence of literature and research within the Scottish jurisdiction regarding violence against women in the minority ethnic community. The Scottish Government have publicly acknowledged in the report 'Safer Lives: Changed Lives, A Shared Approach to Tackling Violence Against Women in Scotland' that 'there is little evidence recorded on the experiences of minority ethnic women . . . and what research has been undertaken recognises that there are specific issues which need to be addressed.'

THEORETICAL CONSIDERATIONS

Data analysis will provide a critical examination of the feminist and intersectionality theories of domestic abuse. A feminist perspective considers gender inequality as the primary factor whereas an intersectionality perspective considers multiple oppressions faced by women relative to their race, class, gender and ethnic origin in order to ensure their safety, protection and future health and well-being.

AIMS

To critically examine the effects of the two year immigration rule on minority ethnic immigrant women living in Scotland who experience domestic abuse.

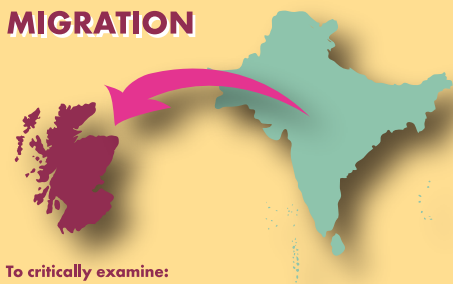
OBJECTIVES

To critically examine:

- The experiences of immigrant women on spousal visas when they are fleeing domestic abuse and the risks associated with leaving a relationship
- The experiences of immigrant women on spousal visas in accessing legal protection whilst they are subject to visa restrictions
- The connection between existing legislation and immigrant women on spousal visas who have no recourse to public funds
- The duties and responsibilities of statutory organisations including the Police, the Criminal Justice system, the United Kingdom Borders Agency, the Immigration Tribunal, Social Work Services and the Department for Work and Pensions (the Benefits Agency) in assisting and supporting women from the minority ethnic community who are victims of domestic abuse.



MIGRATION



To critically examine:

- The effects of marriage across borders amongst kin groups
- The experiences of women who migrate from the South Asian Sub-Continent for the purpose of marriage who face a number of immigration barriers not least the two year probationary period known as the 'two year rule'
- Whether, when immigrant status is dependent upon marriage, it affects immigrant women's risks of domestic abuse
- Immigration conditions attached to a woman's spousal visa upon entry to the UK
- Whether immigration conditions attached to the spousal visas of immigrant women upon entry to the UK creates vulnerability, dependency and a reluctance to leave abusive relationships as they have no legal status and no recourse to public funds.

LAW

To critically examine:

- Current law and whether it is problematic when domestic abuse arises in the lives of immigrant women
- Whether immigration law creates inequality between spouses
- The spousal sponsorship system and whether it subsumes the identity of the sponsored spouse to that of her husband rendering her virtually invisible within society
- Legal difficulties immigrant women experience when they are dependent of their husbands
- Whether immigrant women are aware of their legal rights and entitlements whilst living within Scotland
- Whether in certain respects the legal process discriminates against immigrant women
- Whether the legal system can be enhanced to offer greater protection to immigrant women
- Whether citizenship is regarded as a 'privilege' and not a right in respect of immigrant women.



COMMUNITY & CULTURAL ISSUES

To critically examine:

- What influence corporate organised kin groups have on immigrant women on spousal visas
- The experiences of women on spousal visas who participate in trans-jurisdictional marriage within a corporate family network
- If there is a lack of freedom, choice and autonomy for immigrant women on spousal visas living within a corporate family network
- Whether cultural traditions prevent immigrant women on spousal visas from seeking help and support
- Whether language and structural barriers prevent immigrant women on spousal visas from seeking help and support
- Whether socio-economic barriers prevent immigrant women on spousal visas from seeking help and support
- The availability or absence of culturally sensitive specialised support services within Scotland.