



Temporary Migration and Family Violence: How Perpetrators Weaponise Borders

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Abstract

This paper explores the implications of domestic and family violence occurring across borders, specifically the utilisation of border crossings to exert control and enact violence. While gendered violence can and does occur in border-crossing journeys, this paper focuses more specifically on how domestic and family violence extends across national borders and how violence (or the threat of violence and deportation) can manifest across multiple countries when women are temporary visa holders. This paper illuminates the way in which migration systems play a significant role in temporary migrant experiences of domestic and family violence. Drawing on a study of 300 temporary migrants and their experiences of domestic and family violence, I argue that perpetrators effectively weaponise the migration system to threaten, coerce and control women in different ways, most often with impunity. I also argue that we cannot focus on perpetrators and the individual alone—that we need to build on the border criminology scholarship that highlights the need to focus on systemic harm in the context of domestic and family violence and identify how the migration regime contributes to gendered violence.

Keywords

Temporary migration; domestic violence; border control.

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Introduction

In domestic and family violence (DFV) scholarship, the importance of attending to the specificity of migrant and refugee women's experiences has come to the fore (Couture-Carron, Zaidi and Ammar 2021; Vaughan et al. 2015). Nearly two decades ago, Menjívar and Salcido reviewed research on immigrant women and domestic violence and argued for the continuation of targeted research, stating that:

To avoid the continued perpetration of physical, mental, emotional, and/or economic violence against immigrant women and their children, the courts, as well as other community agencies that are part of the formal system, need to recognize that immigrant women in domestic violence situations have needs that differ from those of the mainstream population. (2002: 916)

There is now a growing body of research exploring how temporary migration status, in particular, matters in terms of women's experience of DFV (Burman and Chantler 2005; Rees & Pease 2007; Vaughan et al. 2015, Segrave 2018). Often, however, the focus on migration status emphasises the idea that women are 'vulnerable', which can individualise and decontextualise power structures and systems that create and sustain conditions of gendered violence (Segrave 2018). In this article, I bring together analysis from border criminology scholarship that has detailed the gendered harms of border control and regulation with an examination of the threat and experience of border crossings in the context of DFV. Drawing on a dataset of 300 case files of temporary migrant women seeking support in Victoria, Australia, from 2017, I explore one aspect of the findings: the threat and the practice of coercing or deceiving women to exit Australia. I argue that these cases highlight how vital it is to reconsider the role and function of the criminal justice system as an adequate mechanism for responding to violence that is experienced not in the shadow of the migration system but as a direct consequence of the migration system.

As many scholars of DFV and border criminology have noted, migration law and policy are not gender neutral (see Menjívar and Salcido 2002; Pickering and Cochrane 2013). Across the developing account of the criminology of mobility, attention has been paid to the technologies that produce and sustain ideas of membership and practices of exclusion within a semi-permeable migration regime (Aas and Bosworth 2013; Wonders 2006). Drawing on the insights of border criminology scholarship, which has accounted for gendered harms produced by migration systems and regulation, I argue that understanding DFV for temporary migrants requires attention to the migration system—which both empowers perpetrators and eviscerates responsibility for producing conditions that can effectively deny women access to safety. Through drawing on the literature on the harms of migration regimes, I argue we can identify that perpetrators can weaponise migration, just as perpetrators of DFV leverage and weaponise access to children, access to finances and other forms of control and abuse. What is essential is that the state is directly involved in sustaining the opportunity for abuse. While this study focuses on Australia, across the US and the UK, there are similar support limitations for temporary migrants who experience DFV. This article seeks to bridge contemporary conversations about the gendered harms of borders and migration regimes and the limits of criminal justice responses to DFV. Regarding the latter, Goodmark has argued that the 'criminal legal response cannot address all facets of intimate partner violence' (2018: 5). While Goodmark pursues locating DFV in relation to economic, public health, community and human rights, I seek to focus firmly on the systemic harm produced *by* the migration law and regulation that empowers perpetrators to leverage women's migration status within the context of DFV.

Migrant and Refugee Women and Domestic and Family Violence

Research on migrant and refugee women's experience of DFV is a growing area of scholarship (Guruge, Roche and Catallo 2012; Vaughan et al. 2015). Attention paid to the experiences of migrant and refugee women (Cunneen and Stubbs 2002; Iredale 1995; Vaughan et al. 2015) has identified that pre-migration experiences, immigration policy and visa status, and cultural and community attitudes are critical areas for attention when examining both the experiences and responses to family violence (Anitha 2008; Martinez-Roman, Vives-Cases and Perez-Belda 2017; Ortiz-Rodríguez and Mooney 2018; Varona 2018).

Much of this research has focused on the cultural and linguistic diversity of migrant and refugee women and the broader context of cultural expectations and understandings of marriage, gender roles, faith and other major influences that might impede help seeking (inTouch Multicultural Centre Against Family Violence 2010; Rees and Pease 2007). However, increasing attention has focused on the precarious status of temporary visa holders (Bui and Morash 2008; Erez, Adelman and Gregory 2009; Lyneham and Richards 2014). Migration law and policy has been recognised across Australia (Segrave 2018), the US (Ortiz-Rodríguez and Mooney 2018, 2002) and the UK (Anitha 2008, 2011; Anitha, Roy and Yalamarty 2018; Gill 2004) as affecting help seeking and contributing to the ongoing experience of DFV. There are many reasons for this, but it is particularly because temporary migrants are more likely to be dependent on their partner for economic and housing security as well as for their visa and have other critical complications, such as fearing forced separation from dependents who are born in the country of destination to a citizen or permanent resident father (see Segrave 2017; Vaughan et al. 2015). It has been documented that concerns related to temporary migration status are a specific barrier to reporting (inTouch Multicultural Centre Against Family Violence 2010; Rees and Pease 2007).

To date, the examination of migration systems and border crossings has sat within the field of border criminology: a field that has brought to the fore how migration controls, systems and enforcement can be abusive and violent, sometimes with fatal consequences (Bosworth, Parmar & Vázquez 2018; Weber and Pickering 2011). Some of this work is focused on detention and deportation of migrants; other work focuses on policing at the border and internally as an extension of bordering practices (Weber 2013) or the violent consequences of border policing, such as deaths at sea and in detention (see Weber and Pickering 2011). There has also been some effort to explore the use of bordering processes within the context of responses to human trafficking: identifying the production of narratives of victimisation that enable the state to adopt the position of benevolent rescuer in its policy response while eliding the fact that migration law and policy produces and sustains the conditions within which labour exploitation, trafficking and slavery-like practices occur (O’Connell-Davidson 2015; Segrave and Burnett-Wake 2017). This growing area of research has illuminated how migration controls and border enforcement have created conditions for exploitation to occur with impunity—where those who are unlawful, seeking asylum or temporary visa holders are less worthy of protection, are suspicious or are more likely to be deported than identified as victims (Segrave 2019; Weber and Bowling 2008). Within this area of scholarship, the gendered account of bordering practices has focused on border enforcement in the context of irregular migration and asylum seeking (Canning 2017; Gerard 2014) and on the reproduction of inequality between the global elite who have ease of access to cross borders and those who are denied access to mobility and border-crossing opportunity (most often from the Global South; see Wonders 2006). In this article, I extend these examinations by exploring border practices within domestic and family violence to reflect how the migration system can create conditions that enable and sustain the criminal practice of DFV. I seek to build on the cue from Goodmark (2018), who noted in her critique of the narrow reliance on criminalisation as the response to DFV the need to look to other policy areas for substantial reform. Utilising the growing gendered lens within border criminology scholarship, I argue that it is critical to shift our gaze to account for the role of the migration system itself within the context of DFV. Elsewhere, I have argued with Maher that it is vital to move beyond identifying where and how women are ‘vulnerable’ towards a systematic identification of the differential impact of migration status in the context of DFV, particularly in relation to service and system responses (Maher and Segrave 2018). This analysis builds on that argument, demonstrating how perpetrators can leverage the insecurity attached to temporary migration status—and the limits of support for temporary visa holders who experiences DFV—to control, coerce and abuse women.

Temporary Visa Holders and Border Regimes

Across similar countries of destination—Australia, the US and the UK—there is a reliance on temporary migration and, over time, there has been recognition in the policy sphere that women who hold temporary visas are at specific risk in the context of DFV. Jelinic (2020) provided a detailed overview of several national laws and policies regarding temporary visa holders and the response to experiences of DFV. It is key to note here that, across the US, the UK and Australia, there are provisions or concessions in migration

law and policy for women who hold partner- or family-type visas who experience DFV and are on a visa pathway that would allow them to access permanent residence in the country of destination. This includes the family violence provisions in the *Migration Act* in Australia, the *Domestic Violence Concessions under the Migration Rules* (Domestic Violence Indefinite Leave to Remain immigration route and the Domestic Violence Concession) in the UK and the right to self-petition for visas under the *Violence Against Women Act* (2013) in the US. The US is an exception because the provisions to enable women who have experienced DFV are not limited to those who hold a partner visa. These provisions across each jurisdiction generally reflect the acknowledgement that temporary visa holders experience DFV and that some provisions are required to redress the inequity of power. However, they are generally very limited and require a rigorous administrative process to access: a system of checks that are designed, it is claimed, to uphold the 'integrity' of the system (i.e., to avoid false claims being made; see Jelinic 2020).

In Australia, where this research was conducted, migrant and refugee women remain a priority group in current responses to DFV because efforts to redress inequality and inaccessibility of systems have been limited. The Fourth National Action Plan (Department of Social Services 2019b) specifically identifies migrant and refugee women as a 'vulnerable' group. In 2020, the Federal Inquiry into Family, Domestic and Sexual Violence included migrant women and temporary visas holders as one of the 12 areas of focus in the terms of reference (House of Representatives Standing Committee on Social Policy and Legal Affairs 2020). There is some recognition that, at times, the abuse of women who hold temporary or precarious visa status may meet various criminal offence definitions including human trafficking, under the *Commonwealth Criminal Code*, as well as being offences under legislation such as the *Victorian Family Violence Protection Act 2008*. Despite this, evidence in 2020 highlighted that temporary visa status continues to have specific and devastating impacts on women experiencing DFV (Segrave and Pfitzner 2020). In other jurisdictions, this is also the case; Erez, Adelman and Gregory (2009), Reina, Lohman and Maldonado (2014) and Zadnik, Sabina and Cuevas (2016) have documented the impact of migration status on women's experiences of DFV in the US. In the UK, the Home Office Report (Home Office 2020) arising from the Joint Committee for the Draft Domestic Abuse Bill published findings highlighting the ongoing challenges for temporary visa holders in accessing support due to their migration status. It is clear that, for a great number of women across many countries, an experience of DFV is compounded by their migration status.

There is an important field of inquiry that focuses on the status of being temporary (see e.g., Bickham, Mendez and Naples 2015). For example, Squire (2011) has argued that the politics of mobility is a contested one, where there is a struggle in relation to the meaning of citizenship, mobility and irregularity. There is also a significant field of work that focuses on the deportability of temporary migrants. However, in this article, I want to focus not on the client, or the victim-survivor, but rather to draw attention to the system. Migration law and policy, as well as criminal law in relation to DFV, is predominantly silent on the power of perpetrators to threaten to withdraw sponsorship. It is particularly silent on the fact that the power perpetrators wield is part of the system itself; this is where we must illuminate the gendered nature of bordering practices that sustain gendered violence. In the analysis that follows, I consider these issues, focusing on the threat and use of border crossings within the context of DFV that highlight the need to foreground the migration system in perpetuating the conditions for abuse and control.

Method: A Case File Analysis

The study drew on a detailed examination of temporary migration and family violence conducted in Victoria, Australia, and focused on the intersection of temporary migration status and family violence. The research was conducted in the wake of recent inquiries and reports across Australia that had recognised the need for detailed research on the specific experiences of women from immigrant and refugee communities, particularly temporary visa holders (e.g., the Victorian Royal Commission into Family Violence 2017). This project differed from much of the existing research on DFV in relation to migrant and refugee women (for a comprehensive international review, see Vaughan et al. 2015) because it drew on closed case files. inTouch Multicultural Centre Against Family Violence (inTouch) is a Victorian-based service that supports just over 1,000 women a year, providing case management and legal and migration

support services. Approximately 40 per cent of their clients each year are temporary migrants seeking support and assistance. For this study, hard copy case files (which included all notes from each contact with a case manager and migration agent files, including letters from immigration officials) were made available to the research team. This transpired through a partnership between the author and inTouch; the agency did not fund this project, but their Board agreed to partner to undertake this research and make the findings public.

This study involved developing a database from 300 closed case files from 2015–2016 from clients who were temporary migrants when they first came into contact with inTouch. These clients included those on partner-related visas and those on working, student, visitor, and other temporary visas. The database was built to capture data in the files that matched the case management system. It is important to clarify that, while inTouch uses a closed online system for recording case management interaction, it has very limited capability to analyse these records. For example, when the study was conducted, it was not possible to search through their case management systems to determine how many clients were temporary visa holders. For this reason, everything in the records must be re-recorded into a database to produce an overview of clients and their experiences. This required reading intake notes and subsequent notes, where additional information may be forthcoming, as well as the migration agent notes and documentation where that was relevant for the client (as not all clients were provided with migration support). inTouch, like all domestic and family services in Victoria at that time, utilised a shared risk assessment and management framework for Victorian DFV support services known as the Common Risk Assessment and management Framework (CRAF). As noted in a major review of the CRAF (McCulloch et al. 2016), many specialised services had refined or added specific components to the CRAF, often to capture immigration-related issues. To build this database, I adopted the existing intake assessment form that captured demographic data, relationship and perpetrator data, as well as a specific risk assessment set of questions regarding the current circumstances of the client. The database covered 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. The database included both quantitative and qualitative information; in this article, I draw heavily on notes from both case managers and notes written by clients to illustrate the experiences detailed within the database.

The research was conducted with the approval of the Monash University Ethics in Human Research Committee (CF16/2277 – 2016001127), which considered the highly sensitive nature of the case files and the inability of the researchers and the agency to contact former clients to approve the use of these files for research purposes. The files were all maintained on the premises of inTouch, and a database was created that de-identified the information as it was transcribed from hard copy into the digital database. Many previous studies have relied primarily on small numbers of qualitative interviews (e.g., Anitha et al. 2016), and it is acknowledged that producing quantitative data on temporary migrants and DFV was (and remains) methodologically complex. Thus, this study provided a vital opportunity to understand at scale the experiences of and issues for women who held temporary visas and were experiencing DFV in Australia. The case files included caseworker contact notes including the risk assessment on intake; ongoing notes for each contact concerning provision and prioritisation of support; updates regarding the individual and familial circumstances of the client; and information and documentation related to migration processes (including applications to access the family violence provisions and the accompanying documentation).

Of the sample of 300, the clients ranged from 20 to 61 years old, the majority (65%) were 24–34 years old, none identified as LGBTQI+, and all had experienced DFV perpetrated by their current or former partner or extended family. Just over half the clients (52%) had dependent children. Exactly half the sample were temporary partner visa holders (50%), while the remainder held a variety of temporary visas, including visitor visas (18%) and student visas (see Segrave 2017). The client group of 300 women represented

65 nationalities: the most represented countries were India (16%), China (excluding SARs and Taiwan) (9%), the Philippines (7%), Iran (5%), Sri Lanka (4%), Thailand (4%) and Afghanistan (3%) (Segrave 2017).

This study provided an opportunity to undertake a project at scale and to avoid the ethical dilemma of asking women to repeat their story; while this is often valuable and necessary for research, undertaking a project without putting this additional impost on women presented one positive aspect of the research design. However, there are inevitably many limitations of such an approach. Case files vary significantly; the detail and breadth of each file were inconsistent. For example, this meant that sometimes information at intake was different to notes made later in the file. It also meant that some cases were many inches thick with correspondence and notes, whereas other cases were five pages long, with limited information provided about the case. A further consistent challenge was the absence of recorded data in the intake, where information was simply not recorded. Therefore, the database is not and cannot be comprehensive: it is replete with many unknowns, which limits its quantitative rigour. It was impossible to ask case managers to clarify aspects that were not clear, although we shared an office with them as the research team went through the files over many months. We consistently had to make decisions to note 'unrecorded' information, and to accept that the consequence is that there are limitations to the database. Nonetheless, the captured data are rich and significant—it was the first extensive study of temporary migrant experiences of DFV in Australia. In this article, I focus on a small component of the findings: the use of the threat and practice of border crossings out of Australia to illuminate a practice that has received limited attention and to consider the implications for the role of the criminal justice system in the response to DFV.

Using Migration Status and the Border Crossing as a Weapon in Domestic and Family Violence

This analysis is organised around two key areas where it is revealed how temporary migration status and the use of threats related to women's relationship to the border, including their relationship to their country of destination, are used by perpetrators to leverage power over their partners within the context of DFV. Through this analysis, the empirical and conceptual contribution of this piece is developed via an emphasis on how the border and the migration system are present in the enacting of DFV and the practices that are described are not criminalised or recognised within legal definitions of DFV. However, these are practices that occur within the context of ongoing DFV for many women.

Migration System as a Threat: The Weaponisation of Migration Status

In this study, almost half of the case files (113 of 300) indicated that the client had been threatened by their perpetrator with being 'sent back' to her country of origin. Additionally, 75 women had been threatened specifically that they would be 'sent back' to their country of origin, while their Australian citizen children would remain in the country with their father and his family. Other studies have reported that perpetrators utilise this fear within the context of family violence (see e.g., Raj and Silverman 2002), including a more recent study in Australia with similar results, where threats of this nature were apparent in at least 31 per cent of cases (Segrave and Pfitzner 2020: 27). This practice, I argue, embodies the weaponisation of migration status as a significant lever to control and coerce women. In risk assessment, access to weapons focuses on the physical: specific instruments that can enact immediate and fatal harm, such as guns. I use the language of weaponisation here to highlight that, while not a physical instrument of harm, these migration-related threats are also tools that perpetrators can utilise to control and abuse women.

These threats are powerful for myriad reasons; 81 case files documented women's fears regarding returning home to their country of origin. Two predominant themes emerged. The first was the broad social impact of returning home, as captured in the following statements that frequently point to shame, dishonour and social stigmatisation:

[Priscilla] is worried about returning home because of the shame associated with being divorced in India.

Tapukite would be shamed by her community and regarded as disgracing her husband.

Natawn stated that in Indonesia, you must be married in order to have a baby. She did not feel that she had any choice but to get married once she was pregnant. She states that her family in Indonesia support reconciliation rather than separation. She may not want to return due to stigma of a divorce or separation.

Mena is well aware of the stigma, shame and humiliation she would experience if she were to be returned to Lebanon as a divorced woman. It would bring shame to her family as well.

It was clear that, in some circumstances, perpetrators understood they were using this fear of returning home; they understood the power of the threat because they understood the consequences of how a woman would be treated if she returned to her country of origin after the relationship had broken down. This was explicit in the following example:

Maryam [does not] want to return to India as divorce is taboo. Perpetrator also used this to threaten her/force her into staying with him, stating that no one would accept her if she were divorced again.

As noted above, there is no routine data collection on such issues; it can be presumed that this practice of threatening women with being returned, and the fears associated with returning, are much more widely experienced than is known.

The other predominant theme was the fear of further harm on return to the country of origin, as detailed in the excerpts from case files below:

Cultural traditions that family in Iran adheres to suggest that she may be subject to honor killing/violence if she returns after a divorce.

Razia believes that perpetrator will hire a hit man to kill her, if she returned to the Philippines. This has been something that Razia has been scared of since the beginning of being in refuge. Perpetrator has threatened to do this on many occasions should she choose to leave him.

Fatima explained that the perpetrator threatened to kill her if they were returned to Sri Lanka, and threatened that if the police returned to them [i.e. came to their house], he would also kill their son.

Jessica noted that she did not want to return home as the perpetrator regularly returns to South Korea and she feels unsafe there.

Aja noted that she was unable to return home as her family has disowned her, and would not support her. She believes that if she returned home they would have her killed.

These examples highlight different ways in which harm might be feared. In some instances, women fear their perpetrator(s) will enact further harm in their country of origin, and this threat has been made in Australia (see also Segrave and Pfitzner 2020); in other instances, they will be harmed by their own family on return. One analysis of these examples could focus on culture, ideas of gendered role and norms and how such cultures produce insecurity for women — this is important. It is also important to note that, if these fears can be well substantiated and evidenced, a protection visa may be sought in Australia. However, for the purpose of this analysis, I focus on how these fears highlight the reality of DFV extending beyond and across borders — fear and harm is not bound to the jurisdiction but extends to the possibility of what

lies ahead for women who have to return home. The importance of bringing these threats to the fore is to highlight their power, which can only be captured partially via case file notes. The choice for some women is of remaining in an abusive family home in Australia or being forced back to a home country where shame, exclusion or further harm may await. This echoes the findings of an earlier study, as part of the review of the risk assessment and management system in Victoria, that included the experiences of migrant and refugee women (McCulloch et al. 2016). In that study, a caseworker retold a conversation with a client:

I have a client call me that because they ... [were] married back home in the community, they invite relatives and people come to the wedding ceremony. So everybody know that she got married. So [this] client ... told me that, 'If I have to go back, I'd rather die here'. So that's how serious, how fearful when the perpetrator threaten to send them back, because they know that the woman ... [is] too ashamed to go back. (FG17) (107)

When describing the weaponisation of migration status, these findings highlight the significant power contained in the threat of returning women home. There is real and perceived danger in returning home, ranging from stigma and shame to physical violence. It is, of course, true that perpetrators of violence, whether they are visa sponsors or not, cannot have anyone deported—these are administrative decisions. However, women are subject to decision-making powers and processes—border practices—where decisions regarding inclusion and exclusion are made that have no relationship to the urgency and fear articulated in the notes above. Critically, within risk assessment and within the definition of DFV in criminal law in the state of Victoria, Australia, where these cases were reported, the threats specific to migration would not constitute the definition of DFV. The criminal justice system is unable to act on these significant threats. Above, the systems in place to provide a means of protection for temporary migrants experiencing DFV in the UK, the US and Australia were detailed; however, these are not forms of DFV that would meet the requirements to remain in the country. The significant inequality of power due to women's migration status should lead to a consideration, then, of how perpetrators are empowered by migration law and policy to exercise such threats with impunity. I turn now to consider some examples where border crossings occurred and how migration processes render invisible violence and coercion.

Cross-Border Deception and Abandonment

In this study, there were 32 cases of specific deception or coercion in relation to border crossings. Eleven cases were akin to human trafficking offences under Australia's Criminal Code, where the border crossing and conditions and treatment on arrival in Australia was abusive (Segrave 2017). I do not focus on these cases here but instead attend specifically to efforts to remove women from Australia in ways that would be far less likely to meet the evidentiary requirements for these more serious federal offences and where no legal action was pursued in relation to these practices. These cases involve practices where perpetrators have not been held to account for their actions, and where the intersection of criminal and migration law is complex and not well attuned to understanding or recognising that border crossings can be utilised in the context of DFV.

I focus here on one practice that emerged across several cases: the effort to abandon women. Within the context of any jurisdiction, the use of various legal and financial means enables perpetrators to abuse women financially: in particular, to effectively abandon them with little to no financial stability (Cortis and Bullen 2015). The most common practice of cross-border deception in this study was perpetrators seeking to control women or to effectively 'remove' them from Australia, via sending them to their country of origin (in most cases) and then seeking to withdraw sponsorship or undertake other means to prevent women from returning to Australia. For example:

Amal was returned to India when the perpetrator told her that he couldn't afford her medical treatment [a sponsorship obligation]. She was abused while she was in Australia, and when Amal 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 Amal returned to Australia, he had left the rental property they lived in and taken all her money, jewellery and visa documents.

In this case, other DFV offences were evident, and the effort to abandon her in India followed by taking her assets and documents suggests that the border crossing was one component of the broader context of DFV. In another case, deception and coercion were more evident in the border crossing:

After Zahra applied for an IVO [intervention order] ... she returned to him in an effort to reconcile their differences. He told her that they were going on a holiday to Iran to visit family. A few weeks after [they arrived in Iran] he told her he was going to Afghanistan, however he actually returned to Australia and left her in Iran with her Brother-In-Law. She was later deported back to Afghanistan ... When her husband left her in Iran, he destroyed all her identification documentation so she could not return to Australia.

Ultimately, Zahra was able to access the required documents and returned to Australia; however, the clear effort of the perpetrator to destroy documents highlights the leveraging of the migration system: that is, the perpetrator was actively trying to prevent Zahra from entering Australia, as he understood that the migration process requires a valid passport—he was using that border control system to attempt to exclude her from returning to Australia. This is how the system may be used within the context of gendered violence. In another case, this effort to exclude via denying access to border mobility was attempted via cancelling Leila's return ticket to Australia:

After Leila told the perpetrator that she would contact police about the abuse, the perpetrator told the victim survivor that her mother was sick and she had to return to Afghanistan. When Leila arrived [in Afghanistan], the perpetrator cancelled her return ticket.

There were also cases where perpetrators demonstrated significant efforts to control women after abandoning them—where the threat of harm coalesced with abandonments. In the following two cases, there was a refusal to agree to a divorce as a way of ensuring long-term insecurity for both women:

Liza's husband was highly abusive while she was in Australia and controlled her movements. Then her husband deceived her 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.

After Wahid applied for IVO, 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 her 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.

In both cases, the perpetrators weaponised the social stigma of divorce and separation, as well as the legal leverage created by remaining married. The perpetrators in both cases were effectively seeking to destroy women's lives and they used many means, including migration systems and processes, to exert power and control. This is not a new phenomenon. Writing about the context in the UK and the 'transnational marriage abandonment of wives in South Asia', Anitha et al. (2016) noted the challenges in achieving justice when border crossings are a part of DFV. It remains the case that these situations are poorly understood, and our response to DFV in countries of destination such as Australia and the UK is often silent around how to respond. Drawing on Anitha et al. (2017), it is clear that we must draw attention to the migration system as an exclusionary system—that contributes to and sustains the impunity of perpetrators who utilise border crossings in DFV.

Implications and Conclusion

What, then, are the implications of this recognition across these two examples of the weaponisation of migration status in DFV? Other critical work on gendered borders, particularly on border deaths, highlights how various aspects of the system and its implementation produces violence. So too, it has been well established that borders and bordering practices are not fixed to geographic border crossings, nor are they limited to the power of state actors exclusively (Aas 2007; Bosworth 2008; Weber 2013; Weber and Pickering 2011; Wonders 2006). It is evident that perpetrators of DFV are also part of the reproduction of border practices—reminding the women they are abusing that their power is drawn from the migration system. These findings highlight the importance of research on and responses to DFV that recognise that migrant women, particularly temporary migrants, are at risk of forms of abuse and violence that are enabled and enacted in the border crossing and via the migration regime. There are other further areas to explore: the intersection of race and ethnicity is deserving of close attention (see e.g., Anitha et al. 2016). However, my focus here is non-citizenship and, more particularly, temporariness.

A significant challenge arises when the focus is on victimisation—we focus on women as holding risk, identifying that women are vulnerable or precarious. The work on liminality and the relationship of the non-citizen to the state is important here; however, this article seeks to draw attention to how precariousness is produced via a system designed to ensure that there are limitations and conditions on temporary visa holders. For some time, it has been acknowledged that the non-citizen is managed both as a resource, who can contribute their tourist dollar and high-skilled expertise or low-skilled labour, and also as a threat: a situation that ensures tight restrictions on access to permanency and limitations on what services are accessible (Wonders 2006). In the context of DFV, this produces risk—it undermines the message that DFV is a national emergency by suggesting that it is, for temporary holders, a problem that is not Australia's responsibility, for the most part. This system empowers perpetrators who wield significant additional powers when exerting coercion and control over their partners or former partners. Whether this involves threatening women with deportation or coercing them to return to their country of origin and attempting to abandon them (Segrave 2017, 2018; Segrave and Pfitzner 2020), these practices are not seen; both the migration system and perpetrators remain largely unaccountable for them.

While there exist efforts to consider how to improve the migration system to better recognise how temporary migrants need support and to create opportunities for inclusion rather than exclusion, the persistent weaponisation of visa status by perpetrators raises key questions about the role of law and the legal system. This suggests some urgency in the call to shift our gaze towards the systems that sustain or bolster the perpetrator's power to control and coerce. Goodmark (2018) has posed the question of how to consider the problems that criminalisation creates — one problem that has not received sufficient attention (or, more critically, action) is the complex intersection of migration systems and the state's role in DFV. As an interpersonal crime, the focus is on individual(s) actions; however, even in the accounting of gendered violence, and the social systems that produce and reproduce gendered inequality, we must account for systemic inequality produced by the migration system. This inequality is not exclusively linked to DFV; across all forms of abuse and exploitation, including slavery-like practices and labour abuse, a critical component of that abuse is the relationship of the victim to the state, as determined by the migration system and other systems, including labour law and regulation (Segrave and Burnett-Wake 2017; O'Connell-Davidson 2015). By its very nature, being temporary creates a delicate balancing act in relation to the country of destination, where the potential to be expelled is omnipresent, not least due to the limitation of rights afforded to non-citizens. The migration system remains a system that is designed to enshrine power inequality. This is, in some ways, a necessary aspect of managing the millions of people who may move lawfully through a country—as visitors, students, partners, labourers—so that the obligations to that dynamic population who are not citizens or permanent residents are reduced. However, in the context of harm and abuse perpetrated in Australia, often by Australian citizens and permanent residents, there is a broader question of how this system is entrenching harm and silence. We know, as detailed above, that there are concessions and pathways to accessing support in the country of destination, including permanent residency or the right to stay when temporary visa holders experience DFV; however, we also know that these systems are deliberately limited and that there are barriers to accessing them. Via

border criminology, I have identified examples of how migration controls and border enforcement are creating the conditions for gendered abuse and DFV to occur. The system that is trying to offer support to temporary visa holders is also contributing to their experiences of abuse. Zedner (2013) has asked how criminal justice systems can be extended to protect non-citizens—a further question is to consider how the criminal justice system can reimagine the forms of DFV experienced by non-citizens to capture them adequately. These findings demonstrate that we need to recognise the transnational components of DFV and that these cross-border elements are not only the actions of perpetrators but also actions empowered by migration regimes. Understanding DFV requires understanding contemporary cross-border mobility and migration regimes and bringing that knowledge to the core challenge of disempowering perpetrators. The reimagining of women’s safety in this context requires a reimagining of border regimes and the responsibility of countries to those who experience DFV.

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