

## Project Brief

<b>Title</b>	<b>Abused and Abandoned: Family Violence in the Australian Indian Community</b>
<b>Organization</b>	Northern Community Legal Centre (NCLC)
<b>Summary</b>	The phenomenon of abused and abandoned Indian brides in transnational spaces is well documented, yet minimal research has been undertaken on the broader scale of Indian women who experience domestic and family violence in Australia. NCLC operates in a region which has recently experienced the largest arrival of Indian migrants to the country. Through our work, we have become highly aware of the prevalence of the complexities Indian women face who are subjected to family violence. Our project aims to improve not only our local casework but to build understanding of the various issues Indian women deal with in the context of family violence. It is anticipated that this research will result in improved coordination of legal and non-legal responses at a local, state and national level.
<b>Duration</b>	Two years: January 2019 – December 2020
<b>Objectives</b>	<ol style="list-style-type: none"> <li>1. Advance the understanding of the complex problem of abuse and abandonment in the Australian Indian community;</li> <li>2. Identify gaps in the family violence service system and state and federal laws which add to the vulnerability of Indian women affected by family violence in Australia, to abuse and exploitation; and</li> <li>3. Identify and advocate for effective legal and non-legal protections.</li> </ol>
<b>Location</b>	Melbourne's North West
<b>Key partners</b>	The Oorja Foundation
<b>Key Contact</b>	Tania Cass, Project Officer, <a href="mailto:tcass@northerclc.org.au">tcass@northerclc.org.au</a> , (03) 9310 4376

## Northern Community Legal Centre profile

Northern Community Legal Centre (NCLC) operates in one of the fastest growing and disadvantaged areas of Melbourne, and has a significant catchment including the Hume City Council, Moreland City Council and Mitchell Shire Council. NCLC operates from a central office located in Broadmeadows, with outreach services to other service areas, including Wallan, Sunbury, Coburg and Craigieburn.

Our purpose is to ensure equal access to justice for all in Melbourne's North West and we do this by the provision of legal services, community legal education and law reform to meet the needs of the most vulnerable and disadvantaged people in Melbourne's North West.

We provide casework to the most vulnerable and disadvantaged members of our community. These are people who have much more limited access to legal assistance and include: Victim/Survivors of family violence; refugees and the newly arrived; people who have a diagnosed mental illness; young people and; older people who are suffering abuse.

## **Project Background**

The phenomenon of abused and abandoned Indian brides in the UK, US and Canada has been well documented. Indian women who travel abroad in the hope of a brighter future, are frequently subjected to blackmail, fraud, emotional abuse, financial abuse, controlling and coercive behaviour and domestic and sexual servitude, prior to their abuser abandoning them. The reasons for this phenomenon are complex, involving push and pull socio-economic factors that make marriage to a non-resident Indian highly desirable. There is an exclusion of traditional protections for women entering marriage, a preclusion of rights during marriage and after their abusers have left.

NCLC has a strong partnership with Oorja Foundation and receives regular referrals from Oorja on behalf of victim/survivors of domestic and family violence and from family members of women who fear their isolated daughters and sisters are experiencing abuse within their marriages. These referrals incorporate multifaceted and interwoven legal issues from family violence intervention orders, family law, child protection and criminal law matters, victims of crime matters and complex immigration law matters. These immigration law matters may include circumstances which can be dealt with under existing immigration law family violence provisions and those which cannot and whose success is reliant upon the visa dependent victim/survivor fitting within laws pertaining to Australia's humanitarian refugee intake. Additionally, there are matters involving facts which amount to human trafficking under Australian Federal law. Across our casework, we see threats and deception employed with the intention of returning a woman to India where she might experience further abuse from family and community.

Within NCLC's area of operation there is a large Indian-born population. Nearly 10% of people living in Craigieburn are Punjabi speakers, making this one of the most popular suburb for Punjabis in Australia.

Whilst the Australasian Centre for Human Rights and Health has done a considerable amount of work lobbying for changes to family violence law to incorporate an understanding of the role dowry plays in many abusive Indian marriages, this project aims to better understand the myriad forms that family violence takes within this community and the broad range of Australian laws that conflict with the potential empowerment of Indian women experiencing abuse.

International research suggests that Indian-born men often seek brides from India because of stereotypes that construct the traditional Indian woman as inherently exploitable. Researchers note that Indian women experience compounding obstacles in the country of migration due to racist service responses from professions who oftentimes draw on stereotyped notions of abuse in cultural groups, equating cultural backgrounds and abuse in disempowering and victim-blaming ways. There is a lack of adequate support from welfare services; difficulties with visa dependence; and language barriers which make access to assistance even harder. Crucially, the inadequacy of national and transnational legal support mechanisms mean transnational brides are excluded from protection and further marginalised.

Through this project we will explore the adequacy of Australian laws (immigration, family violence, family law) when it comes to protecting and insuring access to services for Indian women affected by family violence in Australia, and the barriers and stereotypes that impede their journey to safety, security and recovery.

## **Project Description**

The project is a mix of action research and direct service delivery. The project will be implemented by a project officer, a lawyer with immigration expertise and a community development worker who will work alongside our existing team. We will extend our casework guidelines to include immigration law and our family violence lawyers will work directly with our immigration lawyer and our community development team to ensure a culturally appropriate and holistic response to the issues facing Indian victim/survivors. Our immigration lawyer will be available to service areas beyond our catchment therefore extending our reach, our understanding of the prevalence of the issue and our connection with additional services working on the issue.

The project will include stakeholder engagement (community, law enforcement, legal and judicial, immigration, settlement services and the family violence sector), research (literature review, focus groups and interviews) and compilation of case studies. An Advisory Committee of key stakeholders will be formed to provide expert advice. Outputs will include the development of an education package delivered directly to professionals working with victims of family violence and workers whose roles bring them into contact with Indian community, the compilation of a final report incorporating recommendations from the project and a forum to promote better understanding of the complex issues and to advocate for reform.

## **Anticipated long term impacts**

- Better understanding of the ways in which current state and federal laws enable the exploitation of Indian women affected by family violence in Australia
- Reform of laws which enable the abuse and exploitation of Indian victim/survivors
- Empowerment of women in the Indian community