

*Migrants, especially women, are particularly at risk of violence and abuse. Among the social and economic factors making women vulnerable to gender-based violence, including within the private or family sphere, is their migration status. Partly spurred by international human rights instruments, OECD countries are taking action to protect victims/survivors and empower migrant spouses and families who have experienced domestic violence. Beside prosecuting or convicting perpetrators, many OECD countries have reformed or adapted immigration legislation to both encourage victims to report domestic violence and to support law enforcement authorities in their efforts to prosecute gender-based crimes.*

*This **Migration Policy Debates** gives an overview of the range of protection available for migrants who have experienced domestic violence in OECD countries. The brief also addresses the shortcomings surrounding migration procedures and provides some policy recommendations for decision-makers.*

## How do OECD countries respond to domestic violence against migrants?

### Key Findings

- Preventing and addressing the consequences of domestic and gender-based violence is a priority for all OECD countries. In most countries, this includes specific provisions for the affected migrants.
- Abusive situations can occur at different stages of the migration journey. They can take the form of psychological, economic or physical abuse in the origin, transit or destination country.
- International law and legal instruments approved in the EU provide a framework for protecting migrant victims of domestic or gender-based violence. Some countries, go further by offering protection independently of a person's residence or migration status.
- Some countries offer a variety of options depending on the characteristics of the crime and of the victim/survivor, while others offer protection in the broader context of humanitarian considerations or compassionate reasons.
- Categories covered by protection vary but sometimes extend to unmarried partners regardless of gender. Other considerations also may affect eligibility such as the need for divorce or physical separation or not being subject to a return decision or a re-entry ban.
- Evidence required also varies as some countries require court conviction of the abuser or issuance of a protection order, while in others, credible, relevant and probative evidence is sufficient.
- Successful applicants may either receive a temporary residence permit - typically from 1 to 3 or 5 years - or, in a few cases, permanent status. In most countries, migrant victims benefit from protective measures while awaiting a decision.
- Access to work is granted in almost all countries, although national law might require a separate work permit.
- Further action is needed to provide full protection of migrant victims/survivors of domestic violence. This includes notably (i) raising awareness among migrant communities, (ii) preventing victims from shame or stigmatisation when reporting abuse, and (iii) providing a suitable, sustainable and timely form of protection.
- Improved monitoring of the phenomenon would also be required to better understand its scope and main characteristics with a view to best adapting policy response.

## Introduction

Addressing gender-based violence is a major challenge which requires a holistic approach involving all parts of society. Serious violations of human rights are perpetrated daily all over the world, with disastrous consequences for those directly or indirectly affected. Domestic violence or abuse (also called “intimate partner violence”) is defined by the UN<sup>1</sup> as “a pattern of behaviour in any relationship that is used to gain or maintain power and control” over a spouse, a child or another member of the family household. It includes physical, sexual, emotional, economic or psychological actions or threats of actions that can affect people of all socioeconomic backgrounds and education levels.

This brief focuses on domestic violence (between family members) and intimate partner violence (between married or unmarried partners) in which the victim/survivor is a migrant. In most cases this violence is gender-based, and the victim/survivor's gender is that of a (self-identified) woman.

While anyone can be a victim of domestic violence, regardless of age, gender or sexual orientation, women and girls are particularly vulnerable to abuse and exploitation. Recent WHO estimates indicate that about 30% of women worldwide have been subjected to either physical and/or sexual violence in their lifetime, mostly from their intimate partner (WHO 2021).<sup>2</sup> There is also initial evidence that the Covid-19 pandemic and related lockdowns and social distancing measures further increased incidence, although some countries have observed a decrease in the number of domestic violence incidents reported during the pandemic (UN women 2021).<sup>3</sup>

Unsurprisingly, available evidence reveals that the risk of gender-based or domestic violence is even higher for migrant women. Abusive situations are likely to occur at different stages of the migratory journey. In many cases, violence perpetrated by the current or previous partner begins in the country of

origin and may persist or accentuate in the country of transit or destination or be perpetrated by strangers.

In addition to psychological and physical abuse, migrant women are particularly exposed to the risk of forced marriage, a form of domestic violence with possible long-lasting implications for spouses and other family members in the host society.<sup>4</sup>

Importantly, migrants subject to domestic or gender-based violence with an insecure or dependent migration status face additional vulnerability upon arrival in their destination country. If they are undocumented, they may be afraid to report abuse for fear of deportation. If their stay is dependent on their abuser – for example, if they hold a permit for family reunification subordinate to sponsorship by their abuser – they may fear becoming undocumented or facing deportation.

In order to address these vulnerabilities, most OECD countries offer specific protection. In part the measures reflect the legal national and international frameworks governing the rights of victims of domestic or gender-based violence, regardless of their migration status. International and regional Conventions and other legal instruments have been adopted and ratified by many countries to protect women against violence and discrimination worldwide.

The first part of this brief reviews the internal framework as well as national legislation and measures adopted by OECD countries to protect migrants from gender-based violence and abuse. The next section highlights the most common shortcomings and barriers to the effective implementation of these measures. The third section addresses some key challenges related to domestic violence against migrants and recommends further policy actions, with an emphasis on support and safety of the victim.

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<sup>1</sup> UN Women, “Types of violence against women and girls” [www.unwomen.org/en/what-we-do/ending-violence-against-women/faqs/types-of-violence](http://www.unwomen.org/en/what-we-do/ending-violence-against-women/faqs/types-of-violence).

<sup>2</sup> [key facts](#) notably based on Global and regional estimates of violence against women, 9 March 2021.

<sup>3</sup> <https://data.unwomen.org/publications/vaw-rga>

<sup>4</sup> While human trafficking and sexual exploitation often involve the same dynamics of power and control

present in patterns of domestic violence, the former has a distinct definition. Human trafficking is defined in the 2000 United Nations Trafficking in Persons Protocol (G.A. Resolution 55/25) art. 3 as “A-M-P”: an Act of recruiting, transporting or transferring a person, through Means of threat, use of force, coercion or fraud, for the Purpose of exploitation, forced labour or other forms of voluntary servitude.

## 1. Gender-responsive migration policies: mapping policy approaches

While OECD countries have a sovereign right to control the entry and stay of non-nationals into their territory, they must comply with human rights standards deriving from various legal instruments.

The UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted in 1979, and other human rights treaties, protect women in specific situations. The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, also called the “Istanbul Convention”, one of the most comprehensive legal instruments at regional level, entered into force in 2014 and has been ratified or acceded to by 37 European countries.<sup>5</sup> State parties to this instrument commit to granting an autonomous residence permit for victims whose residence depends on that of the spouse or partner in the event of “particularly difficult circumstances” (Art. 59). They must ensure that victims obtain “the suspension of expulsion proceedings initiated in relation to a residence permit dependent on that of the spouse or the partner” and “be issued a renewable residence permit when the competent authority considers that their stay is necessary”, e.g., for the purpose of their cooperation with the competent authorities. Finally, national authorities must take any necessary measures to ensure victims of forced marriage who, as a result of the dissolution of the bond, have lost their residence status in the country of residence, to regain this status.

At the EU level, both the Family Reunification Directive<sup>6</sup> and the Citizens’ Rights Directive set

out obligations for Member States to lay down provisions ensuring the granting of an autonomous residence permit for foreign nationals on a spouse-dependent visa who have experienced domestic violence while the marriage or registered partnership was subsisting.<sup>7</sup>

Different countries have opted for different approaches, sometimes going beyond international (and, where applicable, European) rules.

Some countries grant special permits for all migrant victims, regardless of their current or prior residence status, while a few also extend protection to undocumented migrants.<sup>8</sup> Several countries offer specific migration statuses for victims of domestic or gender-based violence, while others include these situations under the broader scope of humanitarian considerations or compassionate reasons.<sup>9</sup> In the latter case, temporary protection may be granted regardless of the perpetrator’s profile and/or relationship with the victim(s).

Similarly, lodging a claim for asylum or international protection based on gender-related persecution remains an option in most OECD countries. However, to be entitled to refugee status, the other requirements of the 1951 Convention apply, namely the well-founded fear of persecution and the inability or unwillingness to avail oneself of the protection of the country of nationality or habitual residence.<sup>10</sup>

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<sup>5</sup> The EU signed the Convention on 13 June 2017. On 20 March 2021, Türkiye withdrew from the Istanbul Convention. After signing the Convention in 2012, the United Kingdom ratified the Convention on 21 July 2022, although with a reservation made on several provisions, including Article 59.

<sup>6</sup> Which applies to all EU member States except Ireland and Denmark.

<sup>7</sup> See notably Article 15(3) of Family Reunification Directive (2003/86/EC); Recital 15 and Article 13(2)(c) of Citizens’ Rights Directive (2004/38/EC). Although not specifically targeting victims of crime, Article 6(4) and (5) of the Return Directive (2008/115/EC) encourage Member States to consider granting a residence permit to an undocumented person for humanitarian or compassionate reasons and to “refrain from issuing a

return decision in the event of a pending procedure that would grant or renew a permit”.

<sup>8</sup> In Europe, five of the ten countries reviewed by PICUM (2020) grant autonomous permits to undocumented migrant victims of domestic violence.

<sup>9</sup> Canada offers a specific temporary residence permit for victims of domestic violence, but those seeking permanent residence must apply for a general status on humanitarian and compassionate grounds (H&C). Since 2019, both pathways are expedited for victims of domestic violence.

<sup>10</sup> See the eligibility criteria of the 1951 Convention relating to the Status of Refugees. In addition, Article 9(2) of the EU Qualification Directive (2011/95/EU) lists

The type of protection or status available mainly depends on the applicant profile. In the United States, US law gives access to several types of statuses to victims of domestic or gender-based violence depending on their age, relationship and nature of the legal proceedings. For example, children under 21 who have been abused, abandoned or neglected by a parent may apply for the Special Immigrant Juvenile Status (SIJS). Battered spouses, parents and children can either self-petition for an independent permanent status (VAWA) – if the abuser is a US citizen or lawful permanent resident – or apply for a U-visa, which is available to victims of certain crimes who cooperate with law enforcement authorities. Immigrants in abusive marriages who have received a Green Card through marriage may also qualify for a Battered Spouse Waiver and acquire independent permanent residence rather than going through a 2-year conditional period on their Green Card.

In most OECD countries, foreign nationals who hold a temporary residence permit based on family ties are eligible for an autonomous residence permit or an extension of stay if their relationship with the sponsor has broken down due to domestic violence. Yet eligibility criteria,

requirements to meet, and the extent of protection granted differ from one country to another.

In Australia, the measures to support visa-holders who experience domestic and family violence are part of the National Plan to End Violence against Women and Children 2022-2023.

The Family Violence Provisions (FVP) are meant to prevent a visa applicant from feeling compelled to remain in a violent relationship for fear of losing their eligibility for permanent residence. In May 2023, the government extended the Provisions to secondary applicants for most permanent visas and to additional cohorts of Partner visa applicants.

The Department of Home Affairs established a dedicated Domestic and Family Violence Support team with an online referral channel and a national network of Visa Support Officers, complementing the Department of Social Services' Temporary Visa Holders Experiencing Violence Pilot Program.

A dedicated program management team has also been established to provide oversight of processing under the FVP and to improve procedural guidance and training for decision makers.

**Table 1. Immigration options available to migrant victims of domestic violence in OECD countries**

	Specific migration status(es)	Humanitarian protection	Protection available to undocumented migrants	Cooperation with law-enforcement authorities required	Temporary protection (years)
AT	Special extension of residence permit		Special protection residence permit	X	X (1)
AU	Special grant of permanent spouse visa (Family Violence Provisions)				Permanent
BE	Specific exemption to maintain the right to residence, humanitarian grounds, or international protection. Special exemption of withdrawal of residence permit, or humanitarian grounds	X	Ad hoc protection against deportation		X (5), renewable
CA	Expedited temporary residence permit (TRP)			X	X (min. ½)
	Expedited permanent residence on humanitarian and compassionate (H&C) grounds	X		X	Permanent
CL		X		X	X (2)
DK	Special extension (or non-				X (2)

“acts of a gender-specific or child-specific nature” among possible acts of persecution. Art. 60 of the Istanbul Convention reiterates the duty of state parties

to ensure that gender-based violence may be recognised as a form of persecution.

	revocation) of residence permit				
<b>FI</b>	Temporary or continuous residence permit				X (1)
<b>FR</b>	Special extension or renewal of residence permit	Residence permit ("vie privée ou familiale")	X	X	X (1)
<b>DE</b>	Special extension of residence permit				X
<b>GR</b>	Special extension of residence permit	X	X	X	X (1)
<b>IE</b>	Independent status as a victim of domestic violence				X (1), renewable
<b>IT</b>	Special permit for victims of domestic violence, humanitarian protection	X	X	X	X (1)
<b>JP</b>	Special extension or change of status of residence permit				Variable
<b>KR</b>	Special extension of stay (Ministry of Justice)		X	X	X
<b>LV</b>		X			X (5)
<b>LU</b>	Autonomous residence permit for victims of domestic violence	Residence permit for private reasons based on humanitarian grounds of an exceptional seriousness		X	X (up to 3)
<b>MX</b>		X	X	X	X
<b>NL</b>	Permanent humanitarian residence permit	X	Temporary humanitarian residence permit		X or Permanent
<b>NZ</b>	Victims of Family Violence Work Visa			X	X (6 to 9 months)
	Victims of Family Violence Resident Visa				Permanent
<b>NO</b>	Independent residence permit	X	X		X
<b>PL</b>	Permission to stay for humanitarian reasons.	X	X		X (2)
	Temporary residence permit				X(3)
<b>SI</b>	Permission to remain (domestic violence)		X	X	X (90 days with a possible extension for another 90 days)
<b>ES</b>	Temporary residence "on exceptional grounds"		X	X	X (5)
<b>SE</b>	Special extension of a residence permit				X (1)
<b>CH</b>	Special leave to remain				X
<b>TR</b>		X			X
<b>UK</b>	Indefinite leave to remain (domestic violence or abuse)				Permanent
<b>US</b>	Nonimmigrant Status (U Visa)		X	X	X (4)
	Special Immigrant Juvenile (SIJ) Classification		X		Permanent
	Violence Against Women Act (VAWA) Self-Petitioners (Abused spouses, children, and parents)		X		Permanent
	Battered Spouse Waiver		X		Permanent

## **Eligibility criteria**

In a few OECD countries, spouses and registered partners – including same-sex partners where these are recognised – are the only beneficiaries of these special permits. This is notably the case in Luxembourg, Denmark and Switzerland. In the United Kingdom, unmarried partners may also qualify for the “indefinite leave to remain as a victim of domestic abuse” (DVILR). In Spain, unmarried partners can qualify for temporary residence. In Türkiye, the applicant must be a spouse, partner or household member of the perpetrator. In Slovenia, the permit is based on a criminal act of domestic violence, which occurs in a domestic community. By contrast, other national visa schemes apply to any family member whose immigration status is derived from or dependent on that of the perpetrator. This is the case in Ireland, Canada, Finland, Sweden, Norway, Netherlands, Italy and Japan. In Norway, this extends to perpetrators who are not the partners but another family or household member. In New Zealand, eligibility for the VFV is limited to people in a partner relationship which ended due to family violence (by any family member directed toward any other family member).

When the person on whose status the victim depends is a foreign national, the protection provided might depend on the status of the perpetrator.<sup>11</sup> At EU level, the Family Reunification Directive makes no distinction between third-country nationals lawfully residing in the territory of the Member States, whether on a temporary or permanent basis. However, in Belgium, victims of domestic violence who are family members of EU nationals must meet certain criteria, such as having sufficient means or being covered by health insurance, which is not the case for family members of third country nationals. In addition, holding a valid permit at the time of application is not always required of the victim. In the United States, Japan, Luxembourg or the United Kingdom, an autonomous or prolonged residence permit may be granted to victims of domestic violence whose residence permit or visa has expired.

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<sup>11</sup> Switzerland, which is not bound by the EU directives and made reservation on Art. 59 of the Istanbul Convention, grants permit renewal only to foreigners married to Swiss nationals or permanent residents. Similarly, the VAWA self-petition is limited to spouses of US citizens or lawful permanent residents. By comparison, the UK DVILR applies exclusively to partners of British citizens, of foreigners settled in the

Other considerations may affect eligibility. Divorce or physical separation from the abuser is required in Denmark and in the United Kingdom. In Switzerland and Germany, the financial stability of the applicant is also considered in determining eligibility.

The issuance of residence permits to victims of domestic violence may also be subject to varying suitability criteria related to the person's behaviour, his/her criminal record or administrative background.

VAWA self-petitioners in the United-States and applicants to the dedicated Resident visa in New Zealand must be able to show they are of good character. Depending on circumstances, these grounds of exclusion might be waived. In the United Kingdom, the DVILR may be simply reduced to a shorter period (30 months) when the applicant has been convicted for minor offences. While OECD countries do not automatically reject applications based on suitability criteria, and perform a case-by-case assessment, the burden of proof is higher in certain countries. In Chile, applicants for temporary permits must provide a police certificate, officially legalised, from their country of origin (or any other country where they resided during the last five years) stating that they have no criminal record. In Austria, applicants for special protection under the Asylum Act and the Residence and Settlement Act are deemed ineligible if they have been issued a return decision and an entry ban or if their residence would endanger public order and security.

### **Evidence required or admitted**

Many OECD countries admit all types of evidence or documentation to prove domestic or gender-based violence. These include medical reports, statements from counselling centres or women's shelters, personal statements, letters from friends or relatives, court convictions, police reports or restriction orders. In Australia, a new Legislative Instrument came into effect on 31 March 2023 and is expected to provide more flexible evidentiary

UK (including refugees), and of those with at least 4 years of UK military service. In Australia, the Family Violence Provisions are available to applicants for a Partner visa, who are sponsored by an Australian citizen or permanent resident, as well as secondary applicants for most other permanent visas and some temporary visas.



requirements for applications under the Family Violence provisions.

While in several countries no specific evidence is required, issuance of a residence permit might be conditional on a protection order or a report by the Public Prosecutor. A court conviction of the abuser is considered sufficient evidence in Belgium, United Kingdom or Denmark. In such cases, immigration and criminal proceedings are interconnected.

In France, Spain, Chile, Mexico and the Netherlands, migration authorities in charge of the assessment rely mostly or exclusively on judicial measures or police reports and do not undertake further investigations.<sup>12</sup> Elsewhere, the assessment of any credible, relevant and probative evidence is at the sole discretion of the competent migration services. Australia has established a dedicated investigation team that may be assisted by an Independent Expert in complex cases.

In most OECD countries, there is no legal or regulatory guidance on how the assessment should be conducted – especially in cases of psychological abuse. Exceptions include France, with a ministerial instruction on the issuance of permits for victims of domestic and family violence for prefectures,<sup>13</sup> and the United Kingdom, with specific Home Office guidelines for caseworkers (Home Office, 2021). Another exception is Australia, where the assessment process is set out in Regulations and a dedicated Procedural Instruction.

Average processing times reported greatly vary across OECD countries. While cases involving domestic violence are usually fast-tracked or processed as a priority, they might not be subject to legal or predictable time limits. For example, in Norway, the delay for the assessment of residency for family migrant victims of domestic violence is around 10 months, while the average processing time of similar cases in Sweden in 2021 was about 16 months. In Italy, immigration procedures can take up to one year, which corresponds to the usual timeframe of criminal proceedings. By contrast, a 6-month time-limit applies in the United Kingdom and in Austria, and

all applications for permits based on humanitarian grounds in Latvia are processed within 30 days.

While in some OECD countries the legal status of migrant victims of domestic violence during the processing delay depends on their legal status upon reporting, Denmark, Spain, Italy, South Korea, Latvia, Slovenia, Türkiye or the United Kingdom grant a legal status for this period. In many countries, victims are protected from deportation while awaiting review of their case.

### ***Extent of protection: what is offered?***

Successful applicants may either receive a temporary residence permit or, in a few cases, permanent status. While waiting for a final decision on their residence permits, applicants also benefit from protective measures and rights in most OECD countries. In the United Kingdom, eligible victims of domestic violence may benefit from a 3-month leave to remain and access to public funds under a special Destitution Domestic Violence Concession (DDVC) before being granted permanent status. According to EU Law, those whose residence permit (e.g., based on family reunification) is still valid continue to enjoy the same rights and benefits while their application for an autonomous permit is being processed. In Chile, applicants receive a “Certificate of Residence in Process” which grants regular residence for the duration of the processing of the residence permit.

In countries such as Luxembourg where undocumented migrants are eligible for a temporary permit, immediate protection from deportation may first be offered to encourage victims with irregular status to safely report abuses.<sup>14</sup>

Access to work is granted in almost all countries, although national law might require a separate work permit. In New Zealand, victims of family violence can either apply for a work visa (of six to nine months duration initially, which can be extended) or a Resident Visa, which allows beneficiaries to live and work in New Zealand permanently. In the United States, eligible victims can file for an Employment Authorisation Request for Abused Non-immigrant spouses with a

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<sup>12</sup> From 2012, migration authorities require a declaration both from the police or the prosecutor and from the shelter or support service to support the application.

<sup>13</sup> The initial instruction of 9 September 2011 has been repealed by an instruction of 23 December 2021.

<sup>14</sup> In Greece, for instance, the amended Law 3907/2011 now provides a specific provision that prohibits police officers from arresting survivors of gender-based violence who report their abuse to the police but do not possess a valid residence permit.

duration of 2 years and a possibility of extension. Italy issues a “special case” residence permit for the duration of one year, which grants access to support services, education and employment (self-employment included). In contrast, Mexico’s intermediary status and its “visitor status for humanitarian reasons” (TVHR) do not grant work rights.

The duration of the residence permit granted usually ranges from one year to three or five years. In Slovenia, the permit is issued for 6-12 months, based on the expected duration of criminal proceedings, and is tied to cooperation in these proceedings (although exemptions may apply); the permit can be extended for the duration of criminal proceedings. In addition, in case of personal circumstances that justify a stay in Slovenia, a residence permit may be extended for victims of domestic violence for the duration of the existence of these circumstances, but for no longer than one year. These permits (or extensions) are renewable in Finland, Austria, France, Denmark, Greece, Chile or in Luxembourg, where the transition to a work permit is also a possibility. Successful VAWA self-petitioners in the US or applicants for DVILR in the United Kingdom become lawful permanent

residents, as do beneficiaries of the permanent residence permits based on human and compassionate (H&C) grounds in Canada. Similarly, in Australia, Partner visa applicants who make a successful claim under the FVP are granted a permanent visa.

The protection granted to the main applicant usually extends to dependent or minor children, although it might require separate application or documentation. In Australia, the condition is that children were included on the applicant’s original visa application. Australia may also grant a visa under the FVP if domestic violence was directed at the applicant’s dependent child rather than themselves. Upon request, the protection offered by the humanitarian permit for domestic or gender-based violence in Chile may also be extended to other members of the family household (ascendants, spouse or cohabitant, non-dependent children etc.).

It is important to recognise that escaping and recovering from intimate partner violence is a complex process. It requires the support of housing providers, physical and mental healthcare, agents of justice, employment support, support for children, among others.

## 2. Shortcomings and barriers to effective implementation

Despite quite comprehensive immigration options available to migrant victims of domestic violence in many OECD countries, there are still some legal and practical obstacles which might hinder the use of these legal pathways, as well as prevent these options from increasing reporting of domestic violence among migrants. These migrant-specific policy considerations should be embedded in broader, holistic approaches to preventing, addressing and ending gender-based violence.<sup>15</sup>

If domestic violence is considered a private and family matter by societies, institutions may be slow to respond, or fail to support or believe victims. **Migrants who suffer from abuse might feel too afraid, ashamed, or reluctant to seek help** from public authorities. Some countries require reporting domestic violence to law enforcement authorities as a prerequisite to obtain a dedicated residence permit. In such cases, victims may be deterred from reporting due to fear of being apprehended,

detained, or deported while doing so.

Even though many countries provide multilingual information and assistance, **victims may be unaware of the options available for protection**, due to insufficient information, or lack of access to information in a language with which they are familiar. Compounding this difficulty, perpetrators may deliberately provide them with inaccurate information about their rights or use deportation as a threat. There may be limited personal support available to provide guidance to applicants.

**Evidentiary requirements may require some effort.** Background checks and multiple forms to file or documentation to submit may be difficult to satisfy, especially if documents must be collected and presented without the perpetrator’s knowledge. Applicants, particularly those who have previously avoided contact with institutions, may struggle to meet a high standard of proof.

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<sup>15</sup> OECD (2023) Supporting Lives Free from Intimate Partner Violence: Towards Better Integration of Services for Victims/Survivors ([Link](#))



**High application fees and burdensome procedures can also limit the victim's ability to access protection.** Applying for the H&C permanent residence permit in Canada costs CAD 1085. Application fees for the DVILR in the United Kingdom total GBP 2404, although waivers may be granted to victims who declare themselves destitute. In the United States, filing a U-visa application or self-petition for VAWA is free, although some ancillary forms may be subject to extra fees unless the applicant demonstrates an inability to afford it. In most European countries, the procedure is fee-exempt, as in Luxembourg or in Norway. Where there are fees, they do not exceed several hundred euros. Procedures may also be complex and intimidating. In Australia, a dedicated Domestic and Family Violence Support team works with support services and migrants, including those who are not eligible for the FVP, to assist them with regularising their status.

**When issuance of the residence permit is linked to criminal prosecutions,** a lack of judicial decision against the perpetrator may lead to cessation of protection granted to victims. In Spain, for instance, a temporary residence permit on

'exceptional grounds' for victims of domestic violence is granted after a conviction or a decision of the court from which it can be deduced that the foreigner was a victim of gender-based or sexual violence. This is possible even if the case has been provisionally or definitively dismissed due to absence of the perpetrator. Victims are given a provisional permit while awaiting the decision, with the period counting towards future application for permanent residence. However, if the accused perpetrator is acquitted, the interim permit is withdrawn with all the consequences this entails. In Greece, the residence permit on humanitarian grounds for migrant victims of domestic violence can be renewed every two years for the duration of the criminal proceedings, or, where no criminal proceedings are pending, provided that the grounds for the issuance "continue to exist".

Finally, while several immigration options exist for victims of domestic violence in the United States, U and T non-immigrant statuses are numerically capped, and limited numbers of visas are available annually for those seeking statuses or cancellation of removal based on SIJ classification and VAWA.

### 3. Combating domestic violence against migrants: towards a more comprehensive and victim/survivor-centred approach?

Preventing and combating domestic violence requires a holistic approach with the involvement of all parts of society based on an overarching goal of achieving gender equality and women's empowerment. A comprehensive government-wide approach can reflect this. For example, in 2023 the United States published a "National Plan to End Gender-Based Violence: Strategies for Action". Other OECD governments' institutional frameworks are overviewed in OECD 2021.<sup>16</sup>

Whether the protection granted to migrant victims of domestic violence is specific or not, priority should always be given to victims' safety and to their effective access to administrative or judicial proceedings. One example of this is the EU proposal for a Directive on Combating Violence against Women and Domestic Violence, presented on 8 March 2022, which aims to fill a gap by providing specific protection and support to victims of domestic violence. Groups at risk and those with specific needs include dependent migrants and

undocumented migrants; the proposal included text to prevent transfer of "personal data pertaining to the residence status of the victim to competent migration authorities, at least until completion of an individual assessment of protection needs".<sup>17</sup>

A first major challenge, relevant for both migrants and non-migrants, is to empower women (economically) so that they have the tools to leave an abusive relationship.

A second challenge, specific to migrant women, is to **raise awareness among migrant communities**, guiding victims to the appropriate services. Beyond dedicated government website pages, outreach strategies should involve local partners, community-based organisations, and targeted campaigns in relevant locations (schools, hospitals, convenience stores, shelters etc.). In addition to working with civil society organizations, Spain has an Assistance and Guidance Service for Victims, under the Council for the Elimination of Racial or Ethnic Discrimination, which provides a 24-hour telephone helpline for

<sup>16</sup> OECD (2021) Eliminating Gender-based Violence: Governance and Survivor/Victim-centred Approaches ([Link](#))

<sup>17</sup> Proposal for a Directive of the European Parliament and the Council on combating violence against women and domestic violence (COM/2022/105 final).

violence against women available in 53 languages, as well as in-person assistance at 23 offices. In Denmark and Austria, the immigration services closely cooperate with local players (municipalities, crisis centres, NGOs) offering guidance tools, sharing documentation, and conducting multi-level consultations with NGOs. In the United States, UCSIS coordinates with partners from local communities or civil society, depending on the portfolio and geographical area, and uses dedicated tools (leaflets, hotlines) to reach migrant communities. The US Department of Justice's Office on Violence Against Women funds organizations to provide legal and other support. In Türkiye, Women's Meetings in Local Communities are organized to promote social cohesion and raise awareness among women, and the authorities have also set up a multilingual Foreigners Communication Centre as well as Migration Information Centres for face-to-face assistance in 16 provinces across the country. Canada funds third-party service providers to address gender-based violence through direct support and a national settlement sector strategy completing the provision of multilingual resources. Multilingual resources are also being developed in Poland (where the national hotline is available in 11 languages). In Luxembourg, national campaigns are also conducted with the Ministry of Equality between Women and Men and a dedicated helpline and website with useful information are available.

A third challenge is to **address the shame and stigma of reporting abuses** or applying for an independent status based on domestic violence.<sup>18</sup> One recommendation drawn by the Platform for International Cooperation on Undocumented Migrants (PICUM) in 2020 is for officials (law-enforcement authorities, family or immigration judges, prosecutors) to receive training or guidance on how to handle these cases while building trust and providing support to victims. In Türkiye, for instance, the Provincial Directorate of Migration

Management trains personnel on sensitive topics and how to interact with possible victims. Similarly, gender-based violence should be taken carefully into consideration by immigration authorities when processing permit requests or renewals on such a ground. Good practices cited by PICUM in this field include the protection of undocumented migrants from deportation, precautionary measures during proceedings, harmonised guidelines at national level and suspensive remedies in case of rejection.

A fourth challenge is to **provide a suitable, sustainable, timely and integrated protection and support**. Issuing predictable permits, with a wide range of rights and benefits, increase the effectiveness of protection for migrant victims and foster their emancipation. Long delays and uncertainties about the duration of the residence permit may negatively affect willingness to come forward by the victims. Those who are not allowed to work or whose immigration status is either very short or renewable at the sole discretion of authorities may face additional obstacles in their social and economic integration. These migrant-specific considerations should be embedded within a well-funded and well-developed system of integrated service delivery, to address victims/survivors' diverse needs.<sup>19</sup>

To date, **only limited data is available** in OECD countries both on violence against migrants and on gender-based violence in general.<sup>20</sup> This is reflected in the absence of statistical data in this brief. Limited data are partly due to the lack of specific visa schemes in a number of countries and the general issue of under-reporting. Data are not comparable between countries because of the different nature of the schemes and measures. However, in order to better monitor the phenomenon, understand how to respond and circulate good practices, within countries and in the OECD, improving data collection is crucial.

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<sup>18</sup> See in that sense the General recommendations of the CEDAW Committee about the access to justice for undocumented women, noting obstacles to victims of gender-based violence securing an autonomous permit.

<sup>19</sup> OECD (2023) Supporting Lives Free from Intimate Partner Violence: Towards Better Integration of Services for Victims/Survivors ([Link](#))

<sup>20</sup> For instance, in 2021 the Danish Immigration Services extended or decided not to revoke 33 resident

permits based on family reunification due to domestic violence. In the US, no specific number of visas issued can be provided because these are not tracked or recorded. However, 6 766 VAWA applicants, 16 731 U petitioners and 15 924 SIJ petitioners were approved in FY 2021. In Canada, 84 expedited H&C and 167 temporary residence permits for domestic violence have been issued in 2021. In the Netherlands, 180 permits for humanitarian reasons were issued on these grounds in 2020. In Slovenia, 3 permits were issued on domestic violence grounds in 2021.

## References

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 Useful links: [www.oecd.org/migration](http://www.oecd.org/migration)

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