



Navigating Safety and Justice in Aotearoa New Zealand

**Ethnic and Migrant Women's Experiences
Before, During and After the Family Court
Following Disclosure of Family Violence**

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This report is dedicated to all ethnic and migrant women who have navigated, or are currently navigating, New Zealand's Family Court and immigration systems while seeking safety from family violence. May this work contribute to building systems worthy of your trust, your dignity, and your right to live free from violence and fear.

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Foreword



This report was written because too many ethnic and migrant women have had to face the Family Court at one of the hardest moments of their lives – when they are trying to keep themselves and their children safe – without being fully seen, heard, or understood. We write it both for the women who have lived through these processes, and for those who have stayed silent or stayed away because they fear the system will not understand, protect, or support them.

At Shama Ethnic Women’s Trust, we walk alongside women from many cultures who are living with family violence. We see their strength, their care for their children, and their determination to keep going even when everything feels uncertain. We also see how much courage it takes to reach out for help when you are navigating a new country, a new language, and systems that feel unfamiliar and overwhelming.

For many women, going to the Family Court is not just a legal step. It is a deeply personal moment that sits alongside fear, grief, responsibility for children, and the pressure of making life-changing decisions. Many of the women we support have also left behind family, friends, and the networks that would normally hold them through difficult times. Facing violence and court processes without those supports makes everything feel heavier – especially when each step brings new barriers rather than clarity.

This research shows how women experience the Family Court not just as a place where decisions are made, but as a system they must navigate while dealing with trauma, language barriers, cultural expectations, and often immigration uncertainty. These layers affect how safe women feel to speak, what they are able to share, and how their stories are heard.

Within our communities, family, relationships, and care for one another matter deeply. Women are often trying to protect not only themselves, but their children, their wider family, and their sense of belonging. When systems do not recognise this, women can be left feeling torn between seeking safety and holding everything else together.

As communities, we are doing important work to change harmful attitudes, break silence, and support women to seek safety. We are having hard conversations, building safer spaces, and growing new ways of responding. But communities cannot carry this work alone. Systems also have to move.

The Family Court, and the agencies that work around it, need to respond in ways that are flexible, culturally safe, and grounded in real people’s lives. When women feel rushed, misunderstood, or unsupported, they are less able to speak openly about what they have been through. When that happens, justice becomes harder to reach.

This report does not ask for special treatment. It asks for fair treatment. It asks for a Family Court that can recognise different ways of communicating, different family and cultural contexts, and the extra layers of vulnerability that many ethnic and migrant women live with.

We also want to be transparent about the scope of this research. The findings are grounded in the experiences of 22 survivors of family violence – women who spoke with courage, care, and a deep desire to create change for others who will come after them. While this is a relatively small sample, qualitative research of this kind does not seek statistical representation. Rather, it seeks depth – to illuminate patterns of lived experience that might otherwise remain unseen.

The themes that emerged from these 22 voices were not isolated accounts. They closely align with

the experiences shared by community stakeholders and frontline practitioners interviewed as part of this research. They also reflect the extensive professional experience of the researcher, whose work in community law has involved supporting many women navigating the Family Court.

Importantly, these findings resonate strongly with Shama's own frontline practice. For many years, Shama has supported ethnic and migrant women experiencing family violence and navigating complex legal systems. The concerns raised in this report echo patterns we consistently observe in our social work, advocacy, and community engagement work. Professionals across the sector – including those who have worked with hundreds of clients – report similar barriers, risks, and systemic gaps. In some instances, practitioners identify additional structural inequities that women themselves may not yet recognise, particularly where limited court exposure or differing legal frameworks in countries of origin shape expectations.

We also note that the Ministry of Justice did not engage with this research process. We regret this absence, as institutional participation would have enriched the dialogue. At the same time, this non-engagement is itself significant. It reflects the distance many ethnic and migrant women experience between themselves and the systems designed to protect them.

These limitations do not diminish what this report reveals. Rather, they clarify its purpose. This report is not the final word – it is an evidence-informed beginning. It reflects the lived realities of women in our communities and calls for further research, deeper institutional engagement, and meaningful collaboration to ensure that safety and justice are accessible to all women in Aotearoa New Zealand.

We offer this research with deep respect for the women who shared their stories. Their voices carry insight, strength, and care for others. They have spoken not only for themselves, but for those who may not yet feel safe to speak.

Our hope is that this work will support real progress – in policy, in practice, and in the everyday experiences of women and children seeking safety through the Family Court. Aotearoa can do better, and this report shows us where to begin.

The findings in this report are clear, and they require some urgent action. We call on the Government and the Family Court to:

- Engage seriously with these findings and acknowledge the systemic barriers that ethnic and migrant women face when seeking safety through the Family Court
- Implement the recommendations outlined in this research as a matter of urgency – not as aspirational goals, but as necessary steps toward justice
- Resource meaningful change by investing in interpreter services, cultural competency training, specialist support, and trauma-informed practice across the Family Court system
- Monitor and measure progress to ensure that changes result in tangible improvements in women's experiences and safety outcomes

Communities are doing their part. Systems must now do theirs. Aotearoa has committed to eliminating family violence and upholding the rights of all women and children. This report shows where those commitments are falling short – and provides a roadmap for doing better.

The women whose experiences inform this research deserve more than acknowledgment. They deserve action. We urge decision-makers to treat this report not as another piece of evidence to file away, but as a call they are obligated to answer.

Silvana Erenchun Perez
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Shama, Ethnic Women's Trust

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Thank you to **Sandra Dickson** for her early contribution to this project, helping bring it to life and shape its initial direction.

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Thank you to **Community Law Wellington and Hutt Valley**, whose support has enabled me to provide frontline legal advice and representation to victim-survivors of family violence seeking immigration pathways to safety and independence in Aotearoa. This work has given me invaluable context and grounding in this kaupapa.

Special thanks to Barristers **Jennifer Wademan and Louisa Jackson** in Kate Sheppard Chambers for kindly supervising me on Family Court proceedings relating to family violence, allowing me to gain a window into the practical issues that deepened my understanding for this research.

Thank you to **everyone who participated in the Discovery Insights Workshop** in Tāmaki Makaurau on 5 July 2025. Your perspectives and collaboration enriched the analysis and shaped the recommendations in this report.

To all the **victim-survivors of family violence** whose experiences have informed the whakaaro in this report: ngā mihi nui ki a koutou. Thank you for entrusting us with your stories. We hold them with mana and aroha. Your courage in sharing your experiences—often at great personal cost and risk—has illuminated systemic failures that must be addressed.

To the **advocates, lawyers, social workers, and community workers** who walk alongside survivors every day: thank you for your tireless commitment, your compassion, and your willingness to advocate fearlessly for the systemic changes survivors desperately need. Thank you also to those who generously gave their time to provide interviews for this research—your insights and expertise have been invaluable.

To **my family**: thank you for your endless support, patience during long hours, and the strength you give me to continue this important mahi.

I hope this research contributes to the broader conversation on systemic changes required to ensure the safety of all vulnerable people in our communities, the protection of their human rights, and their ability to pursue the aspirations they hold for themselves and their whānau.

About the Author

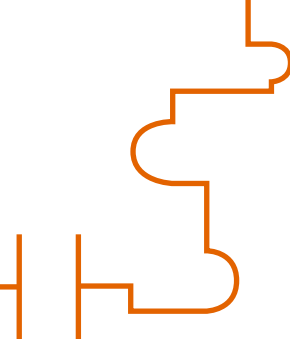


Dhilum Nightingale is a barrister of Sri Lankan descent based in Wellington, and has practised law in Aotearoa for 25 years. Much of her practice involves advocating for and providing legal advice to victim-survivors of family violence and workplace exploitation in ethnic and migrant communities.

For the past six and a half years, Dhilum has worked with Community Law Wellington & Hutt Valley, supporting migrant women experiencing family violence on immigration and family law matters. Through this work, she has witnessed firsthand the systemic failures that occur when the Family Court and immigration frameworks operate in isolation, forcing women to navigate fragmented processes that fail to recognise the interdependency between violence, safety, and immigration status.

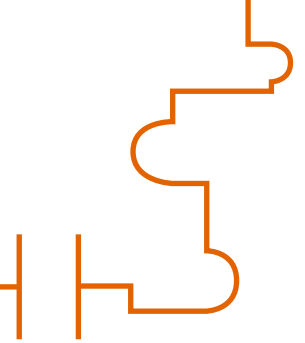
This report centres the voices and experiences of survivor-participants and advocates, grounded in the author's commitment to improving access to justice, particularly in the areas of human rights, immigration, and family violence.

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Glossary



Key Terms

- Affidavit:** A written statement of evidence confirmed by oath or affirmation, used in court proceedings.
- Coercive Control:** Patterned behaviour designed to dominate, isolate, and intimidate a partner, including manipulation of immigration or sponsorship status.
- Community Law Centre:** Not-for-profit legal services providing free legal advice and representation to people who cannot afford a lawyer. There are 24 Community Law Centres in Aotearoa New Zealand.
- Cultural Humility:** Continuous self-reflection and adaptation in service provision that acknowledges power imbalances, respects cultural identities, and prioritises the lived experiences of survivors.
- Ethnic Woman:** Ethnic women are women who identify with an ethnic community other than New Zealand European/Pākehā or Māori, including women who identify as African, Asian, Continental European, Latin American, or Middle Eastern. As noted by the Ministry for Ethnic Communities, ethnic communities in Aotearoa New Zealand are highly diverse, representing over 200 ethnicities and more than 170 languages, and include former refugees, asylum seekers, new and temporary migrants, long-term settlers, and multigenerational New Zealanders (Ministry for Ethnic Communities, *Our Communities*, <https://www.ethniccommunities.govt.nz/our-communities>).
- Ethnic and Migrant Women:** This report uses this term to refer to women who identify with ethnic communities other than New Zealand European/Pākehā or Māori, and/or who have migrated to Aotearoa New Zealand. These categories overlap but are not identical: a migrant woman may or may not identify as “ethnic,” and an ethnic woman may be New Zealand-born. The term acknowledges that both migration experience and ethnic identity can shape vulnerability to family violence and access to protection.
- Ethnic Communities Network:** A community-led national network established under Te Aorerekura to ensure the lived experiences, knowledge, and priorities of ethnic communities inform the implementation and monitoring of the national strategy. The network provides community-informed advice to government agencies, including the Centre for Family Violence and Sexual Violence Prevention (formerly *Te Puna Aonui*), and strengthens collaboration across the ethnic sector by connecting organisations and practitioners, amplifying collective voices and advocacy, and supporting shared understanding of emerging needs, gaps, and opportunities across Aotearoa New Zealand. Through this work, the network contributes to more coordinated, responsive, and culturally grounded approaches to preventing and responding to family violence and sexual violence within ethnic communities.
- Family Violence:** Under section 9 of the Family Violence Act 2018, violence against a person by any other person with whom that person is, or has been, in

a family relationship. Violence includes physical abuse, sexual abuse, and psychological abuse, and may comprise a pattern of behaviour that is coercive or controlling and causes cumulative harm. The definition expressly includes dowry-related violence. Psychological abuse includes threats, intimidation, harassment, damage to property, ill-treatment of pets or animals, financial or economic abuse, and restricting access to necessary aids, devices, medication, or other support. A single act may constitute violence, or violence may be established through a pattern of acts that, viewed in isolation, may appear minor but cumulatively amount to abuse.

Family Violence Act 2018:

Legislative framework providing protections for individuals experiencing domestic or family violence, including protection orders, safety planning, and integrated responses across courts and services.

Family Violence Work Visa:

A temporary visa for people in New Zealand who have experienced family violence and were in a partnership with a New Zealand citizen or resident, or held a partnership-based visa on the basis of their relationship with temporary migrant. This visa allows the holder to live and work in New Zealand for up to 6 months (extendable to 9 months if applying for residence), work for any employer, and travel in and out of New Zealand. It provides independent immigration status after leaving an abusive relationship. A dependent may be able to apply for a visa based on their relationship with the visa applicant.

Family Violence Resident Visa:

A residence visa for people who have experienced family violence and were in a partnership with a New Zealand citizen or resident. This visa allows the holder to live, work, and study in New Zealand indefinitely, and include dependent children (aged 24 or younger) in the application. Applicants must show that they face a risk of abuse or exclusion because of social stigma, or that they have no means of independent financial support.

Family Violence / Sexual Violence (FV/SV) Specialist Agency:

An organisation providing dedicated support to victim-survivors of family violence and/or sexual violence, including refuges, crisis services, advocacy, safety planning, and culturally specific providers.

Intersectionality:

A framework for understanding how multiple aspects of a person's identity (such as gender, ethnicity, immigration status, and class) interact to create overlapping systems of discrimination or disadvantage.

Intimate Partner Violence (IPV):

Physical, sexual, psychological, or economic abuse occurring within an intimate relationship, whether current or former, cohabiting or not.

Kaiārahi / Family Court Navigator:

A Ministry of Justice role providing information, support, and guidance to people navigating Family Court processes. Navigators do not provide legal advice.

Lawyer for Child (LFC):

A lawyer appointed by the Family Court to represent a child in Care of Children Act proceedings.

Migrant Woman:

A woman born outside New Zealand who has moved to Aotearoa, regardless of current visa or residency status. Migration status is dynamic, and the experience of being a migrant may continue to shape vulnerability and access to services even after obtaining permanent residence or citizenship.

NZ Resident:

A person who holds a Resident Visa under the Immigration Act 2009. This visa allows them to live, work, and study in New Zealand indefinitely,

subject to any conditions imposed on the visa (such as travel conditions). While they have the right to remain in New Zealand permanently, their ability to leave and re-enter the country depends on the travel conditions attached to the visa.

NZ Permanent Resident:

A person who holds a Permanent Resident Visa under the Immigration Act 2009. This visa allows them to live, work, and study in New Zealand indefinitely and provides unrestricted travel rights, meaning they can leave and re-enter New Zealand at any time. Permanent residency is usually granted after holding a Resident Visa for at least two years and meeting commitment-to-New Zealand requirements (such as time spent living in NZ).

Oranga Tamariki:

Ministry for Children - the government agency responsible for supporting children and young people who are at risk of harm, and their families and whānau. Formerly Child, Youth and Family.

Oranga Tamariki report:

A formal notification—also called a report of concern—made to Oranga Tamariki when someone believes a child or young person may be at risk of harm, neglect, or abuse. The report triggers an assessment by Oranga Tamariki to determine the level of risk and what support or intervention is needed. Actions may include offering advice, connecting whānau to services, or taking legal action if the child’s safety is seriously threatened.

Partnership-based temporary visa:

A temporary visa granted on the basis of a genuine and stable relationship with an eligible support person (another eligible temporary visa holder or a New Zealand resident or citizen). The visa holder’s immigration status is dependent on the continuation of that relationship.

Partnership-based resident visa:

A resident visa granted on the basis of a genuine and stable relationship as above. The validity of this visa once granted is not dependent on the continuation of the relationship.

Primary/Secondary/Tertiary Intervention Levels:

Framework for organising responses: primary (community-level prevention and awareness), secondary (sector-level capacity building and service delivery), tertiary (institutional/systemic reform, policy, and cross-agency coordination).

Refugee:

A person granted protection in New Zealand after being forced to leave their country due to persecution, war, or violence. Refugees arrive through the Refugee Quota Programme or family reunification, and have permanent resident status on arrival; or can arrive in New Zealand on a visa and then go through a refugee determination process to be recognised. Distinguished from migrants, who move voluntarily for work, study, or family reasons.

Royal Commission of Inquiry:

A formal investigative body empowered to examine systemic failures across multiple sectors, providing independent recommendations for legal and administrative reform.

Safe House / Refuge:

Emergency accommodation for people fleeing family violence.

Socio-legal:

An approach that examines law in its social context, considering how legal systems interact with social structures and lived experiences.

Te Aorerekura:

Aotearoa New Zealand’s 25-year National Strategy to Eliminate Family Violence and Sexual Violence. It sets the shared vision, principles, outcomes, and long-term shifts required across government, tangata whenua, communities, and sectors to prevent violence, respond safely, and support healing and wellbeing.

Te Tiriti o Waitangi:	The Treaty of Waitangi, signed in 1840 between the British Crown and Māori rangatira (chiefs). It establishes the constitutional foundation of Aotearoa New Zealand and the relationship between tangata whenua (Māori as indigenous peoples) and the Crown. Te Tiriti principles inform how the State should engage with all communities, including obligations of care towards manuhiri (guests) who arrive in Aotearoa.
The Centre for the Prevention of Family Violence and Sexual Violence:	The Centre for Family Violence and Sexual Violence Prevention (formerly known as <i>Te Puna Aonui</i>) is the cross-agency delivery, coordination, and system-stewardship function responsible for supporting the implementation of <i>Te Aorerekura</i> . The Centre operates as the delivery arm of the Interdepartmental Executive Board, providing whole-of-government policy advice, commissioning and investment support, monitoring and insights, and engagement with the family and sexual violence sector.
Tikanga:	Māori customary practices and values, including concepts such as mana (authority, prestige), whanaungatanga (relationships, kinship), and collective wellbeing. Tikanga guides appropriate behaviour and decision-making in accordance with Māori cultural principles.
Trauma-Informed Practice:	An approach that recognises the prevalence and impact of trauma, prioritises physical and emotional safety, and seeks to avoid re-traumatisation. Trauma-informed practice emphasises choice, collaboration, empowerment, and cultural responsiveness in service delivery, ensuring that systems and interactions support healing rather than harm.
Undertaking:	A formal promise in writing made by the respondent/perpetrator to the applicant/victim not to engage in specified behaviour (such as violence or contact). Unlike a protection order, breach of an undertaking is not a criminal offence and does not result in arrest. The undertaking is often used as a way to discontinue formal legal proceedings – essentially a settlement. The undertaking can be held on the Court file.
Victim-Survivor:	A term used to acknowledge both the harm experienced (victim) and the agency and resilience of those who have experienced violence (survivor). The hyphenated term recognises that individuals may identify with either or both terms at different times.
Whānau:	Extended family or family group.
Without Notice Application:	A court application made urgently without prior notice to the other party, typically used where there is risk of harm or where giving notice would defeat the purpose of the application.

Acronyms

FV/SV	Family violence / sexual violence	OIA	Official Information Act
FC	Family Court	OT	Oranga Tamariki
INZ	Immigration New Zealand	VFV	Victims of Family Violence (visa category)
IPV	Intimate-partner violence	WINZ	Work and Income New Zealand
MSD	Ministry of Social Development		
MELAA	Middle Eastern, Latin American, African		

“Experiences with the system, good or bad, create a ripple effect through communities, shaping whether others seek help or remain silent.”

—Research participant (Advocate 3)

Executive Summary



This report presents findings from first-of-its-kind research into the lived experiences of ethnic and migrant women who have experienced family violence in Aotearoa New Zealand and sought safety through the Family Court (FC). Drawing on interviews with victim-survivors and advocates, the research reveals that the FC—and the broader justice system surrounding it—systematically fails many ethnic and migrant women at every stage: before they enter the system, during proceedings, and after orders are made.

These failures are not merely service delivery gaps or cultural insensitivities requiring better communication. They are fundamental justice issues that prevent victim-survivors in ethnic and migrant communities, who are increasingly a significant portion of New Zealand's population, from accessing legal protection, exercising their rights, and obtaining safety from violence.

Key Findings

Access to Justice

Women who do not understand proceedings, cannot communicate their experiences, and/or fear deportation if they seek help are effectively denied meaningful access to justice—a fundamental human right and cornerstone of New Zealand's legal system.

Rule of Law

When a substantial demographic cannot meaningfully participate in legal processes designed to protect them, the rule of law becomes selective rather than universal, applying fully only to those who speak English, understand New Zealand systems, and hold secure immigration status.

Protection Order Efficacy

Protection orders can only fulfil their function when applicants are able to understand and articulate their experiences of violence, when the Court understands diverse forms of coercive control, and when survivors can safely enforce those orders without fear of immigration consequences. Current systemic barriers undermine the effectiveness of New Zealand's primary family violence protection mechanism.

Judicial Decision-Making

Judges cannot make sound, informed decisions when evidence of violence is inadequately communicated through poor interpretation, when cultural contexts of abuse are not understood, when immigration-related coercion goes unrecognised, or when trauma prevents survivors from presenting their cases effectively. Fragmented support services and the lack of holistic, trauma-informed approaches leave intersectional vulnerabilities—such as immigration dependency, housing insecurity, and stigma—unaddressed. These blind spots mean the whole person is left unseen, and their interconnected issues cannot be fully presented to—or understood by—the Court. As a result, decisions are often made on incomplete information, limiting the Court's ability to provide appropriate protection or conduct meaningful risk assessments.

Legal Representation Quality

Inadequate legal aid funding, and a lack of cultural competency and trauma-informed practice among some lawyers, can leave ethnic and migrant women without adequate legal support at critical moments. Where this occurs, outcomes may reflect a woman's language, cultural background, or immigration status rather than the merits of her case – a disparity that undermines the principle of equal access to justice.

Immigration-Family Violence Intersection

New Zealand's immigration and family law systems operate in harmful isolation. When family lawyers don't understand immigration implications, immigration officers don't recognise family violence dynamics, and the Court doesn't see visa status as relevant to protection order applications, women fall through the gaps—facing deportation despite experiencing violence, or remaining in abusive relationships to retain visa status.

What the Research Reveals

Adopting a socio-legal lens, this research examines structural systems including the law itself, judicial processes, and agencies like Immigration New Zealand. These systems do not operate as neutral sets of rules or procedures but instead act as forces that actively shape lived realities, influencing how people experience justice, safety, and protection.

Survivor and advocate accounts reveal three interconnected systemic failures:

Failure to see the individual.

The system treats ethnic and migrant women as generic applicants rather than whole people with specific histories, cultural contexts, and intersecting vulnerabilities. Many individual experiences are not sufficiently recognised. Coercive control goes largely unrecognised. Trauma responses may be mistaken for lack of credibility. Cultural contexts of abuse—including multi-perpetrator violence involving in-laws—are not understood. Women are not seen; their experiences are not heard.

Fragmented support pathways.

Navigating multiple disconnected systems—Family Court, housing, income support, community services—with no one holding the whole picture is a challenge faced by all women experiencing family violence. For ethnic and migrant women, this fragmentation is compounded by additional layers: immigration processes that operate in isolation from family law, exclusion from social welfare support and government-funded healthcare due to visa status, and the absence of professionals who understand how these systems intersect. Family lawyers understand family law but many do not know how protection orders and parenting orders affect visa applications. Immigration lawyers understand immigration rules but not how Family Court processes and timeframes intersect with visa decisions. Support workers provide vital advocacy and practical assistance but lack visibility into legal proceedings and immigration timelines that shape women's options. Each professional sees only their piece. Women are left to coordinate their own safety across systems that do not communicate with each other—while also navigating systems they may be excluded from entirely.

Immigration precarity as a tool of abuse.

Perpetrators weaponise visa dependency to maintain control, threatening deportation and exploiting women's fear of the unknown. The family violence visa pathway, while intended to provide safety, creates its own barriers: short timeframes, onerous evidence requirements, and uncertain outcomes that leave women in prolonged precarity.

These failures compound one another. A woman who is not seen as an individual will not receive the tailored support she needs. Fragmented services mean no one recognises the full pattern of abuse. Immigration fear silences disclosure, which undermines protection order applications, which affects visa outcomes.

To address these systemic failures, this report proposes **35 recommendations** across **nine thematic areas**. Key recommendations include:

- **Extend the Family Violence Work Visa from 6 months to 3 years** with reformed evidence requirements, providing survivors genuine time to heal and rebuild
- **Reform the Family Violence Residence Visa pathway** by removing the “inability to return home” requirement and aligning eligibility with Australia’s family violence provisions, which focus on whether violence occurred during the relationship rather than conditions in the country of origin
- **Establish a dedicated national register of interpreters** trained in family violence, built in phases to progressively cover the languages most frequently required in Family Court proceedings, with gender and dialect matching protocols
- **Require mandatory cultural humility and trauma-informed practice training** for all Family Court judges, lawyers, and court staff
- **Develop cross-agency information-sharing protocols** between Family Court, Immigration NZ, MSD, Police, and Oranga Tamariki, potentially coordinated by the Chief Victims Advisor and overseen by The Centre for Family Violence and Sexual Violence Prevention, with a clear Privacy Act framework and plain-language guidance for survivors
- **Reform legal aid funding** to enable lawyers adequate time to build trust, understand cultural context, and prepare comprehensive evidence
- **Implement mandatory short-term data collection** on ethnicity, language, and migration status across all family violence cases, with annual public reporting — establishing the evidence base to monitor whether reforms are reaching the women they are designed to serve

Full recommendations are detailed in **Chapter 5**.

By centring survivor voices and incorporating advocate perspectives, this research offers a holistic overview of existing challenges while identifying actionable pathways towards systemic reform, culturally responsive support, and trauma-informed practice. The findings underscore the importance of recognising intersectionality and the layered, complex realities that shape women’s journeys to safety and justice.



Introduction

Research Context

This research was initiated and sponsored by **Shama Ethnic Women's Trust**, a community-based organisation with decades of frontline experience supporting ethnic and migrant women experiencing family violence in Aotearoa New Zealand. The project was made possible through generous funding from the **Michael and Suzanne Borrin Foundation**, whose commitment to social justice enabled this critical examination of how New Zealand's Family Court and immigration systems respond to ethnic and migrant women seeking safety.

Shama's interest in this research arose from consistent observation that women faced compounding barriers—language difficulties, cultural isolation, immigration precarity, and unfamiliar legal processes—that mainstream family violence responses failed to address. Despite high prevalence rates of family violence in ethnic and migrant communities, these women remained largely invisible in Family Court statistics, legal aid data, and policy responses. Shama recognised the urgent need for evidence documenting these systemic gaps to drive meaningful reform.

This report draws on a two-year qualitative study documenting the experiences of ethnic and migrant women navigating the Family Court following disclosure of family violence, as well as the perspectives of advocates—lawyers, social workers, and community workers—who support them. These research findings are reinforced by the author's own legal practice representing victim-survivors apply for family violence work and residence visas. Together, these insights present a socio-legal portrait of a system that is protective in law yet punitive in practice to many ethnic and migrant women.

Why this Research Matters

New Zealand's Family Court is the primary legal mechanism for protecting victims of family violence through protection orders, parenting arrangements, and property division.¹ Yet ethnic and migrant women remain largely invisible in protection order statistics, legal aid data, and policy responses. This invisibility is not evidence of lower need—it is evidence of systemic failure to provide accessible, culturally safe, trauma-informed pathways to justice and safety.

New Zealand is home to increasingly diverse communities, with more than one in four people born overseas² and nearly one in three identifying with ethnic groups other than European or Māori.³ Family violence affects these communities at rates comparable to or exceeding the general population.⁴ The justice system's failure to respond effectively to ethnic and migrant women is therefore not a marginal issue affecting a small population—it is a fundamental gap in New Zealand's family violence response.

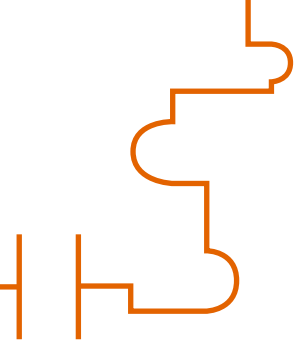
¹See Family Violence Act 2018 (protection orders); Care of Children Act 2004 (parenting orders); Property (Relationships) Act 1976 (relationship property division).

²Statistics New Zealand, "2023 Census population, dwelling, and housing highlights" (3 October 2024) <www.stats.govt.nz>. The 2023 Census found 28.8% of the usually resident population was born overseas.

³Statistics New Zealand, "2023 Census population counts (by ethnic group, age, and Māori descent) and dwelling counts" (29 May 2024) <www.stats.govt.nz>. In the 2023 Census, 17.3% identified as Asian, 8.9% as Pacific peoples, and 3% as Middle Eastern, Latin American, or African (MELAA). Note: percentages exceed 100% as individuals may identify with multiple ethnic groups.

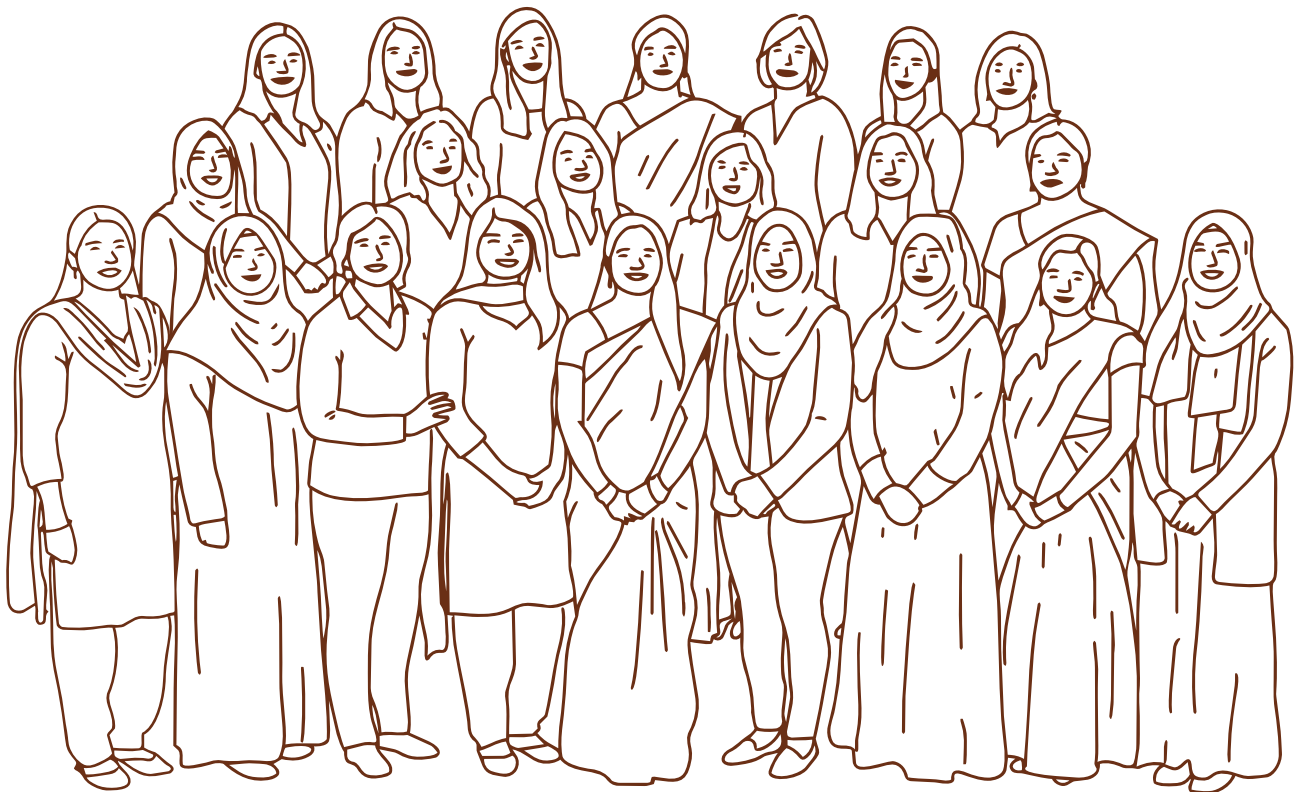
⁴Janet Fanslow and others, "Ethnic-specific prevalence rates of intimate partner violence against women in New Zealand" (2023) 47(6) ANZJPH 100105. The study found high lifetime prevalence of intimate partner violence across all ethnic groups, with over half (55.8%) of all women reporting intimate partner violence.

Research Aims



This socio-legal advocacy report seeks to bridge critical gaps between evidence and action, and between survivor narratives and institutional reform. Specifically, the research aims to:

- **Identify and describe barriers and challenges** identified by ethnic and migrant women victim-survivors of family violence navigating the Family Court process—before, during, and after proceedings.
- **Describe the perspectives of advocates** (lawyers, social workers, community workers) representing and supporting women in Family Court processes.
- **Propose evidence-informed recommendations** that could help eliminate or reduce these obstacles, with the aim of:
 - Encouraging greater help-seeking behaviour among ethnic and migrant women experiencing family violence.
 - Enhancing safety and access to justice for victim-survivors and their children within the Family Court system.
 - Developing a trauma-informed legal system that addresses ethnic and migrant women's experiences and needs.



Structure of this Report

This report brings together three interconnected strands:

- **Survivor Narratives and Thematic Findings** drawn from interviews with victim-survivors.
- **Advocacy Perspectives** capturing how frontline workers interpret systemic failures, navigate bureaucracy, and envision alternative responses.
- **Framework and Policy Recommendations** offering a roadmap for multi-agency coordination and migrant-responsive justice.

At the heart of this report is Maya's story—a composite yet representative narrative drawn from the author's work as an immigration lawyer at Community Law Wellington & Hutt Valley and interviews conducted for this study. Maya's experiences reflect patterns observed across diverse ethnic and migrant communities. Her journey through marriage, migration, coercive control, and navigating Family Court and immigration processes starkly reveals what is missing: a system where family law and immigration law speak to each other; where support is holistic and coordinated; where women have voice, autonomy, and understanding—not confusion in fragmented processes. It would mean clear communication, predictable steps, and outcomes that uphold fairness and dignity. Above all, it would mean Maya and her daughter are safe.

Maya's narrative is not an anomaly—it reflects a pattern where private harm and public systems converge. Her experience stands as a call to action for systemic change.

The recommendations in this report are not aspirational improvements but essential changes necessary to ensure New Zealand's justice system fulfils its fundamental obligation to protect all people from violence, regardless of language, culture, or immigration status.

The report is organised as follows:

Prelude: Maya's Story opens with a composite narrative illustrating the journey of an ethnic migrant woman navigating family violence, immigration, and Family Court systems.

Chapter 1: Methodology outlines the research design, participant recruitment, data analysis, and study limitations.

Chapter 2: Background sets the scene with demographic data, family violence prevalence across ethnic groups, and the gap between population diversity and engagement with protection mechanisms.

Chapter 3: A Thematic analysis across three stages: before the Family Court process, during proceedings, and after court orders.

Chapter 4: Cross-Cutting Themes

Section A: The Intersection of Immigration and Family Violence

Section B: Immigration Precarity and Children

Section C: Structural Gaps Across the Legal System

Chapter 5: Recommendations offers evidence-informed proposals for systemic reform.

Chapter 6: Call to Action



Prelude

Maya's story

Maya migrated to Aotearoa New Zealand with her husband and their young daughter, Sara. Her husband was already a permanent resident; Maya held a partnership-based visa dependent on him. She hoped to build a safe and stable life. Instead, her reality became one of escalating violence and control.

Her husband monitored her phone calls, restricted her access to money, prevented her from working, and repeatedly threatened to cancel her visa if she disobeyed him. The abuse became physical and sexual, culminating in an incident witnessed by Sara.

Fearing for her own life and her daughter's safety, Maya made the difficult decision to leave and seek help.

That decision marked the beginning of a long and complex journey through multiple systems—each step shaped by barriers:

- limited English,
- information gaps,
- stigma,
- family pressure to reconcile,
- fear of deportation,
- unfamiliar legal processes, and
- uncertainty about where she and Sara would live or how they would survive.

Police took Maya and Sara to a safe house. A community law centre explained she might be eligible for a family violence work visa—a daunting process with no guarantee of approval and only six months' validity if granted. That same day, Maya saw a family lawyer. Although kind, the lawyer was unfamiliar with the complexities of Maya's situation. The protection order application had to be filed by 2pm. The rushed process, combined with fear and shame, meant Maya could not disclose the full extent of the abuse—particularly the sexual violence and coercion related to her visa.



The Court granted a temporary protection order. But when her husband opposed it, his confident denials were set against Maya's limited disclosures. He claimed she was only seeking a protection order to secure a visa. Her lawyer, unfamiliar with immigration law, could not respond to the Judge's questions on this point. At the recess, Maya's lawyer advised her to accept an undertaking and withdraw the application—the Judge was unlikely to grant it. Maya was confused and did not understand her options or the implications. But she agreed because it seemed the only way to stay with her daughter. She realised only later that if her husband breached the undertaking, he would not be arrested. She felt powerless, unheard, and retraumatised.

Maya's work visa was approved—for six months. Her situation felt precarious in every direction: the safe house coordinator told her she had to leave in two months, she could not find affordable housing, and her part-time job barely covered their basic needs. She faced the prospect of returning to her country of origin as a separated woman—facing blame, shame, and ostracism from her community for her failed marriage.

Her immigration lawyer explained that to apply for a family violence residence visa, Maya would need to write a statement explaining why she could not return to her home country. The thought of putting into words why she could not go back—the shame of a failed marriage, the judgment from her family and community, the prospect of looking for work with employers asking about her marital status and judging her for being separated—made her sick to her stomach. And even if she could find the words, she was told the application might take 9 months or even a year to be decided. Potentially a year of uncertainty, or not knowing whether she and Sara would be allowed to stay. Maya was constantly worried about coming across her former husband, but she was even more worried that if she had to leave New Zealand, that he would not allow her to take Sara with her. The thought of being separated from Sara was unbearable.

No one person understood everything Maya was dealing with. Her family lawyer had closed her file. Her immigration lawyer could only help with the visa. The support worker did not know about court processes or immigration. Maya felt the weight of being responsible for everything—for herself and for Sara—with no one to turn to who could see the whole picture and help her work out what to do next.

Maya's story is not an anomaly. It reflects a pattern shared by women across diverse migrant and ethnic communities where private harm and public systems converge. Her experience stands as a call to action for systemic change.



Chapter 1

Methodology

Research Design and Approach



This research adopted a survivor-centred, qualitative approach to understand the experiences of ethnic and migrant women navigating New Zealand's Family Court and immigration systems while seeking safety from family violence. The research was guided by research supervisors and an advisory group, ensuring community oversight and alignment with the needs of ethnic and migrant communities.

Ethics Approval

Ethics approval was granted by the Aotearoa Research Ethics Committee (Reference: AREC23_31), ensuring the research met rigorous standards for participant safety, informed consent, confidentiality, and trauma-informed practice.

Participant Recruitment and Interviews

Survivor Participants

Twenty-two ethnic and migrant women with lived experience of family violence who had engaged with New Zealand's Family Court participated in interviews conducted between December 2023 and November 2025. Participants held a range of visa statuses including partnership-based visas, work visas, student visas, and visitor visas, and some had obtained New Zealand residence or citizenship. Almost all survivors (20 or 91%) applied for protection orders. Three survivors (14%) accepted undertakings instead of final protection orders. 19 (86%) have children, and the majority of these survivors also applied for parenting orders.

Participants came from diverse communities:

- South Asian communities: India (7), Pakistan (2)
- East and Southeast Asian communities: China (4), South Korea (1), The Philippines (1)
- Middle Eastern communities: Iran (1)
- Latin American communities: Chile (1), Colombia (1)
- Pacific communities: Fiji (3), Kiribati (1).

Geographically, participants were located in the Wellington Region (8), Hamilton (6), Auckland (3), Horowhenua (1) and South Island locations (4).

All participants were women between 21 and 55 years old, although they also shared insights about children and young people. All were living in New Zealand as either temporary visa holders, residents, permanent residents, or citizens, and most had dependent children. Every participant had experienced family violence and engaged in some way with the Family Court, Immigration New Zealand, or both. Each case illustrates how intersectional vulnerabilities compound in real life—being a woman, a mother, a visa-dependent partner, a person of colour, and an outsider to the justice system.

Data Analysis



Interview data was transcribed and thematically analysed to identify patterns, barriers, and systemic gaps. Key themes emerged surrounding:

1. Cultural understanding and judicial awareness
2. Language and communication barriers
3. Immigration and economic dependency on perpetrators
4. Cultural pressures and community stigma
5. Fragmented support services
6. Legal aid and legal representation challenges
7. Courtroom experience and psychological impact.

Analysis examined experiences at three critical stages: before the Family Court process (barriers to entering the system), during proceedings (navigating the court), and after court orders were made (post-court challenges and support gaps).

The research draws on two complementary sources of primary evidence: interviews with survivors and interviews with advocates. These perspectives serve distinct but interconnected analytical functions. Survivor narratives provide first-hand accounts of barriers experienced—revealing the lived reality of navigating the system. Advocate interviews provide systemic context, identifying patterns observed across multiple clients and offering professional insight into why these barriers exist and persist.

Themes were developed inductively from survivor accounts, with advocate observations providing corroboration, contextualisation, and systemic explanation. Throughout the report, survivor and advocate perspectives are woven together thematically rather than presented separately. This approach allows individual experiences to be understood within their institutional and systemic context, while grounding systemic critique in concrete, lived examples.

Validation and Collaborative Analysis

Findings were validated through:

1. Cross-referencing survivor and advocate perspectives to identify consistent patterns
2. Triangulation with existing research, policy documents, and available quantitative data
3. Collaborative analysis at the Discovery Insights Workshop, where participants reviewed preliminary findings and contributed to recommendation development
4. Peer review and input from co-researchers and research supervisors with expertise in family violence, immigration law, ethnic community support, interpretation services, and trauma-informed practice.

A Note on Qualitative Research



This report is based on qualitative research comprising in-depth interviews with survivors and advocates, as well as insights from the Auckland workshop. The purpose is not to generate statistical data or make claims about the majority experience of ethnic, migrant, and refugee women navigating New Zealand's Family Court. Rather, it seeks to capture stories, experiences, and perspectives of women who have been through the process, and to understand how the system responded—or failed to respond—to their needs.

While the experiences documented here represent a limited number of women, the author is confident, based on her work as an immigration lawyer with Community Law Wellington & Hutt Valley advising more than 90 women with family violence visa applications since 2019, that the challenges described are not outliers. These experiences reflect patterns and systemic issues that emerge repeatedly in practice.

The value of qualitative research lies in its ability to illuminate these patterns, give voice to experiences that might otherwise remain hidden, and provide detailed insights into how legal and social systems function—or fail to function—for some of the most vulnerable members of our communities. The stories shared are significant not because they represent everyone's experience, but because they reveal critical gaps in a system meant to provide safety and justice for all.

Understanding Research Participation

This research acknowledges the immense suffering and hardship faced by all victim-survivors of family violence. While it focuses on amplifying the voices of women victim-survivors within Aotearoa New Zealand's ethnic and migrant communities, it also recognises the profound and ongoing impact of abuse on people of all identities, including diverse cultures, genders, sexual orientations, religions, backgrounds, nationalities, and ethnicities.

Survivors were recruited through multiple pathways: advertisements in community spaces, referrals from social workers, and connections through specialist family violence agencies. Most survivors who participated were from South or East Asian backgrounds, reflecting New Zealand's demographic patterns to some degree. However, the reasons why some survivors chose to participate while others did not are complex and individual—shaped by intersecting factors that cannot be generalised by ethnicity or community.

Everyone who considered participating would have weighed a range of issues including immigration status, community visibility, language access, trust in institutions, fear of exposure, fear of being identified, fear of re-traumatisation, reluctance to relive painful memories, cultural pressures around disclosure, fear of community reprisal, and safety concerns.

The author and project sponsor acknowledge the enormity of these considerations. We thank everyone who considered participating in this research, and we deeply respect the decisions made by each person—whether to share their story or to protect themselves by remaining silent.

Limitations of the Study: Ministry of Justice Non-Engagement

The research team made numerous attempts to engage with the Ministry of Justice, court registrars and Family Court Navigators (Kaiārahi). Multiple requests to interview court staff were declined by the Chief District Court Judge, and the Ministry of Justice confirmed that researchers could not interview staff without the Chief Judge's approval.

This institutional gatekeeping prevented the research from capturing perspectives of court staff who work directly with ethnic and migrant survivors. While Official Information Act requests were lodged to obtain relevant data, the absence of direct engagement with Ministry of Justice personnel represents a limitation to understanding institutional perspectives on the barriers documented by survivors and advocates. One exception was the Principal Family Court Judge, who provided a letter outlining cultural training available to the judiciary; this information has been referenced in this report.

This non-engagement is notable given the District Court's commitment to Te Ao Mārama – the operating model introduced to make courts more accessible, responsive, and people-centred. Te Ao Mārama reflects a stated commitment by the District Court and the Government to improving how people experience the justice system. The barriers documented in this report sit in direct tension with those goals, and meaningful progress toward them will require the Ministry of Justice to engage actively with research such as this, rather than standing apart from it.

Despite these limitations, the non-engagement of the Ministry does not diminish the validity or urgency of survivor and advocate testimonies. The experiences documented in this report represent the lived reality of women navigating these systems and the frontline observations of professionals who support them daily.



Chapter 2

Background—Setting the Scene

National Context and Population Diversity



Aotearoa New Zealand's population has become increasingly diverse, yet this diversity is not reflected in the systems designed to protect victims of family violence.

Data from the 2023 Census reveals a nation transformed by migration and cultural diversity.⁵

Asian ethnic groups now number 958,020 people (18.6% of the population), Pacific peoples 442,890 (8.6%), and Middle Eastern, Latin American, and African (MELAA) communities 113,850 (2.2%). Māori, as tangata whenua, comprise 932,000 people (18%), with European/Pākehā making up the majority of the remaining population. More than one in four New Zealanders (27.1%, approximately 1.4 million people) were born overseas. Over 160 languages are spoken nationwide, and Auckland has become a "super-diverse" city with no single ethnic majority.

Family Violence Prevalence Across Ethnic Groups

Research from He Koiira Matapopore, the 2019 New Zealand Family Violence Study, documents alarmingly high lifetime prevalence of intimate partner violence (IPV) across all ethnic groups.⁶ Nearly two in three Māori women (64.6%) experience some form of IPV in their lifetime, with 49% experiencing physical or sexual violence. NZ European women report similar overall rates (61.6%). Over two in five Pacific women (42.8%) experience IPV, with 26.3% experiencing physical or sexual violence. For Asian women, the rate is more than one in three (35.9%), with 17.4% experiencing physical or sexual violence.

These lower reported rates among Asian women may reflect underreporting due to cultural stigma, language barriers in research settings, or different understandings of what constitutes family violence—rather than lower actual prevalence. Research suggests that barriers to disclosure are particularly acute in some Asian communities, meaning these figures should be interpreted with caution.

These figures represent a significant burden of harm across all communities. Yet prevalence rates do not correspond with proportional uptake of protection orders, legal aid, or family violence support services—raising questions about what prevents women from accessing protection.

⁵ Statistics New Zealand, above n 3.

⁶ Janet Fanslow and others, above n 4, using data from He Koiira Matapopore, the 2019 New Zealand Family Violence Study.

The Gap Between Diversity and Protection

The population diversity described in the latest Census data is not reflected in Family Court protection order applications, legal aid uptake, or immigration policy responses. Ethnic and migrant populations represent the fastest-growing demographic segment in New Zealand, yet their engagement with family violence protection mechanisms remains disproportionately low relative to the known prevalence of harm they experience.

Existing research suggests this disconnect may reflect multiple intersecting barriers, including: systems designed without adequate understanding of diverse cultural contexts, migration precarity, or language barriers; cultural pressures including community shame and fear of bringing dishonour; service inaccessibility due to lack of interpreters, culturally safe providers, or information in community languages; and distrust of authorities born of fear that seeking help will result in deportation, child removal, or community exposure.⁷

The present research explores how these barriers manifest in the lived experiences of ethnic and migrant women navigating New Zealand's Family Court.

Migration Pathways and Dynamics

Study participants arrived in New Zealand through diverse migration pathways, including partnership-based visas, work visas, student visas, visitor visas and refugee pathways. Regardless of specific visa category, migration status — together with dislocation from family, community, and support networks in the country of origin — profoundly shapes vulnerability to family violence and access to protection. Temporary visas, dependent sponsorship (including tied visas), marriages arranged or facilitated in accordance with cultural or religious tradition, and the upheaval of resettling in an unfamiliar country can all serve to restrict autonomy and generate dependence on a partner or family network. Where that partner is abusive, this dependence becomes a source of significant vulnerability and a barrier to seeking help.

Migrant status is not static. Even when a woman gains residency or citizenship and is no longer categorised as a "migrant" in statistical reporting, she may continue to face intergenerational abuse, sponsorship coercion, transnational control from family overseas, or systemic discrimination. The shift from temporary visa holder to permanent resident does not automatically eliminate exposure to coercion or gaps related to cultural and linguistic differences in the Family Court system.

Forms of Violence Documented in this Research

The research documented multiple, intersecting forms of violence. Physical violence included assault and physical intimidation, sometimes during pregnancy. Sexual abuse, including marital rape, was documented—often normalised within cultural contexts and difficult for survivors to name. Psychological abuse and coercive control formed the foundation of most survivors' experiences, with perpetrators systematically isolating women from support networks, controlling their movements, and restricting their autonomy.

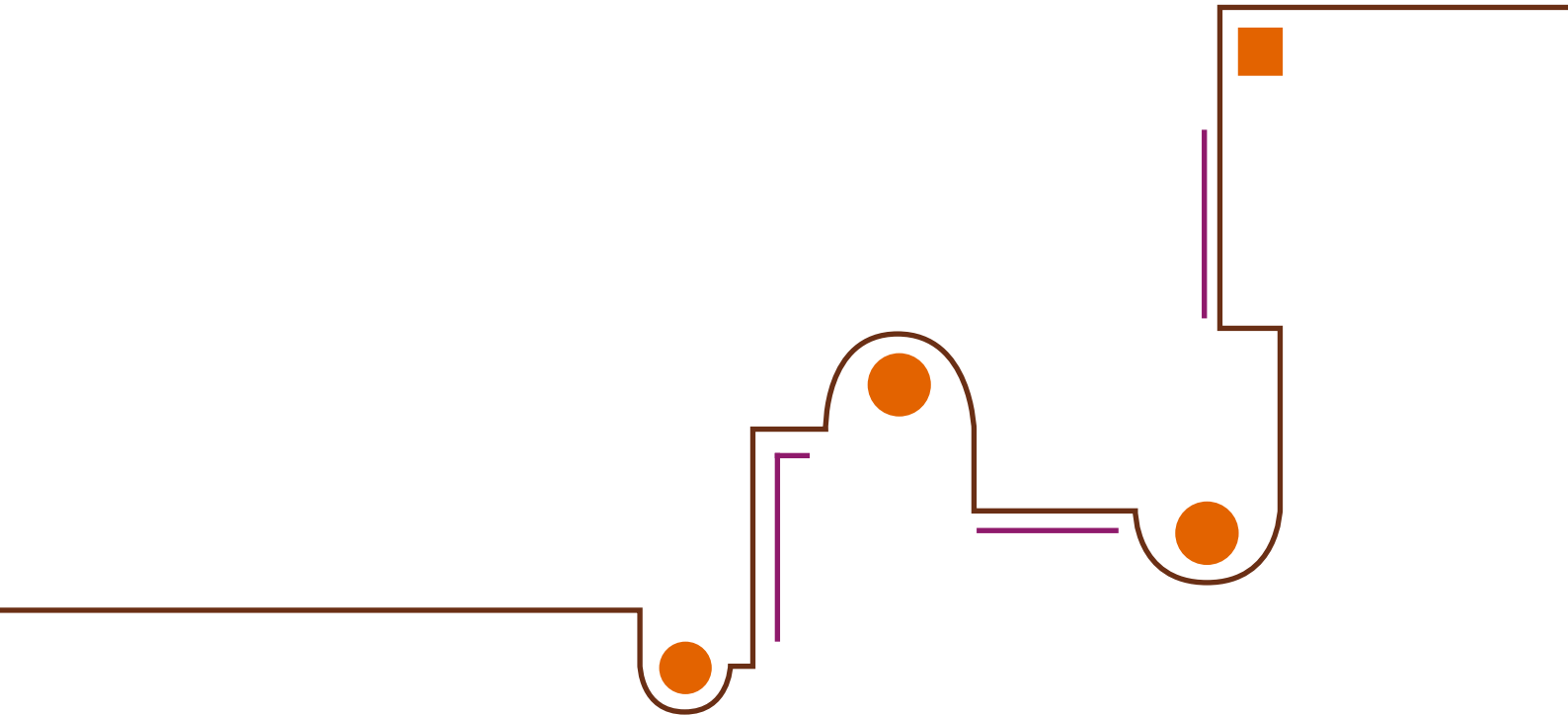
⁷ See Rachel Simon-Kumar, *Ethnic perspectives on family violence in Aotearoa New Zealand*, (New Zealand Family Violence Clearinghouse, University of Auckland, Issues Paper 14, April 2019).

Financial control manifested as restricting access to employment or money, controlling every purchase, and creating complete economic dependency. This economic dependency was often exacerbated by visa restrictions, lack of employment rights, and cultural expectations—heightening vulnerability and limiting options for escape. Visa-related coercion involved perpetrators weaponising immigration status to maintain control—threatening deportation, withholding sponsorship, or exploiting visa precarity. Some perpetrators threatened transnational abandonment—planning to take partners or children to home countries and abandon them there.

Child-related threats included using children as leverage and exploiting survivors' fears about custody arrangements. Multi-perpetrator abuse involved partners, in-laws, and extended family members exercising control, surveillance, and pressure—sometimes coordinated across borders. Technology-facilitated abuse—including surveillance through cameras and phone monitoring, restricting internet access, and ongoing harassment through social media—was also documented.

Perpetrators also exploited survivors' unfamiliarity with New Zealand systems, taking advantage of limited knowledge of legal processes, fear of authorities, language barriers, and social isolation.

Detailed survivor profiles are provided in Appendix I, and survivor accounts of violence experienced are provided in Appendix II.



Key Statistics and Systemic Context



Protection Order Applications

In the 2024/2025 year, there were 6,004 protection order applications in New Zealand's Family Court, involving 5,724 applicants.⁸¹ Women comprised 81% of applicants (4,665 women), with men accounting for 17% (985) and 1% unknown (74). The vast majority of applications (79%) were made on an urgent "without notice" basis, reflecting the crisis nature of most protection order applications.

By ethnicity, European applicants accounted for 35% of applicants (2,031), Māori 17% (987), Asian 10% (545), and Pacific Peoples 4% (222). However, ethnicity was recorded as "unknown" for 35% of all applicants (2,005)—a significant data gap that limits accurate assessment of which communities are accessing legal protection and renders the experiences of many ethnic and migrant women invisible in official statistics.

Asian applicants accounted for 10% of protection order applications in 2024/2025, up from 7% in 2023/2024 and 6–7% in 2019. While this suggests growing engagement with the system, Asian communities remain underrepresented relative to their 18.6% share of the population. The high proportion of unknown ethnicity continues to make it difficult to accurately assess how ethnic and migrant communities are accessing—or being excluded from—family violence protections.

Family Violence Visa Pathways

The Victims of Family Violence (VFV) visa is a key pathway enabling migrant women to remain in New Zealand independently of their abusers. Between 30 June 2024 and 11 June 2025, 260 applications were made under the VFV visa categories: 151 for special work visas and 109 for resident visas.⁹

Applicants came from 36 different nationalities. Indian nationals comprised the largest group (71 applications, 27% of the total), followed by Fijian nationals (42 applications, 16%). Asia-Pacific migrants accounted for approximately 71% of all applicants.

Professional legal representation proved critical to success. Lawyer-supported work visa applications achieved a 100% approval rate (82 of 82), and combined lawyer and licensed immigration adviser-supported applications achieved 99% approval (102 of 103). For resident visas, lawyer and adviser-supported applications achieved an 87.5% approval rate (49 of 56). Yet 26–31% of applicants applied without professional support, and their outcomes are not separately reported. Legal aid does not cover immigration advice, leaving survivors to pay privately, seek assistance from

⁸ Ministry of Justice, *Protection Order Applications Data Tables* (September 2025).

⁹ Immigration New Zealand, *Victims of Family Violence Visa Statistics*, (DOIA-REQ-0008184, 22 May 2025) (Obtained under Official Information Act 1982 Request to Ministry of Business, Innovation and Employment).

Community Law Centres (although not all Law Centres provide Family Violence immigration advice), or navigate the system alone.¹⁰

Only a fraction of likely eligible victim-survivors engage with the family violence immigration pathway. The 260 VFV visa applications received between June 2024 and June 2025—approximately 23 per month—represent the visible tip of immigration-related family violence. Given that 35.9% of Asian women and 42.8% of Pacific women in New Zealand report experiencing intimate partner violence in their lifetime, the gap between prevalence and applications is substantial.

The Mismatch Between Prevalence and System Engagement

The mismatch between population diversity and protection order engagement remains stark. Asian women experience intimate partner violence at a lifetime prevalence rate of 35.9%, yet Asian applicants comprise only 10% of protection order applicants—while Asian communities make up 18.6% of New Zealand's population. By contrast, Asian nationals represent 50% of family violence visa applicants (130 of 260).¹¹ This may suggest that migrant women preferentially pursue immigration remedies over protection orders, or face significant barriers to Family Court engagement that do not apply equally to immigration pathways.

Legal Aid and Interpreter Services

In 2024/2025, there were 22,274 family legal aid grants.¹² In calendar year 2024, only 1,215 interpreter bookings were made for Family Court proceedings—approximately 5.5% of cases.² The most requested languages were Mandarin (282 bookings), Punjabi (84), Tongan (58), Arabic (56), Samoan (55), and Hindi (48). Interpreter bookings have more than doubled since 2022 (522 bookings), indicating growing recognition of language access needs. However, given that 27.1% of New Zealand's population was born overseas and over 160 languages are spoken, the gap between population diversity and interpreter service provision raises questions about whether language barriers continue to prevent meaningful participation in legal processes.

Kaiārahi Family Court Navigators

The Kaiārahi (Family Court Navigator) service was introduced in July 2021 to help whānau and individuals navigate the Family Court.¹³ As of 2024, the service comprises 41 navigators and recorded 29,893 interactions. However, ethnicity data was recorded as "unknown" for 50% of these interactions—another significant data gap.

¹⁰ Under the Immigration Advisers Licensing Act 2007, immigration advice may only lawfully be provided by a licensed immigration adviser or a person who is exempt from licensing under the Act. The definition of immigration advice under section 7 of the Act covers using, or purporting to use, knowledge of or experience in immigration to advise, direct, assist, or represent another person in regard to an immigration matter relating to New Zealand, whether or not for gain or reward. Those exempt from licensing include New Zealand lawyers, Members of Parliament and their staff, and staff and volunteers of Community Law Centres and Citizens Advice Bureau. Ministry of Business, Innovation & Employment Exemptions from the licensing requirement are set out in section 11 of the Act. Survivors seeking immigration advice should be directed only to one of these authorised sources. A register of licensed immigration advisers is maintained by the Immigration Advisers Authority at iaa.govt.nz.

¹¹ Immigration New Zealand, above n 9.

¹² Ministry of Justice, *Legal Aid Data Tables* (September 2025).

¹³ Ministry of Justice, *Kaiārahi – Family Court Navigators and the Family Court*, (Ref 122769, 8 August 2025), (Obtained under Official Information Act 1982 Request to Ministry of Justice).

The workforce composition does not reflect the diversity of communities the service supports. Of 41 navigators, 23 identify as Māori, 21 as European, and 7 as Pacific. There are only two navigators from Middle Eastern, Latin American, or African (MELAA) backgrounds, and none who identify as Asian. This absence is notable given that Asian communities comprise nearly one in five of New Zealand's population.

Training and Cultural Competency

Family violence and sexual violence (FV/SV) response training has been delivered to Ministry of Justice staff since July 2023. In 2024/2025, 300 staff attended (270 registry staff and 30 managers), up from 234 in the previous year.¹⁴ The training is delivered by specialist family violence agency SHINE as a one-day face-to-face workshop, with an advanced course added in March 2025. However, participation in cultural competency training is not mandatory, and completion rates are not tracked, meaning there is no accountability mechanism for ensuring staff receive this training.¹⁵

For Family Court judges, training on family violence in ethnic and migrant communities is available through several avenues: online bench book guidance covering barriers to seeking help and immigration-related abuse; a four-day diversity, equity and inclusion seminar provided by Te Kura Kaiwhakawā/Institute of Judicial Studies addressing unconscious bias and cross-cultural experiences; local initiatives where service providers meet with judges; peer discussions; and self-directed research for individual cases.¹⁶ However, there is no mandatory training specific to migrant, ethnic, or refugee communities for either court staff or judges, and training on cultural responsiveness does not extend beyond Māori and Pasifika contexts to encompass the broader ethnic and migrant communities appearing before the court.

Data Gaps

Comprehensive national data on femicide rates for ethnic and migrant women and children—including deaths resulting from intimate partner violence, family violence, sexual violence, or stalking—is not systematically collected in Aotearoa New Zealand. Homicide reports do not routinely record migrant or refugee status, and data is not consistently disaggregated by migration status or ethnicity. The Family Violence Death Review subject matter expert group identified migrant and refugee women as among those rendered invisible by current data collection practices, noting that without systematic identification in data, the experiences of these communities cannot inform prevention strategies.¹⁷ This lack of intersectional data obscures the full scope of harm and prevents evidence-based policy responses.

Recent Reforms, an Evolving Context and the Role of the State

New Zealand's immigration landscape is rapidly evolving. Frequent visa policy changes and increased migration flows are creating situations where women may be newly arrived, isolated, and unfamiliar with New Zealand's legal protections. As migrant communities continue to diversify, the frameworks addressing family violence must evolve accordingly.

¹⁴ Ministry of Justice, above n 12.

¹⁵ Ministry of Justice, above n 12.

¹⁶ Letter from Principal Family Court Judge Jacquelyn Moran to research team (11 July 2025).

¹⁷ Family Violence Death Review, *Femicide: Deaths resulting from gender-based violence in Aotearoa New Zealand* (National Mortality Review Committee, He Mutunga Kore, June 2025).

Since 2018, Aotearoa has undertaken significant reform in the family violence space. The Family Violence Act 2018 expanded the legal definition of abuse to include dowry-related violence, psychological abuse, and coercive control. Immigration New Zealand established family violence visa categories and improved policy guidance.

Yet violence against women and children within ethnic and migrant communities is not only a private tragedy—it is also a public and systemic one. The Royal Commission of Inquiry into Abuse in Care which, while focused on state care settings, established important principles about the state's duty to protect those made vulnerable by systemic failure. While legislation including the Oranga Tamariki Act 1989 and Crimes Act 1961 expresses the State's protective intent, the data above relating to ethnic and migrant women demonstrates that implementation remains uneven and that protections may be inaccessible for ethnic and migrant women and their children. This research examines how Family Court processes are currently failing ethnic and migrant victim-survivors, and what must change.

Te Tiriti o Waitangi and Manaakitanga

Under Te Tiriti o Waitangi, which signifies a partnership creating reciprocal duties of good faith, ethnic and migrant communities arrive in Aotearoa as manuhiri (guests). The principle of manaakitanga—hospitality, care, and respect—places an obligation on the State and its institutions to ensure that all people, regardless of immigration status or cultural background, are treated with dignity and can access safety and justice. This aligns with the modern judicial recognition of tikanga Māori as an integral part of New Zealand's common law, which must be considered where relevant.¹⁸ It also aligns with the legislated recognition of mana tamaiti—a child's intrinsic value and inherent dignity derived from their whakapapa and belonging, in accordance with tikanga Māori.

Courts have consistently held that legislation should be interpreted, as far as its wording allows, in a manner consistent with Te Tiriti principles.¹⁹ This interpretive approach applies to the Family Violence Act 2018, which aims to keep all victims safe and recognises that family violence, in all its forms, is unacceptable.²⁰ A guiding principle of the Act is that responses to family violence should be culturally appropriate, an obligation that extends to all cultural communities.

A Te Tiriti-informed approach to family violence, read together with the Act's requirement for culturally appropriate responses, provides a framework for examining whether current systems are meeting the needs of ethnic and migrant communities seeking protection.

From this perspective, protecting migrant and ethnic women from violence is not only a matter of domestic law and international human rights obligations, which decision-makers cannot ignore, but is also an expression of manaakitanga and a commitment to upholding the values that guide how Aotearoa welcomes and protects all who live here.²¹

¹⁸ Ellis v R [2022] NZSC 114; [2022] 1 NZLR 239; *Smith v Fonterra Co-Operative Group Limited* [2024] NZSC 5, [2024] 1 NZLR 134.

¹⁹ See for instance *Smith v Attorney-General* [2024] NZCA 692, [2025] 2 NZLR 1.

²⁰ Family Violence Act 2018, s 3.

²¹ See also *Ye v Minister of Immigration* [2008] NZCA 291, [2009] 2 NZLR 596.

How this Report is Organised

The interview insights and findings that follow are organised into three stages, reflecting survivors' journeys through the Family Court system:



These stages draw directly on survivor and advocate accounts to document what ethnic and migrant women experienced.

Following the staged findings, the report turns to problem analysis—examining three cross-cutting themes that shape every stage of the journey but require systemic-level examination:

- **Section A: The Intersection of Immigration and Family Violence.** Immigration precarity affects disclosure, access to support, court participation, and post-court safety.
- **Section B: Immigration Precarity and Children.** Children's experiences—including the role of lawyers for children and the use of non-removal orders—are examined here, reflecting how parenting and immigration concerns are deeply intertwined for migrant survivors.
- **Section C: Structural Gaps Across the Legal System.** Systemic barriers beyond any single stage are examined, including interpreter provision, judicial education, lack of coordination between sectors, and cultural competency across the legal system—including trauma-informed practice and recognition of how Western assumptions shape court processes and outcomes.

References to these issues appear throughout Stages 1–3, but their full analysis is reserved for Sections A, B and C of the report.



Chapter 3

The Survivor Journey through the Family Court

Stage One: Before Starting the Family Court Process



Overview

Stage One examines the critical period before survivors engage with the Family Court—a time when ethnic and migrant women must navigate multiple barriers simply to access legal protection. This stage encompasses finding support services and legal representation, confronting systemic failures in the quality of representation available, and overcoming cultural barriers that compound every challenge.

For many ethnic and migrant women experiencing family violence, the journey to the Family Court begins long before any court application. It requires recognising abuse—often difficult when violence is invisible or normalised within cultural contexts. It requires disclosure—a step complicated by ongoing coercive control, community stigma, and fear of consequences for children and immigration status. And it requires finding help—navigating fragmented services, locating lawyers, understanding legal aid, and accessing wraparound support—all while managing trauma, caring for children, and often facing ongoing abuse.

The 22 survivors and 15 advocates interviewed revealed consistent patterns of systemic failure that prevent ethnic and migrant women from accessing justice. They speak with one voice: the current system was not designed with these women in mind, and the result is a pathway to safety that is inaccessible, fragmented, and too often retraumatizing.

Despite these barriers, disclosure was most often enabled by concern for children's safety, positive interactions with first responders, and connection to culturally safe services. These enablers point toward what works—and what the system must do more consistently.

Looking back on the process she experienced, Survivor 6 said the challenging aspect was not being in Court, but getting to Court in the first place with a clear direction and strategy:

"To reach to that point you're swimming in a dark sea. There's no direction - such as, is this the right form? What is actually tailored to your situation? ... We know legal systems are not easy, OK. Legalities are complicated but to even reach from that situation of abuse to the formal situation [in Court] - that process in the middle, it's exhausting."

— Survivor 6

This "swimming in a dark sea" experience was common across survivors' accounts. The journey to initiating Family Court proceedings involved navigating multiple, intersecting challenges—from practical barriers like finding accommodation and understanding payment requirements, to emotional barriers like fear of not being believed, to structural barriers like finding legal representation and managing community pressure. The following sections set out survivors' and advocates' experiences of these challenges.

Finding Support

For ethnic and migrant women experiencing family violence, the biggest barrier often occurs before they even reach the court process. Many do not know how to find legal help—or even that they need a lawyer. Many do not know what support exists. This gap was consistently identified by both survivors and advocates as a critical point of system failure.

"I didn't have anyone to support me in New Zealand so I kind of stayed with him but at that time if I would've known that there is a support system that you know like they support the single mothers and things like that I would have left him at the time seriously. And I had a good job at the time, so I would have just left him if somebody would have helped me, but I did not have anyone."

—Survivor 17

This lack of knowledge about available support, combined with having no family or friends to turn to, kept Survivor 17 in an abusive relationship throughout her pregnancy and after her baby was born.

When she eventually sought help, the information gaps continued. She did not know family lawyers existed until a refuge social worker connected her:

"No, I didn't know anything about family lawyers. I asked around a lot of people, and then I asked Shakti refuge social worker... She gave me the name and number of [lawyer], fixed my appointment."

— Survivor 17

She was also given incorrect information about protection orders:

"I was told about protection order but at that time I was living in the same house and they told me I can't apply for protection order if you're living under one/same roof."

— Survivor 17

This is not accurate—protection orders can be made regardless of living arrangements—but the misinformation delayed her access to legal protection. She was also unaware she could request a female lawyer:

"No, I didn't know that information [about requesting a female lawyer]. I thought all lawyers are the same."

— Survivor 17

For ethnic and migrant women unfamiliar with New Zealand's legal system, misinformation from trusted sources can have serious consequences—closing off options they did not know they had.

Advocate 4, a family lawyer, emphasised that by the time women reach court, they often already have wraparound support from agencies like Shama Ethnic Women's Trust, Shakti or Women's Refuge. The concern is for those who never make it that far:

"The biggest gap occurs before women access lawyers. Many do not know how to find legal help or even that they need a lawyer... Many women are likely not engaging with the Family Court system at all because of barriers in understanding, finding help, and trusting the system enough to engage."

— Advocate 4

Advocate 4 pointed to research showing significant under-reporting among ethnic and migrant communities, which make up roughly 20% of the population. If a woman entered court without existing support, "it would be critical to help her access it immediately."

Finding Information and Making First Disclosures

Survivors described varied pathways to finding support. For many, the first disclosure was to the police, typically described as a positive interaction that resulted in immediate safety needs being met. Some commented on feeling empowered by being presented with options.

"They gave me a very detailed interview and checked the background of my partner at that time and find, actually he has some previous record relating to domestic violence... They asked me if I wanted him arrested or to be taken away from our house, and if so, they could potentially do it. That really depended on [what I wanted]."

— Survivor 7

Survivor 12's first disclosure was to another mother at a playgroup: "And that's how it started." The mother told her about her rights and the support available in New Zealand. It was only because of that disclosure, trust, and friendship that Survivor 12 was able to leave her husband.

Survivor 2's experience with police as first responders changed her attitude towards disclosure. She explained that in her country, "a lot of women... are just too scared to talk... and they just deal with it because they are too scared to talk." She said that she talked because she could see how the police listened to her daughters, "and that gave [her] the chance or the strength."

Advocate 9 observed that many women found support through their community—for instance, through daycare centres. They could go to these places without their husband being suspicious, and this was a way for them to talk to others and seek help.

For survivors with internet access and English language skills, online searches provided initial pathways. Survivor 7 described her journey:

"I searched online and found a telephone number for a family violence aid hotline or something like that. I rang them and got support from the call centre, and my call was forwarded to a woman's refuge. Someone contacted me to take me to report my case in the police station. I gave a detailed interview... I was suggested to visit community law... I talked to the lawyer and I got a referral to a family law firm."

— Survivor 7

This progression—from helpline to refuge to police to community law to family lawyer—illustrates how multiple touchpoints in the system can work together when connections between services function well. However, this pathway relied on Survivor 7's ability to search online and communicate in English—resources not available to all.

For some women, even that starting point was inaccessible. Perpetrators controlled not just movement and finances but information itself—including access to devices and the internet. Survivor 7 described how her abuser ensured she had no way to search for help:

"I did not have a proper mobile or laptop to check what is family violence... he blocked the WiFi and never gave me a mobile."

— Survivor 7

The assumption that women can access online information—about their rights, about support services, about what constitutes family violence—does not hold when perpetrators have removed the means to do so. This has direct implications for how information campaigns are designed: digital outreach alone cannot reach the women who most need it.

Positive First Responder Experiences

Survivor 4's experience with MSD demonstrates how critical accurate information about immigration protections can be in enabling disclosure. When she called to inquire about income support eligibility, the MSD operator identified that she might be living in a controlling relationship based on her limited knowledge of her husband's income. The operator's simple question—"Are you in a good relationship?"—opened the door for disclosure.

"She gave me trust that, oh, you will not be deported and the government will take care of you. Don't worry, don't think too much. A kind person."

— Survivor 4

Survivor 17 also had a supportive interaction with a first responder—her baby's Plunket nurse. At first, Survivor 17 was too afraid to disclose what had happened despite visible signs of abuse:

"So when the nurse started asking me questions and then I just kept on saying yes yes yes everything is fine. My ex is very supportive this and that, I started lying. They could see me that I haven't slept for how many months. I looked very tired. They could see me but still I just kept pushing myself."

— Survivor 17

The nurse continued to ask questions focused on practical matters of support:

"And then she asked me the question how are you guys [managing]? Is your husband buying you the diapers? This and that. And then I don't know out of the blue I just kind of melted down in front of her because I was holding it for such a long time."

— Survivor 17

The nurse's sensitive, specific questioning, focused on concrete, practical support rather than directly asking about violence, enabled Survivor 17 to disclose for the first time.

Survivor 19 disclosed to a friend who was not a close acquaintance, but whom she knew had gone through a similar experience:

"My friend who I did not know well, went through a similar abusive relationship in the past, helped me to seek help. She was very supportive and helpful."

— Survivor 19

Her experience, like Survivor 12's disclosure to another mother at a playgroup, illustrates how peer connections—particularly with others who have lived experience of abuse—can be critical pathways to safety when formal services feel inaccessible or unknown.

Finding a Lawyer

After making a disclosure, survivors then faced the challenge of finding legal representation—a process that proved difficult, frustrating, and emotionally exhausting.

Survivor 6 described finding a lawyer as an "exhausting and painful process" that required calling various organisations before being referred to a lawyer approved for legal aid. She said she would have been lost had it not been for the help of her social worker.

"[A]fter my social worker made some calls to some clinics, law clinics... So we kind of like found a lawyer that, in a very round about way."

— Survivor 6

Survivor 7's first interaction with a family lawyer was not positive. The lawyer, whom Survivor 7 felt "probably was lack of experience," told her to fill in a legal aid form herself without any guidance. When Survivor 7 asked for help understanding the application, the lawyer could not assist:

"When I asked her to further guide me to apply for legal aid, she had no idea. Just reject me and said you are not eligible to apply for it."

— Survivor 7

Survivor 7's legal aid application was later approved by a different, more experienced lawyer—demonstrating that the first lawyer's advice had been wrong.

Survivor 13 was not connected to a support agency and had no social worker to help her navigate the system. When she called the court for guidance on the protection order process, she was told to find a lawyer. When she attempted to find one, she found them prohibitively expensive and felt they exploited her vulnerability:

"I tried to find a lawyer. I just feel like, oh, it's so expensive... it sounded like the lawyers were making the case complicated... when you ask help and you are vulnerable but people see your vulnerability, they are just trying to make money from it... That's why I felt like I had to solve most of the problems by myself."

— Survivor 13

Unable to afford a private lawyer and unaware that legal aid existed, Survivor 13 ultimately filled out the protection order application herself with minimal assistance.

Survivor 5 described a deliberate strategy used by her ex-partner to prevent her accessing legal help. He sought advice from every community law centre in the region so that when she later sought family law and immigration law help, the law centres were "conflicted" and could not assist her. She was eventually referred by an FV/SV agency to a family lawyer.

"He's not psycho. I can say he's very smart... He knows how to deal with this and how to torture someone mentally, how to harass with the newspapers, with the emails, with the comments on posts, with everything, he knows everything."

— Survivor 5

Advocate 12, who leads an ethnic support team, explained that when clients need lawyers, her organisation guides them through the process and always provides two or three options, "trying where possible to match the lawyer with the language and culture."

Advocates also emphasised the challenge of finding lawyers who understand family violence. Advocate 9 referred women to lawyers, but found it challenging to find lawyers who understand family violence and who have "the lens to be able to support the reasons for [Family Court] applications":

"Most of the abuse that these women encounter are psychological and emotional, and lawyers who don't have that family violence lens tend to think that that's not serious and therefore would tell the client actually, you won't really have enough grounds for getting a protection order. So it is important that we step in and challenge those views."

— Advocate 9

Understanding Legal Aid

Once survivors found lawyers, many faced confusion about legal aid—how it worked, what it covered, and how much they would eventually need to repay. The messaging around legal aid was sometimes contradictory and unclear.

"Yes, I was told about legal aid. It made no sense to me. I know it is like government loan, but I still don't understand fully."

— Survivor 9

She had been told that legal aid was essentially a government loan, but the details about how it worked, what would be covered, and what repayment would look like remained unclear.

Survivor 12 described the constraints of legal aid funding on her case:

"I know legal aid will assign you for an hour and the lawyer will get paid for an hour only and the matter goes for so long, how you cover everything in one hour?... Is legal aid like government providing money instead of you? But that's for how long. The lawyer will say, oh, [name] your legal aid has been finished."

— Survivor 12

This reality—that legal aid is time-limited and underfunded—left many survivors without answers to all their questions or comprehensive support throughout the process. Critically, legal aid funding covers only the immediate Family Court application—protection orders or parenting arrangements. It does not cover immigration advice, housing advocacy, financial counselling, social welfare advice, or any of the wraparound support that ethnic and migrant survivors need to safely leave abusive relationships.

Survivor 13 was never told about legal aid. Unable to afford a private lawyer and unaware of legal aid availability, she ultimately filled out the protection order application herself with minimal assistance.

Survivor 15 also said that she was not told about legal aid. She was not working at the time but her lawyer never mentioned legal aid to her.

Advocate 14 explained that language access needs extend far beyond the courtroom. She described a relationship property proceeding for a client who was on a benefit but did not qualify for legal aid. Her lawyer had spent hours reviewing documents with the client, all of which required translation. More than 50 hours of translation and interpretation was required. Where legal aid is not granted, clients and advocacy organisations bear significant financial burdens.

Advocate 14 stressed the need to review the legal aid system to address inequities faced by ethnic communities:

"Migrant women often carry extra financial burdens compared to mainstream clients, including visa-related costs, family obligations overseas, and loans back home. These pressures make legal processes even more inaccessible when legal aid thresholds are rigid and do not account for these realities."

— Advocate 14

Accessing Wraparound Services

Beyond legal representation, survivors needed access to housing, financial support, counselling, and other wraparound services leave safely and rebuild their lives. However, the pathways to these services were often unclear and relied on luck rather than systematic support.

"The only information I got from the social worker was to move out to the shelter for a period of time. I don't know how many days, a few weeks... but it's just that life would be very inconvenient for us and for my son to go to school and I didn't know how to deal with my daily life."

— Survivor 7

While family lawyers may recognise intersecting needs and attempt to make referrals to immigration lawyers, housing services, or financial support agencies, this referral work falls outside the allocated legal aid timeframe. There is no funding for immigration legal advice, and no time allocated within legal aid for coordinating the multiple referrals survivors require. As a result, survivors are left to navigate critical decisions without the information they need.

When Survivor 12 asked support services practical questions about what would happen after leaving, she said she did not receive a clear answer—just the instruction to leave. She described the overwhelming uncertainty she felt in these terms:

"If I come out, OK, I will come out [of the relationship]. What would be the next step? What is my future? I want to know about that but no answer."

— Survivor 12

"They will say just go... Then the question is how come I can, I can't go back to India, I'm not working, I have a little daughter".

— Survivor 12

In practice, survivors usually rely on specialist FV/SV agencies to provide these necessary referrals and connections. When this works well, survivors are connected to comprehensive support. However, survivors described this as more by chance than by design—it all depended on who was helping you, whether they had capacity, and whether they understood the specific intersecting barriers facing ethnic and migrant women.

Advocate 8 noted that some social workers lack the competence or willingness to work with women from migrant, ethnic, and refugee communities. In some cases, organisations avoid taking on these clients because of the additional complexities involved in non-resident cases:

"They can take almost one year to be in the safe house while they navigate immigration issues."

— Advocate 8

She also noted that some women preferred to work with mainstream or kaupapa Māori organisations rather than ethnic organisations because of confidentiality concerns: "Some of our communities are so small."

Survivor 17 also faced a catch-22 when seeking legal representation. She needed a lawyer to help her obtain a non-removal order to prevent her child being taken out of New Zealand, but multiple lawyers told her they could not help her unless she left the house first. Trapped between conflicting advice and practical impossibilities, she remained living under the same roof as her abuser while

trying to navigate the Family Court process:

"It was so hard to live under one roof. And then suddenly I just kinda like even when [the FV support agency] told me to get out of the house twice. I decided to get out of the house but then at the end of the day I just like when the time came I just said no to them."

— Survivor 17

The result is fragmented support where critical needs fall through the cracks. A survivor might receive help with a protection order but remain uncertain about her visa status, unable to afford immigration legal advice, and unsure how to access housing or financial assistance.

Lack of Adequate Representation

Timely Communication

Survivors consistently reported challenges with communication from their lawyers—delays in receiving information, difficulty reaching their lawyers, and insufficient time to prepare for court.

Advocate 9 said that it worried her that many women are just ticking a box and going along with a process without really understanding what is going to come after. "They may not know that they can say things." Advocate 9 also said that when lawyers communicate through email, this can stress a victim because she may not know what is being said. She described spending considerable time with women explaining what was in orders from the Family Court and emails from lawyers.

Advocate 8 observed that many victim-survivors enter court processes without a clear understanding of what is happening. She shared an example where a client repeatedly brought court papers and emails to Adult Safety Programme sessions, confused about their meaning despite having good spoken English.

"Ordinary people cannot be expected to navigate complex court systems alone."

— Advocate 8

Advocate 12 said that lawyers are overloaded and often lack cultural understanding, leaving women confused about procedures:

"They spend two hours getting that timeline for the protection order, and that's it. After that, they're like, okay, see you later."

— Advocate 12

Women often leave these interactions confused, unsure of what they agreed to or what comes next.

Legal Aid Not Being Explained

The inadequate explanation of legal aid—how it works, what it covers, and its limitations—was a consistent theme across both survivor and advocate interviews.

Survivor 7 asked her first lawyer for guidance on the legal aid application, but the lawyer "had no idea" and wrongly told her she was not eligible.

Advocate 8 emphasised the need for consistent practices, noting that some legal aid lawyers do

the work competently and thoroughly whereas others are too rushed and cut corners, perhaps due to lack of funding. She queried whether this is a problem with legal aid or a problem with how the lawyer was applying for legal aid funding.

Advocates consistently highlighted systemic issues with legal aid funding that affect representation quality:

"Sometimes you don't get good easy resolutions on legal aid files."

— Advocate 1

"People like us who do legal aid, we all get swamped and we have to [manage competing demands]."

— Advocate 2

Advocate 14 suggested that some lawyers may prefer undertakings over final protection orders because hearings require more work for limited legal aid pay:

"Final protection orders are critical—not only for safety but also for immigration purposes, as they can replace the need for statutory declarations in family violence visa applications. Choosing undertakings over protection orders can therefore compromise both immediate safety and long-term security."

— Advocate 14

Trauma and Culture-Informed Practice

Survivors and advocates repeatedly described legal representation that failed to account for trauma and cultural context.

Advocate 1 described the process as "legalistic... you strip back the individual elements... [lawyers] argue over dates and rules and processes." The process prioritises procedural elements over individual and cultural contexts. Emotional and cultural considerations typically emerge only during hearings and often depend on the skill of legal representatives rather than being embedded in the system.

Advocate 12 explained that trauma often causes memory "freezing," leaving women unable to recall key events during legal processes:

"There are so many things they've frozen in their head... it doesn't surface because it's somewhere under the water."

— Advocate 12

To overcome this, she works with clients to build detailed timelines of abuse, helping them realise the extent of harm and provide evidence for lawyers:

"When you do a timeline, it's a realisation of how much they have experienced, how much they've let go."

— Advocate 12

Advocate 14 emphasised that cultural understanding is essential for effective advocacy. She noted that lawyers from ethnic backgrounds often find it easier to understand and believe clients' experiences, while mainstream lawyers may struggle with disbelief and bias:

"When a lawyer does not trust the client's account, they are less likely to fight the case effectively... Cases need to be approached with openness and curiosity rather than judgment."

— Advocate 14

She described this as a gap not just about cultural sensitivity but about cultural humility—the ability to listen, believe, and adapt practice to the realities of ethnic communities:

Survivor 17 made a direct appeal for lawyers to understand culture matters:

"Please do publish my story. Here lawyers need to understand that culture does make a difference. It does not mean that a lady doesn't have evidence to prove herself, that she is lying."

— Survivor 17

Advocate 2 reflected on the challenges of working with clients from cultures with norms very different from Western paradigms:

"You have to have a different mindset and you have to be aware of where the pressures are... There's a different way of dealing with the truth sometimes from our Western ideas of truth telling and fact... sometimes it is really tricky for us Western Pākehā to get our heads around and being aware of some of those things and that they're not necessarily bad. They're just different... and you have to sort of try and factor that in."

— Advocate 2

Gaps in Trauma-Informed and Culturally Competent Legal Practice

Survivors and advocates repeatedly described legal representation that failed to account for trauma, cultural context, and the complex dynamics of family violence in ethnic communities. These gaps manifested in three interconnected ways: failure to create safe conditions for disclosure, failure to recognise coercive control, and failure to understand multi-perpetrator abuse involving extended family.

Creating Conditions for Disclosure

Advocate 3 stressed that cultural dynamics are often overlooked in legal settings:

"These women have never been encouraged to speak... You can't just say 'Tell me.' You have to create an environment where they feel safe."

— Advocate 3

Without this understanding, lawyers may misinterpret a client's hesitation or incomplete disclosure as lack of evidence rather than a trauma response—particularly when trauma causes memory "freezing," as described earlier. Creating conditions for disclosure requires time, patience, and cultural awareness—resources that are often unavailable within the constraints of legal aid funding and rushed court processes.

Recognising Coercive Control

The legal system's difficulty recognising coercive control as family violence is a well-documented systemic issue that affects survivors across all communities. Many lawyers focus on physical abuse while perpetrators' subtle control tactics—threats, forced dependence, surveillance, harassment from his parents and extended family, and manipulation—get lost, preventing the Court from seeing the full picture.

"There's a lack of consistent understanding from judges about psychological violence and how pervasive it is."

— Advocate 1

All survivors in this research spoke about coercive control—surveillance, isolation, financial control, document confiscation—yet these forms of abuse were often not recognised by legal representatives or the court system. Survivor 6 described her experience:

"I was not given money. I was not given car keys. I was verbally abused. I was isolated... I did not have a job so I had no finances of my own... Those months were literally isolation and abuse."

This gap in recognition exists at multiple levels. Survivors themselves may not initially recognise what is happening as abuse. Survivor 10 said: "I thought this was just how families are... I didn't know that constantly checking my phone, telling me I couldn't go anywhere, and controlling the money was abuse." This lack of recognition is then compounded when lawyers also fail to understand coercive control. Advocate 12 observed that some communities minimise violence, especially when it is not physical: "If it's not bleeding, she'll be fine." Without proper training or awareness, key patterns are omitted from affidavits and court proceedings.

For ethnic and migrant women, this gap is compounded by culturally-specific forms of coercive control that the system is even less equipped to recognise. Perpetrators exploit language barriers and unfamiliarity with New Zealand systems to maintain control. Advocate 7 explained:

"Perpetrators deem that they have a higher standard of English or they just speak on behalf of her and are the main correspondent with immigration. They hold information for instance on what's criminal or not criminal, or what's right or wrong in the New Zealand context."

— Advocate 7

Advocate 7 shared examples of abusers deliberately misleading women about New Zealand law—telling them that sexual violence is legal, or that reporting would result in deportation. "That person has authority not just in terms of power and control, but also in terms of the interpretation of what's even legal or not."

Survivor 17's ex-husband dictated when and where she could attend religious services and when she had to be home and what she could and could not wear.

"Last year when his parents arrived... He told me not to wear jeans, and pants. He told me to wear traditional salwar kameez at home."

— Survivor 17

Extended family networks also participate in coercive control—a dynamic often invisible to the legal system. Survivor 19 described how her in-laws used immigration status as leverage:

"They [his parents and sibling] always threatened me to not apply for my visa further as it was dependent on my husband. They threatened to send me back to India to my parents."

— Survivor 19

Threats to family reputation operate as another form of control. Survivor 14 described how information spreads through family networks: "What happens is if anything like this happens, your husband's side of people, they start telling their relatives that this is what their daughter-in-law has done and that's how the things spread around." For women from communities where family honour is paramount, this reputational damage—and the threat of it—can be as controlling as physical violence.

When lawyers lack cultural understanding, they may overlook these patterns entirely—or fail to present them to the Court as evidence of the pervasive coercive control that underpins the relationship.

Recognising Multi-Perpetrator and In-Law Abuse

Multi-perpetrator abuse involving partners, in-laws, and extended family was a common experience among survivors, yet this dynamic was often poorly understood by lawyers and the legal system. For many ethnic women, abuse is not confined to an intimate partner—extended family networks participate in control, surveillance, and pressure, sometimes coordinated across borders.

In-laws frequently used immigration status as leverage, as Survivor 19's experience illustrates. They also participated directly in abuse or failed to intervene when witnessing violence.

Advocate 14 noted that these networks can completely isolate women: "They involve maybe their parents... or brother-in-laws... making it difficult for the women to even engage with any community here locally because they have now already spoken to their friends to not allow their wives to engage. So completely isolating."

In-laws may also be present during violence and fail to intervene—or actively condone it. Survivor 17 described how her in-laws witnessed physical violence but failed to intervene, reinforcing the perpetrator's behaviour rather than protecting her.

"When my ex strangled me, I tried to tell his parents as they were there [in the house]. They arrived in NZ from India one month ago. But his parents didn't do anything."

— Survivor 17

When lawyers lack cultural understanding, they risk not only overlooking these dynamics but failing to identify all perpetrators. A protection order naming only an intimate partner offers incomplete protection when in-laws and extended family are active participants in the abuse. Advocate 12 described a case where a woman's own lawyer suggested accepting an undertaking despite an active sexual abuse investigation and clear evidence of transnational coercive control—the perpetrator's family was using a religious network to send letters from India to New Zealand blaming the victim. "How is that not a breach of protection order?" she asked. "He's not going to go after her with a knife but this is still a protection order breach."

Cultural Barriers in the Family Court

Normalisation of Violence Within Cultural Contexts

Even when women were experiencing severe harm, cultural normalisation of abuse prevented many from recognising their experiences as abuse requiring intervention.

"I think before [seeing the counsellor] I totally have no idea about family violence because, you know, in our culture... it's not like an open topic. I think in our community, not everyone has the sense to notice that."

— Survivor 15

"I thought that it was just a bit more of the normal abuse that I usually had, back home. So that was the problem. It was normalised."

— Survivor 10

"I didn't even realise that I was being abused as in our community, it is believed to be okay living with an abusive partner."

— Survivor 19

"Every day if you're living with the person, you notice everything and you just be quiet because maybe the society, the environment back in India is like that."

— Survivor 5

"I come from a Christian family, and you have to be obedient... And they used to tell me like if your husband have other woman, for example, it is because you are doing something wrong. So that's why I allowed him to yell at me, to hit me."

— Survivor 2

Normalisation extended to sexual violence. Survivor 9 described experiencing marital rape throughout her relationship — violence she did not name as such until much later:

"He never slapped at my face, he never touched my face, never anything that would be visibly seen, that people could see. Mine was sexual abuse. It was basically marital rape... And I just thought that's normal."

— Survivor 9

Her experience illustrates a pattern documented across this research: that violence which leaves no visible mark — psychological, financial, sexual — is the hardest to name, the hardest to disclose, and the hardest for the court to recognise. When survivors themselves have only recently understood that what happened to them was abuse, they cannot be expected to articulate it clearly under cross-examination in a formal legal setting.

Survivor 10, from Latin America, spoke of a culture of gender-based violence:

"I come from a culture where women are treated badly inside their home, like, not just by our partners, but like by our parents, like everyone... it's just normal."

She had seen similar behaviour from other people in her home country, but for them "this was not an excuse to go to the police." She felt her partner could kill her, but at the same time knew "relationships could be problematic" and wondered if she was "just over-reacting."

Even when Survivor 17 disclosed serious physical violence — strangulation — friends minimised the abuse, attributing it to "bad temper" or adjustment difficulties. This illustrates how community responses can reinforce survivors' hesitation to seek help.

"I did tell one of my friends through Facebook message that my ex strangled me. She said 'your husband has bad temper and he will calm down.'"

— Survivor 17

"There was one work colleague I shared with. She said 'he has been living alone in UK 5 years, maybe give him some space, he needs to adjust to sharing things.'" —

Survivor 17

Stigma, Shame, and Community Pressure

Cultural norms around family honour, marriage permanence, and the stigma of separation created powerful barriers to seeking help.

"It was hard because nobody's done it in our family or anything like that and coming from a ethnic background. And then in the community, it's not like that, like you have to deal with it... it was hard standing up but I did it."

— Survivor 11

"I know the [ethnic] community is really bad. They do gossip about it. They will try and put you down, they will try and shame you and stuff like that. But I guess if you're going through things like that you need to stand up for yourself and for your children, instead of letting others push you down."

— Survivor 11

Even when survivors knew the abuse was wrong, they faced enormous pressure from multiple people around them who needed convincing:

"Did I know what was going on was wrong? Like I knew but I had to convince like 10 layers... The people around me, I had to convince and reconvince and reconvince."

— Survivor 6

Survivor 12 said that in her community, "separation is the biggest sin in the world." Her mother had been a solo mum and told her of the terrible way people treated solo mothers—"they can rape you from the eyes." Her mother said that even if she worked, she would be abused by people in her workplace, so it would be better to stay with her partner.

Survivor 6 experienced significant social isolation as a result of taking legal action:

"Then there's the matter of social stigma, social isolation, people started avoiding all the couples who are having trouble, stay away from them."

— Survivor 6

"This last year, I did not receive a single invitation. I am so cut off from the community."

— Survivor 6

Survivor 19 described judgment from her family:

"Few of my relatives back in India have been judging me and my character, nobody calls me anymore even to ask if I'm okay or not. They believe that I have done some mistake that I am not with my husband anymore. People say that a woman is used and left, there's no respect or identity without a husband."

— Survivor 19

The shame extended to her parents, who she felt could not cope with community judgment:

"My parents are old and unwell, it is huge shame for them to see me being separated from my husband, they cannot take the burden of the community abuse and criticism if I return back to India."

— Survivor 19

Perpetrator Control over Help-Seeking

Beyond cultural and community barriers, perpetrators actively prevented disclosure through threats and control. Survivor 19 described how her husband isolated her from any source of help:

"He controlled me not to engage with anyone for any help. I was not aware of the kind of support I can get from the community. He threatened me that he would leave me if I disclosed our situation to anyone even any friends here. Further, he would become violent and physically hurt me if I tried to confront him with my concerns."

— Survivor 19

Her experience illustrates how coercive control operates to prevent help-seeking: isolation from potential support, enforced ignorance of available services, and threats of abandonment and violence if she spoke out.

For some survivors, the barrier to leaving was not only perpetrator threats or cultural pressure — it was the family law system itself. Survivor 1 stayed in an abusive relationship for years in part because she feared what New Zealand's shared parenting framework would mean for her very young son:

"My thought was if I break up, go live on my own, then my son is too little... I knew in New Zealand it's 50/50 custody of the children. And I always thought my son is too little to go with his dad without me being around, especially him being an alcoholic and all the rest of it. And, so I stayed as much as I could about till about when he was four."

— Survivor 1

This is a significant and underacknowledged barrier. The court's commitment to shared parenting — intended to protect children's relationships with both parents — can operate as a reason to stay in violence when women fear losing primary care of very young children. For ethnic and migrant women unfamiliar with how the New Zealand system works, this fear may be compounded by misinformation or uncertainty about what shared care actually means in practice.

Community Intervention and Pressure to Reconcile

Even after making the difficult decision to leave, survivors described ongoing pressure from their communities to reconcile with abusive partners.

"And then community intervened, naturally, community intervened... Community people were trying to, what do you call it... resolution and mitigation. They were trying to do that."

— Survivor 6

"There was a big pressure, because they, they didn't want us to separate."

— Survivor 11

"There was pressures from both sides of the family and stuff. I took him back and thought things would change."

— Survivor 11

Survivor 12 described receiving persistent calls while in the safe house, pressuring her to return:

"Because my friend said you can live there. But the problem is I kept on getting calls from his friends and the wives of the friends. Even I can say my friends, but still they are talking against me."

— Survivor 12

Survivor 1 described being told by her community that she should stay with her child's father despite the abuse:

"So they were the first people I told them and then, then he was 'ok and then leave me from Middle East, you know, you stay with your child's father, you don't just go, you know, because that's how we, I mean, we don't know any other different way."

— Survivor 1

For migrant women without extended family in Aotearoa, these pressures are intensified by isolation. Churches, mosques, temples, and cultural associations can be both protective and harmful sites of belonging that may also reinforce patriarchal control. Religious institutions and community leaders may counsel reconciliation over safety.

Pressure from Family Back Home

Several survivors described pressure from family members in their home countries who did not understand the situation or urged them to stay in abusive relationships. These messages compounded the isolation survivors already felt, as even their closest family members failed to provide support.

Survivor 4 described contradictory responses from her father:

"When I had just separated, my father gave me a call. And once he said... 'Oh, that's fine. I'm with you.' But another time, when I said I had separated and he [my husband] wasn't living with me, my father said 'Oh, no, this is very wrong. Why were you being so aggressive? I don't want to talk to you, don't call me'... I said that he becomes violent towards me and the children and that's why. And he said 'No, you have to manage... stay with him'..."

— Survivor 4

Survivor 12's mother, who had herself been a solo mother and experienced stigma, eventually withdrew her support:

"One time my mom came to me and said like better you go and live with him and I couldn't support you anymore, even financially, even mentally, even physically, I can't support you anymore and better go back."

— Survivor 12

For migrant women already isolated from family, these messages reinforced the sense that leaving was not a viable option—even when family members knew about the abuse.

Intra-Community Silencing and Confidentiality Concerns

The research captured intra-community silencing throughout networks within New Zealand: interpreters, community leaders, or even social workers from the same cultural background dismissing or minimising abuse to "protect reputation." This creates a paradox where cultural proximity breeds mistrust, pushing women further from help.

"If I had my family here, if I had connections with the community, then definitely there would be an absolute added pressure to not [apply for] protection orders."

— Survivor 9

"So if you're thinking of reaching out, even talking to your own family... the culture itself becomes a barrier."

— Survivor 9

Advocate 6 highlighted that New Zealand's interpreter pool is extremely limited, with only a handful of interpreters available for some language groups—making confidentiality nearly impossible in small communities.

Advocate 9 said that some women were afraid of engaging with interpreters from their own community because of stigma around talking about such sensitive matters and also because they fear the interpreter will know the abuser:

"She's fearful to even share his name because she believes that somehow he will get it, he will find out... And trust is really difficult to build because she has been told many times that he knows everybody, he knows who she is talking to."

— Advocate 9

For some women, the destruction of trust runs deeper than fear of community networks — it is rooted in the betrayal by the person they migrated to be with:

"I came to this country, trusting my husband and he left me alone in such distress that made it difficult for me to trust anyone. I feel helpless to contact anyone questioning if they would support me or not."

— Survivor 19

Advocate 8 added that some women preferred to work with mainstream or kaupapa Māori organisations rather than ethnic organisations because of these confidentiality concerns.

Cultural Barriers in Legal Representation

Survivors described how cultural barriers extended into their interactions with legal representatives.

Advocate 2 highlighted that shame and cultural norms often prevent immigrant women from disclosing the full extent of abuse:

"Many share only the most obvious incidents, such as physical violence, believing this is sufficient for a protection order. They may not realise that psychological, emotional, and financial abuse also meet the legal definition of family violence. Explaining this is challenging when English is a second language, and cultural norms frame financial control or submissiveness as normal rather than abusive."

— Advocate 2

Advocate 2 cautioned that when additional information surfaces later in proceedings, courts may question why it was not disclosed initially, creating significant complications. For ethnic and migrant women, this creates a particular risk. Women who are unfamiliar with the legal system, who may need processes explained multiple times due to language barriers, who are reluctant to share details due to shame or trauma, or who simply did not understand what information was relevant, can have their credibility undermined by gaps in their initial disclosures. Without understanding that these women may need time to build trust before sharing sensitive details, lawyers and courts may misinterpret hesitation as evasiveness or inconsistency.

Advocate 6 emphasised that bias is pervasive within the legal system, describing generalised statements she had observed in interactions between judges and lawyers:

"'You're Indian, so you must be like this.' No."

— Advocate 6

"[There is] shocking ignorance as well. I've seen... judges and lawyers... not understand the difference between forced marriage, dowry abuse or other forms of violence that may be more common in cultural and ethnic communities separate from arranged marriages, and those get fundamentally interchanged."

— Advocate 6

Advocate 15 shared an experience illustrating how cultural misunderstanding can distort justice. In a Family Court case, the husband's lawyer repeatedly emphasised that he was a "good man" because he paid for food, travel tickets, and accommodation for his wife. The judge appeared to accept these gestures as evidence of generosity and character. However, Advocate 15 explained that in her culture, these are not favours—they are obligations:

"She was put in a situation where she was seen to be given favourable treatment, when it was actually her cultural right."

— Advocate 15

Immigration status creates additional barriers that intersect with these cultural challenges; these dimensions are examined in Section A: The Intersection of Immigration and Family Violence.

Conclusion on Stage One Findings



The findings from Stage One reveal that for ethnic and migrant women experiencing family violence, the barriers to accessing the Family Court are profound and systemic. Before even engaging with the court process, survivors lived under coercive control and economic dependency that were often invisible or normalised within their cultural contexts, alongside immigration-related threats used deliberately by perpetrators to prevent escape. Recognition and disclosure of abuse were hindered by self-blame, cultural expectations, language barriers, and a lack of accessible information, leaving many women isolated and unable to seek help.

The system was not designed with ethnic and migrant women in mind, and the result is a pathway to justice that depends on luck, connections, and individual advocacy rather than systematic support. Key findings include:

Finding Support:

- Many women never reach the court process due to barriers in understanding, finding help, and trusting the system
- Positive first responder experiences (police, Plunket nurses, MSD operators) can be transformative, but are inconsistent
- Peer connections with others who have lived experience are critical pathways to safety
- Women may approach peer and community networks cautiously, fearing judgment or that information will be shared within their community
- Finding a lawyer is exhausting, painful, and often depends on social worker support rather than any accessible, systematic pathway
- Legal aid is poorly explained to clients, leaving many women uncertain about their entitlements, eligibility, and what to expect from their lawyer
- Legal aid funding is time-limited and does not cover the wraparound needs – including immigration advice, counselling, and social support – that ethnic and migrant survivors require to engage safely with the court process.

Barriers to Disclosure:

- Shame, cultural norms, and fear prevent women from disclosing the full extent of abuse
- Women may not realise that psychological, emotional, and financial abuse and coercive control meet the legal definition of family violence
- Partial disclosure early on can undermine credibility if additional information emerges later.

The system expects full disclosure without first creating the conditions that make disclosure possible.

Cultural Barriers:

- Violence is normalised within many cultural contexts, making recognition difficult
- Stigma, shame, and family honour create powerful barriers to seeking help – separation is framed as moral failure, and women who leave face social isolation and community judgment

- Community and family pressure to reconcile continues even after women have left
- Pressure from family back home compounds isolation, even when family members know about abuse
- Intra-community silencing—where community members minimise abuse to "protect reputation"—creates mistrust and pushes women further from help
- Confidentiality concerns prevent some women from trusting interpreters and services from their community.

Immigration as a Barrier (discussed more in Section A):

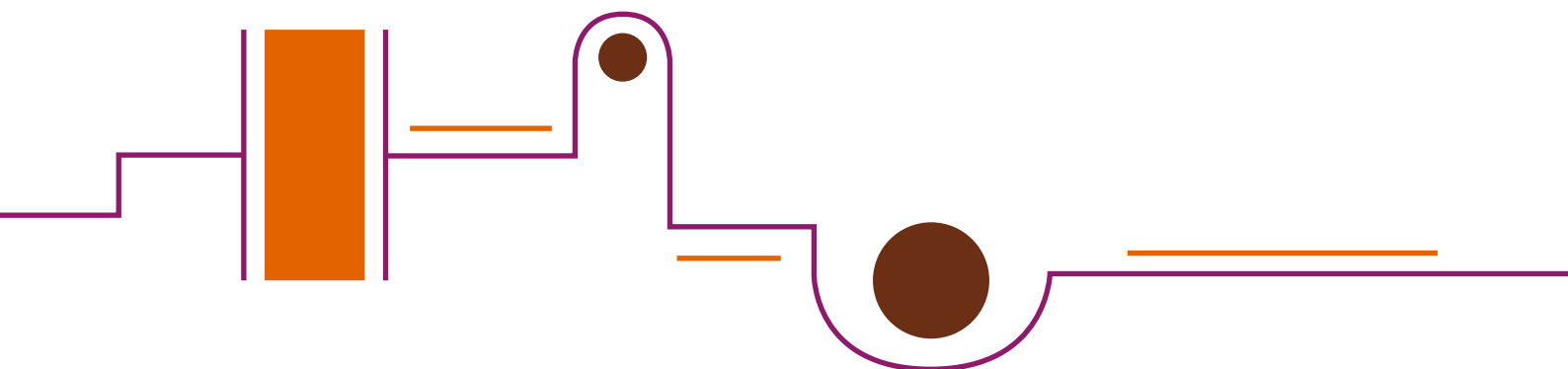
- Immigration status is weaponised as a tool of control by perpetrators and their families
- Fear of deportation and lack of information about family violence visa pathways prevents disclosure and help-seeking
- Inconsistent access to specialist immigration advice and wrap-around support leaves women navigating visa conditions without adequate protection, even when pathways exist.

Immigration is not a discrete barrier — it intersects with and compounds every other barrier identified in this stage.

Limited Cultural Recognition:

- The legal system reflects predominantly Western norms and assumptions, with limited structural recognition of the diverse cultural contexts in which family violence occurs for ethnic and migrant women
- Judges and lawyers frequently demonstrate limited understanding of cultural dynamics — including extended family obligations, honour and shame frameworks, and religiously or culturally defined gender roles — that shape how survivors experience and respond to abuse.
- Where cultural context is misread or ignored, assessments of a survivor's character and credibility are distorted, with direct consequences for the outcomes of their cases.

These barriers do not operate in isolation—they compound and intersect, creating a cumulative burden that makes accessing justice extraordinarily difficult.



What System Participants Need to Understand

Before ethnic and migrant women even reach the Family Court, they are navigating profound complexity: coercive control, cultural and family pressure, immigration precarity, economic dependency, language barriers, and unfamiliarity with New Zealand systems. Many do not recognise their experiences as "family violence" because cultural norms frame controlling behaviour as normal. Many fear that seeking help will mean deportation, separation from their children, or being ostracised by their community.

First responders, support services, lawyers, and others who encounter ethnic and migrant women at this early stage have an opportunity to make a critical difference—but only if they understand this reality. This means:

- Taking time to explain processes, check understanding, and build trust before expecting full disclosure
- Recognising that partial disclosure is not dishonesty—it reflects shame, trauma, cultural norms, and lack of understanding about what information is relevant
- Asking "what else are you dealing with?" and "how can I help?" rather than focusing only on the immediate matter
- Understanding that immigration concerns are central to a woman's sense of safety
- Providing accurate information about rights and options, including family violence visa pathways
- Connecting women with culturally appropriate support and not assuming they have family or community networks to fall back on

Despite these overwhelming obstacles, survivors demonstrated remarkable courage in seeking help. Their experiences reveal critical systemic gaps: the need for early, accurate, and practical information about legal and immigration rights; coordinated cross-agency support; and routine provision of culturally competent services. The system's failure to see the whole person—their cultural context, immigration precarity, trauma history, and family dynamics—means that ethnic and migrant women are systematically disadvantaged at every step of the journey to safety. Professionals who ask "what else are you dealing with?" and "how can I help?"—rather than focusing only on the matter in front of them—can make a critical difference. Those who do reach the Family Court have overcome extraordinary barriers to get there.

Stage Two: During the Family Court Process



Overview

Once applications have been filed, survivors enter the Family Court hearing stage—a period that encompasses preparation for hearings, the hearings themselves, and the negotiations and compromises that often occur outside the courtroom. For ethnic and migrant survivors, this phase involves navigating unfamiliar courtroom procedures, communicating complex experiences of abuse through interpreters or in a second or third language, and facing perpetrators in formal legal settings.

Many survivors described this stage as deeply retraumatising, marked by inadequate preparation from lawyers, communication breakdowns, and pressure to accept compromises that prioritised efficiency over safety. The court system's procedural equality—treating all parties the same—often produced substantive inequality, as survivors whose starting points were vastly different from their perpetrators found themselves at a systemic disadvantage.

For ethnic and migrant women, the court process presents challenges that go beyond those faced by other survivors. They are navigating a foreign legal system—not merely unfamiliar, but built on assumptions, procedures, and communication norms that may be entirely outside their experience. Many have never engaged with any court system, let alone one operating in a second or third language, in a country where they may have limited social support and uncertain immigration status. The District Court's operating model, Te Ao Mārama, was introduced with a commitment to making courts more accessible, understandable, and responsive to the people who use them. For the women in this research, that vision remains largely unrealised. These barriers are not simply about inadequate resources or busy lawyers—they reflect a system that was not designed with ethnic and migrant women in mind, and that has yet to adapt to their distinct needs.

Inadequate Legal Representation

Tick-Box Approaches

Many survivors described their legal representation as impersonal and formulaic—a "tick-box" approach that failed to recognise their individual circumstances or present them with meaningful options. This experience of being treated as "just another file" rather than an individual with specific needs is a systemic issue affecting many women navigating the Family Court.

"The way they dealt [with you] and the way they kind of shut you off and... mechanical I would say, 'oh, another complaint'... I was taken as just another file."

— Survivor 6

"They were telling me... these are your rights, tick box. This is what you are supposed to do, tick box... So all of this was very structured, not in an empathetic way. Like not somebody is actually sitting down and helping you in terms of maybe presenting you with different pathways you could potentially take... They are dealing with hundreds of cases in a week, all day in the courthouse. And you're listening to one case after the other. How are you going to compartmentalise, how are you assessing all of this information? So automatically you're going to go into that mode: 'Ok, one tick box, 2nd, 3rd, case done. I'm done for the day.'"

— Survivor 9

"The moment you go into the safe houses or approach any social service organisations, automatically the first thing they do is that they were just straight, apply for TPO, straight, apply for parenting orders... you just go like, 'OK, I just need to do all of this at the same time?'"

— Survivor 9

Survivors 3 and 14 said their lawyers did not mention that they could apply for other orders like tenancy orders or furniture orders—practical protections that could have significantly improved their safety and stability.

The legal process itself reinforces this tick-box culture—prioritising procedural elements over individual and cultural contexts, with lawyers focused on dates, rules, and processes rather than the whole person before them.

For ethnic and migrant women, tick-box approaches are particularly harmful. A formulaic process that assumes baseline familiarity with the New Zealand legal system leaves women without essential information: that they can request an interpreter; that they can ask for screens or a separate waiting room; that they can bring a cultural support person; that immigration and family violence matters are interconnected and must be considered together.

When lawyers do not take time to understand a woman's specific circumstances—her cultural context, her immigration status, her isolation from family—they cannot provide meaningful representation.

The consequences of this gap are concrete. If lawyers are unaware of the particular forms of coercive control ethnic and migrant women experience—including immigration abuse or harassment from in-laws and extended family—they will not think to enquire. If they do not understand that women may be making decisions based on visa considerations, or fear of being separated from children who hold a different immigration status, they will not ask. If they do not know that even on a family violence work visa a woman may be ineligible for financial support, and that this may be

driving her decisions or affecting her ability to engage with proceedings, they will not explore it. The result is representation that proceeds in ignorance of the factors shaping a woman's choices, and advice that fails to account for her reality.

Lack of Preparation and Communication

Multiple survivors described inadequate preparation for court appearances. Lawyers who were too busy to respond to emails, failed to explain processes, or provided last-minute notice of hearings left survivors feeling unprepared and unsupported at critical moments. Some of these failures are likely common to any client navigating the Family Court. But for ethnic and migrant women, they are compounded by the complexity of their cases—which are multi-layered, involve immigration considerations, and require additional time and preparation. Working with interpreters means evidence briefing takes at least twice as long. Yet the legal aid system does not factor this in. As Advocate 11 observed:

"You get \$620 to get a protection order... It's ridiculous. These cases take hours longer because of interpretation and cultural issues."

Lawyers must justify additional time spent and there is no guarantee of remuneration. As Advocate 4 explained:

"You're constantly asking for amendments to get more time... It's a balancing act and often you just write off the time."

Without putting the time in to understand a woman's situation—how coercive control has operated, how immigration may be impacting her decisions and communications, what she fears and why—lawyers cannot advocate strongly on her behalf.

Survivor 16 believed that a lack of preparation by her lawyer caused her to lose an initial application for a protection order:

"It is the first time I went to a court case for my protection order, and I lost the case... the court case was told to me just the night before, at about 6 to 7pm. There was an interpreter that tell me all the details. But I think there is nothing that had prepared me psychologically to appear at the court case. Not enough time. She's probably too busy to talk much."

— Survivor 16

Despite providing her lawyer with extensive evidence—correspondence with her ex-partner and supporting documents from neighbours and friends—none of it was used in court. Meanwhile, her ex-partner presented substantial documentary evidence that was considered by the court:

"I have given her, the lawyer, a lot of evidence regarding the correspondence between me and my ex. And then also there was a lot of my neighbours and friends supporting me, they also give me some document... All these I have given to the lawyer, but it doesn't seem to be used for the court case, which I do not understand."

— Survivor 16

Preparation failures have particular consequences for ethnic and migrant women. A woman who is not told she can have an interpreter may struggle to understand proceedings or articulate her experiences. A woman who is not informed about courtroom accommodations may find herself face-to-face with her abuser without warning. A woman whose lawyer does not understand the immigration implications of her case may accept an undertaking that compromises her pathway

to residency. These are not merely gaps in service—they are failures to recognise that ethnic and migrant women require specific, culturally informed preparation to participate meaningfully in proceedings.

Survivor 1 described her lawyer's passive approach in court:

"My lawyer would just read what she had to say and my lawyer, she was so quiet. She wouldn't even really get out there and talk really. But his lawyer did, his lawyer was really savage."

— Survivor 1

Everyday Matters: Parenting Arrangements

Beyond protection orders, survivors needed legal support for the practical realities of co-parenting with an abuser—school pickups, medical decisions, overseas travel. Yet these "everyday" matters were often poorly addressed.

Survivor 15 described ongoing difficulties:

"The most difficult part in my case is, my daughter's dad never reply me and only talk to the judge, not even to my lawyer. He didn't reply or respect my lawyer at all."

Survivor 15

Survivor 11 did not understand why the system continued to involve her ex-husband when he had disengaged entirely:

"When one of the parents backs off, they still want them to be in their life when they completely say 'I don't want anything to do with them'... Because my daughter went through that and then I had to go through psychologists... he doesn't pay for anything, he doesn't do anything."

— Survivor 11

Survivor 12 described the ongoing impact of court-ordered contact: her ex-partner occasionally sees the children every four to six months for a short time, and then she "has to deal with the aftermath." She understood that New Zealand places importance on children maintaining contact with their father, but added: "it's affecting their mental health."

Worn Down by the Process

The length of Family Court proceedings—often stretching across years—wears down survivors emotionally and psychologically. Long delays between court appearances, extended waits for final protection orders, and ongoing uncertainty about outcomes create relentless stress that compounds the trauma survivors are already managing. This exhaustion is a systemic issue affecting all women navigating the Family Court, and is well-documented in family violence research.

For ethnic and migrant women, this exhaustion is compounded by concurrent immigration uncertainty, the additional complexity of cases involving language barriers and cross-jurisdictional issues, and isolation from family support networks that might otherwise help sustain them through lengthy processes.

The gap between temporary and final protection orders varied significantly: ten months for Survivor 10, eighteen months for Survivor 8, and two years for Survivor 15. These extended timeframes left survivors in prolonged states of limbo and vulnerability.

"It lasted like two years... in the very beginning it was really hard because I moved out and I just quit my job and it's like, I think my life just suddenly stopped there... I put that pressure on my lawyer because I want to get this thing sorted. But... still very slow but we can do nothing. And most of the orders we apply for are like urgent ones."

— Survivor 15

"In your mind, you keep saying that it's going to finish soon. But it's not."

— Survivor 12

For some, repeated court appearances achieved little visible progress, deepening their sense of futility:

"And then the judge will hear all that, write it down and they just tell us, ok, come back another day. Now every time I've been to the court, nothing really achieved."

— Survivor 1

Eventually, some survivors reached breaking point and accepted outcomes they would not otherwise have agreed to, simply to end the ordeal:

"[I said] let's just do the undertaking. I just want this to be over. I'm just so emotionally, psychologically done. It's been three years now."

— Survivor 9

Survivor 17's experience illustrates the most extreme consequence of being worn down. After months of feeling unheard, facing a Lawyer for Child who pushed for overnight contact despite her son's distress, and having her words from a round table meeting used against her, she reached a point where she could no longer fight:

"When there was a stark change in the mother's decision to give day-to-day care of her son to her ex, why did lawyer for child not find out, and made final order? She should have put it as interim for 6 months."

— Survivor 17

Her second lawyer resigned. By the time of her interview, she had not seen her son for over seven months. The process had not just exhausted her—it had cost her the very thing she was fighting to protect.

These compromises were not made because the abuse had stopped or safety concerns had been resolved—they were made because the process itself had become unbearable. For many survivors, that exhaustion became the direct path to the next pressure they faced: accepting an undertaking simply to make it stop.

Pressure to Compromise: Undertakings

Pressure to accept undertakings rather than pursue final protection orders is a systemic concern affecting many women in the Family Court system. Undertakings are not enforceable in the same way as protection orders and may leave women without adequate legal protection. These compromises were often driven by practical realities—financial pressures, housing insecurity, or exhaustion—rather than because safety concerns had been resolved.

"Then all the lawyers and everybody was literally pushing me that you need to sign outside. Take the protection orders down, but do an undertaking."

— Survivor 9

For ethnic and migrant women, the pressure to compromise is intensified by additional factors: financial precarity due to exclusion from welfare support, housing insecurity, and exhaustion from navigating proceedings in a second language. Critically, accepting an undertaking can also compromise immigration security. As Advocate 14 explained, final protection orders can replace the need for statutory declarations from professionals in family violence visa applications, meaning undertakings may undermine both immediate safety and long-term immigration security.

Survivor 7 agreed to an undertaking partly for housing reasons. She was told that if she got the protection order, her husband would move out and she would have to pay the full rent herself:

"[Someone] like me, without a job, without income, how can they handle that kind of thing?"

— Survivor 7

Survivor 8 said her lawyer suggested accepting an undertaking, but she did not understand what it meant:

"So my lawyer said just sign up, this is not bad for you. So I said, 'What is it?' He said 'He agreed for everything... but the protection order and parenting orders will all be removed from now on if you sign up'. So I say 'Is it good for me?' So he said 'Yes'. So I just sign up."

— Survivor 8

Survivor 9 felt that resolving matters outside the courtroom stripped survivors of their right to be heard:

"The idea of getting the case done outside the court, that does not make sense to me because what you're doing is that you're stripping the right away from the victim... They should all be given the time and space to stand up and talk in front of the judge."

— Survivor 9

Survivor 17 described a round table meeting that focused narrowly on contact arrangements while ignoring practical parenting matters—and where assurances of confidentiality were not honoured:

"Court process was very stressful and round table meeting only one thing discussed – contact overnight – for 3 hours discussion, nothing else. No discussion about school process, no sick days etc... It was told clearly that whatever you say at round table meeting nothing can be taken against each other. But that's not the case in my situation. Everything I said has been taken against me."

— Survivor 17

Her experience raises concerns about how these processes operate in practice: whether survivors understand the implications of what they say, whether confidentiality protections are consistently applied, and whether the focus on contact arrangements sidelines the practical realities of parenting.

Cultural and Linguistic Barriers

Language Barriers and Interpreter Access

Access to interpreters was inconsistent. Some survivors were proactively offered interpreters and felt well-supported; others were not informed they could request one, were told by lawyers they didn't need one despite struggling to understand, or were provided with interpreters who lacked appropriate language skills.

Survivor 4 was not provided with an interpreter during her court hearing, despite struggling to understand:

"I didn't even know I could have an interpreter. I was sitting in court, not understanding the judge's accent, and my lawyer said I didn't need one. But I couldn't speak. I couldn't explain what happened to me."

— Survivor 4

"The Judge was saying something... I didn't understand what he was saying because I didn't understand his accent. It was really hard to properly understand that. I asked my lawyer to please give me an interpreter but she said no, you don't need one, you understand English very well. I said no, I don't understand what he said. I don't want to miss any word."

— Survivor 4

Survivor 8's lawyer did not tell her she could access an interpreter: "I didn't know that I can use that." It was only on her third court appearance that the judge suggested one. She explained: "I could understand mostly what they said, but I couldn't speak back."

Survivor 7 observed:

"Language in English is not that fluent to communicate and people are very busy and they do not have enough time or patience to communicate, and we are not confident to talk."

— Survivor 7

Even when interpreters were provided, quality varied. Survivor 15's parents gave evidence via video conference, but the interpreter could not properly translate their dialect:

"The interpreter sometimes is not helpful because we have the Mandarin and Cantonese, like different dialect... there were some things that weren't translated properly... I actually tried to help translate but my lawyer said, 'No, no, I could not do it. I only can sit there.' It was very stressful."

— Survivor 15

Advocate 5, an interpreter with extensive Family Court experience, confirmed this is a systemic problem:

"Court assumes that Punjabi is the only language in India... Within Hindi also there are 7 to 10 different ways people speak... That is one of the biggest problems everywhere I have seen—that they do not book the person with the right skills."

— Advocate 5

Beyond language accuracy, confidentiality concerns arose. The small pool of interpreters in some language communities meant survivors worried about their private information being shared.

Advocate 6 highlighted the structural problem:

"There may be like literally three or four people who can interpret [an uncommon language] in the country and it's quite likely those communities are so small, they will know the victims. So their confidentiality is immediately essentially breached and also that can be quite unsafe."

— Advocate 6

In some cases, interpreter quality created direct risk. Advocate 7 described supporting a woman from a language group with very few available interpreters. The interpreter provided was a male from her community who held misogynistic views. During a Family Court hearing, he told her not to disclose family violence because the proceeding was "just about logistics" and parenting time:

"This misinformation meant the woman was unaware of what was important to share."

— Advocate 7

The advocate, who spoke the same language, was able to intervene—but without her presence, the judge would have had no way of knowing the interpreter was misrepresenting the process. The woman also feared that anything she shared could be reported back to her community. Interpreter selection is not merely an administrative matter but a critical safety issue.

The interpreter challenges documented here are not peripheral issues—they go to the heart of whether ethnic and migrant women can participate meaningfully in proceedings that determine their safety and their children's futures. When a woman cannot understand what is being said, cannot make herself understood, or fears that what she says will be shared within her community, she cannot access justice. The court's reliance on interpreters without adequate quality assurance, cultural matching, or confidentiality safeguards means that for many ethnic and migrant women, the right to be heard remains theoretical.

Unfamiliarity with Court Settings

For many ethnic and migrant survivors, the courtroom is not just unfamiliar—it is foreign. Most New Zealanders have limited experience with the court system, but they have grown up with cultural touchstones that provide some frame of reference: television portrayals, news coverage, or knowledge passed through family and community. For women who have migrated from countries with entirely different legal traditions, the New Zealand Family Court operates on assumptions they may not share and in ways they cannot anticipate. The formality, the adversarial structure, the requirement to speak about deeply personal trauma in a public setting, the presence of the perpetrator—all of this may be profoundly disorienting for women whose prior experience of authority, dispute resolution, and family matters bears no resemblance to what they encounter here.

Survivor 16 reflected:

"It's my first time in court... I was so confused, scared, lonely, looking after a boy and a girl, you know. And very, very stressed and depressed, so all that very confusing feeling with me when I go to court."

— Survivor 16

"I think there is nothing that had prepared me psychologically to appear at the court case."

— Survivor 16

Survivor 8 described feeling nervous:

"Because I thought, this is not my country and they will listen to my ex-husband more... Probably they don't believe me and what I'm saying because my language is not good, and he's a good speaker."

— Survivor 8

Survivor 1 described feeling humiliated and exposed:

"I felt really humiliated overall because I felt I shouldn't be here. I haven't lived my life the way that I ever end up in any court... I wasn't comfortable for my private life to be out there even with a few people sitting there... I felt really anxious, panicky."

— Survivor 1

Some survivors were not informed about available accommodations. Survivors 2, 8, and 10 did not know they could request screens or be in a different room from the perpetrator:

"In that moment when I was so scared of him, it would have been good to be like apart from him in a different place. When the judge was telling him that he couldn't do this, certain things I could see in his face, in his eyes that he was going to kill me."

— Survivor 2

"It was a hard time... I didn't want to be with him in the same room."

— Survivor 8

Not Asked about Support

Several survivors said they were never asked whether they had support or whether they wanted someone with them in court—despite being visibly isolated and vulnerable.

Survivor 1 reflected on how painful it was to navigate the court process alone:

"The hardest part of going to the court was I went in there and I've always felt if my dad was here he would have come to Court with me... For me, the hardest part was to go in there and be independent... That was the moment that I felt like it would have been nice if I had my dad walk through here, even if he sat there in the corner."

— Survivor 1

She was never offered the option of bringing a support person:

"Do you have anybody here? That was the only thing that was really hurtful... Going to the court especially as a victim of violence, as a victim of bullying. Like it was very basic... [Being asked if] I want to bring a support person? That definitely would have been an option. But I never had that conversation."

— Survivor 1

"I felt very unsupported... You think that in [small town] such a little place, one [specific ethnicity] person. You probably guess that she probably has nobody here. I mean, that will be the first question I asked my client. How's your family network here? Do you have anybody? Do you need the support? Do you want someone to come in? None of that. I never been asked that."

— Survivor 1

For migrant women without family in New Zealand, the absence of this basic question—and the assumption that they would manage alone—reinforced their isolation at the moment they most needed support.

The failure to ask about support needs reflects a broader assumption that women will advocate for themselves if they need something. For ethnic and migrant women, this assumption is often wrong. Cultural norms may discourage women from making requests of authority figures; language barriers may prevent them from knowing what to ask for; isolation may mean they genuinely have no one to bring. A system that waits for women to raise their needs, rather than proactively asking, systematically disadvantages those who are less able or confident to navigate it independently.

Gaps in Understanding of Ethnic and Migrant Experience

Assumptions and Bias

Survivors and advocates described experiencing assumptions and bias within the court system—stereotypes about migrant women, their motivations, and their credibility. These are not isolated incidents but reflect deeper structural issues in how the legal system sees and responds to ethnic and migrant women.

Survivor 6 described being treated with cultural and financial stereotypes when seeking a lawyer:

"I could see some financial stereotypes and cultural stereotypes as well. That she's a migrant so she wouldn't be able to afford."

— Survivor 6

Advocate 6 emphasised that bias is systemic rather than individual. The legal sector—judges, lawyers, court staff, and the organisations that train them—is predominantly Pākehā, and this shapes how ethnic and migrant women are perceived and treated:

"It's a predominantly Pākehā infrastructure and there's racism and bias throughout that... There has historically been almost virtually no training for the legal sector in general around violence, and what's there is highly biased and problematic."

— Advocate 6

She observed that the judicial workforce is "highly uneducated about the unique aspects of experiences of violence for victims who are ethnic or migrant," and described witnessing fundamental misunderstandings of cultural practices:

"I've seen people wildly interchange—judges and lawyers—not understand the difference between forced marriage, dowry abuse, or other forms of violence that may be more common in cultural and ethnic communities, separate from arranged marriages. And those get fundamentally interchanged, which is pretty shocking because we actually have legislation on what forced marriage is."

— Advocate 6

This lack of understanding has direct consequences. If decision-makers cannot distinguish between distinct cultural practices and forms of abuse, they cannot recognise when abuse is occurring or respond appropriately. Advocate 6 noted that many ethnic and migrant women's experiences may not even be identified as family violence:

"Either because their experiences are not fundamentally recognised as family violence, or racism and bias prevents people from [recognising it] or excuses it."

— Advocate 6

Advocate 8 described these responses as forms of "symbolic violence" directed at people in ethnic and migrant communities. She explained that sometimes services minimise or dismiss violence, treating it as "part of their culture" and therefore not taking proper action. At other times, the opposite occurs—workers assume that someone is violent because of their culture, leading to biased or harsher responses, such as quicker arrests or different decisions than would be made in similar cases involving non-migrant families. She emphasised that culture must never be used to justify violence, nor should it be used as a stereotype to presume violence: "There is no culture to accept violence."

The result is a system where ethnic and migrant women face a double burden: they must prove not only that violence occurred, but also educate decision-makers about their cultural context—while simultaneously contending with stereotypes that may undermine their credibility before they have even spoken. And this assumes women are able to explain their experiences with confidence—able to recognise, for instance, that coercive control is violence, able to articulate abuse in terms the court will understand, able to advocate for themselves in a foreign system in what may be a second or third language. Many cannot. The system's failure to understand their context becomes their burden to overcome—and for many, it is overwhelmingly challenging, and for others insurmountable.

The "Doing It for the Visa" Assumption

Several advocates noted that a migrant woman's credibility is often questioned, with assumptions that protection order applications are motivated by immigration advantage rather than genuine safety concerns.

Survivor 19, who was on a temporary visa while her husband held permanent residency, described this credibility gap:

"My husband being a Permanent Resident, makes me think that nobody will understand or believe my side of the story and how he treated and threatened me."

— Survivor 19

Survivor 6 articulated the need for the system to understand how immigration and family court matters are interwoven for many migrant women:

"If I'm saying to my lawyer, 'This is what I need for my visa or for myself', the lawyer needs to understand, the Judge needs to understand that these legalities are a part of an ethnic woman and they are like this. So they can't just do one side of things and not consider they're interwoven."

— Survivor 6

The assumption that migrant women fabricate or exaggerate abuse to obtain immigration advantage reflects a fundamental misunderstanding of the family violence visa pathway. As discussed in the Immigration section of this report, the evidential requirements for a family violence visa are stringent, the process is lengthy and uncertain, and the pathway requires women to leave relationships on which their entire life in New Zealand may depend. It is not an easy option— it is a last resort. Yet this assumption persists—among some lawyers, judges, and court staff— and it undermines the credibility of migrant women from the outset. When a woman's credibility is questioned before she has even spoken, the system has already failed her.

Struggling Under Cross-Examination

Survivors described difficulty communicating their experiences in a formal legal setting—particularly when cross-examined or when required to explain complex experiences of abuse in a second language under pressure.

Survivor 8 said she couldn't properly explain to the judge what had happened to her:

"This case was so serious for me and my daughter as well, but they [the lawyers and Judge] didn't seem to think it was serious. So I showed them what he did by the body language. But they just cut me off, then just keep going on with the court process. So, yeah, I was frustrated."

— Survivor 8

Survivor 9 felt overwhelmed and remained silent:

"I don't know what happened. I didn't say a single word. I just let my lawyer talk."

— Survivor 9

Survivor 19 described the challenge of explaining complex patterns of abuse when facing opposition from her husband:

"I did try to explain about the situation but the opposition from my husband left me speechless. It's difficult to explain the details of everything as there was so much going on, manipulation, control and abuse. I feel helpless as I have to prove myself against his manipulation."

— Survivor 19

These difficulties are compounded by the effects of trauma on memory and recall, which can leave survivors unable to retrieve key details under the pressure of cross-examination—precisely when clear articulation matters most.

Failure to Recognise Psychological Abuse

Survivors expressed frustration that courts failed to recognise emotional and psychological abuse as family violence:

"If the court is not even understanding the emotional psychological abuse... we all know the definition of family violence. But if you're not identifying it, if you're not picking up those signs... The victim is coming in saying 'OK, this is emotionally stressful for me.' And you coming back saying that, 'Oh, it's just a parent scuffle!'"

— Survivor 9

Advocate 1 noted:

"There's a lack of consistent understanding from judges about psychological violence and how pervasive it is."

— Advocate 1

Procedural Equality vs Substantive Equality

The court system's procedural equality—treating all parties the same—often produced substantive inequality when survivors' starting points were vastly different from their perpetrators'.

Survivor 6 articulated this disparity:

"I feel now that I look back being a migrant and being an ethnic and being a person from a particular faith, particular culture... A Pākehā person doesn't have to go through so many variables as much as we have to go through."

— Survivor 6

Survivor 19 described the structural inequality she faced:

"I feel scared about the visa as it's temporary which keeps me on the edge and it's a long term struggle to be back to a normal life for me as compared to my abusive husband. He has a secure full time job, residency and place to live. It is very difficult for me to get a job on a temporary visa and further a secure place to live."

— Survivor 19

"The abuser roams free and the victim has to face so much pain/struggle."

— Survivor 19

She articulated what she believed needed to change:

"I believe a smooth process for support to help women get back on track independently — help with quicker long-term visa, job seeking, housing — even for women without children, it's very difficult"

Survivor 1 captured the sense of being an outsider in a system that did not see her:

"Obviously, they can tell that I've got an accent and I look different so they can tell that I'm not from New Zealand but it wasn't anything like as to acknowledge like, you know, nothing... I was treated like just another person which I don't mind that... But I felt very unsupported... being a migrant and being an ethnic... New Zealand is our home but it's, you always feel like we are just an outsider, and sometimes when you go to the court system and all that, you even feel a little bit more that you are an outsider."

— Survivor 1

The principle of procedural equality—treating all parties the same—assumes that all parties start from the same position. For ethnic and migrant women, this assumption is false. A woman who does not speak English fluently, who has never been in a courtroom, who does not understand her legal rights, who fears deportation, who has no family in the country, and who is navigating trauma while simultaneously managing immigration uncertainty, housing instability, and financial precarity, is not in the same position as a New Zealand-born survivor who speaks English, has at least some understanding of the system, has family support, and faces no immigration consequences. Treating them the same produces inequality, not fairness. It is equal but not equitable.

Survivor 19 articulated this injustice:

"Process could be quick and based on the urgency of the matter. The abuser roams free and the victim has to face so much pain and struggle. Equalisation of the quality of life for the victims as compared to their abuser – no matter how long their relationship lasts, if they are married and migrated, they should get 50/50 rights! We invest our money and trust to come to a new country depending on our spouse, how do we feel safe? Why should a victim wait for 2+ years to be entitled for security or rights?"

– Survivor 19

Positive Experiences

Despite these barriers, some survivors experienced moments of validation and justice when judges recognised the abuse and responded appropriately.

Survivor 2 described a turning point:

"After the third session, I saw how the judge talked to him, like, really, like in a firm way. And that's when I realised that I have to be firm too and say no."

– Survivor 2

Survivor 9 appreciated when a judge directly addressed her ex-husband's behaviour:

"The judge looked at all the affidavits that were submitted by me and him, he asked [my ex-husband] to stand up. And then he said to him that 'I can see that you... are disrespectful to mother of the child... I would suggest you to go through some parenting courses and communication counselling.'"

– Survivor 9

Survivor 10 found the hearing validating:

"My lawyers knew everything. They were like backing me up with a lot of things. They were ready... I was not a citizen, I was just someone that had come to this country and had a rough time and New Zealand was pretty much adopting me. So that was awesome and that wouldn't have happened in [home country]."

– Survivor 10

Survivor 6, whose ex-husband did not attend the hearing, spoke positively about the judge's approach:

"The judge could see what's happening. So I remember him being very supportive... The judge made the decision and he included quite a lot of the same content that I gave him, that the mother is happy to look after the girls by herself."

– Survivor 6

Lawyer for Child and Shared Parenting Arrangements

Lawyers for children are appointed by the court to represent children's interests in parenting disputes. For some ethnic and migrant survivors, navigating this role presents additional challenges—many come from legal systems where no equivalent role exists, and where parenting arrangements following separation operate very differently from New Zealand's shared care framework. In many communities, traditional gender-based expectations mean mothers are assumed to retain primary responsibility for children after separation, often supported by extended family and community networks. The concept of court-ordered shared care with an abusive ex-partner—particularly one who has shown no interest in caregiving during the relationship—can be deeply unfamiliar and distressing.

New Zealand's family law system operates on the principle that children generally benefit from ongoing relationships with both parents.²² However, this principle sits alongside—and is legally subordinate to—the mandatory requirement that a child's safety must be protected from all forms of violence (s 5(a)). For some survivors in this research, this hierarchy was not reflected in their experience. For survivors from communities where mothers typically retain care after separation, or where fathers who abandon families lose parental rights, New Zealand's approach can be confusing and distressing—particularly when the other parent has been violent. Without clear explanation of how New Zealand's system works, some survivors may experience the court's processes as actively working against them, rather than applying a legal framework they simply haven't been told about.

Survivor 6's ex-husband absconded overseas and wanted nothing to do with their children, but the parenting order process continued regardless. Special accommodations had to be made to ensure he was served properly, requiring her to hire lawyers in both New Zealand and overseas:

"I was the victim and my girls were the victim, and another person was given leverage. And I was like, what in the world is that?... The children's father was given extra extensions, even though nobody was showing up from their side. It would have been different if a lawyer representative was there... But there was simply no representation from the other side, but still more time was given to them."

— Survivor 6

The financial consequences fell entirely on her:

"I don't get any child support because he's abroad. So all the penalties of him being abroad are on me and all the privileges are on him."

— Survivor 6

Survivor 11 did not understand why the system continued to involve her ex-husband when he had withdrawn entirely from his children's lives:

"That's the thing that I don't understand with our system. When one of the parents backs off, they still want them to be in their life when they completely say 'I don't want anything to do with them'... There's a thing that, oh, he's still a legal guardian, he should do this, but he doesn't pay for anything, he doesn't do anything."

— Survivor 11

²² Care of Children Act 2004, s 5(e).

These experiences reflect a broader pattern: some ethnic and migrant women are rarely given clear information about how New Zealand's parenting framework operates—including why procedural requirements exist, what legal obligations apply regardless of a parent's engagement, and how enforcement works across borders. Without this context, system processes can feel punitive rather than protective.

For some survivors, the lawyer for child provided crucial support. Survivor 5 spoke positively about the lawyer for child involved in opposing her ex-husband's application to remove their daughter to India:

"Every time I'm there [in court] with her [lawyer for child]. Every time. I never wanted to go without her. She was my mental support. She's always there."

— Survivor 5

"She [LFC] fought for her... he wanted to take her to India and she said like... 'How do you know that she's safe over there? You don't have a house over there. Where are you gonna keep her?'... So that was good."

— Survivor 5

However, this positive experience was not universal. Other survivors felt lawyers for children failed to understand family violence dynamics, treated both parents as equally credible, or pushed for contact arrangements that felt unsafe—without recognising the cultural contexts that shape ethnic and migrant women's experiences of violence and separation.

Survivor 9 described how a minor incident was used to equate her behaviour with her ex-partner's abuse:

"My daughter said to the child lawyer that Mama spanked me on my bottom one time last year. And that became part of the report and instantly I was elevated to the level of my ex and she was like, 'Oh, you know, you do know it's by law, you can't do that.' And I was like, how do you not understand? You can't compare his abuse to this."

— Survivor 9

She also felt the lawyer for child prioritised co-parenting over safety:

"And the child lawyer was trying to find a middle ground between two parents and they were constantly shoving the idea of co-parenting."

— Survivor 9

Survivor 1 was disturbed by the questions the lawyer for child asked her four-year-old son:

"She said, can I talk to your son?... So she asked [my son], do you want to live with Mom or Dad? What a question for a four year old?... I found that question quite disgusting for a four year old. Why are you trying to make him choose?"

— Survivor 1

Survivor 12 was told soon after obtaining a protection order that her daughter would have a lawyer and contact with the father would soon be arranged—despite the protection order being granted because of violence against the child:

"I remember I was sitting and crying saying what, he assaulted my daughter. How come he can have contact?"

— Survivor 12

Advocate 6 was critical of the lawyer for child role, describing it as widely regarded as ineffective within the family violence sector. She argued that the role frequently sides with abusive parents, driven by outdated beliefs that children should have access to both parents—even when one is violent:

"Lawyer for Child has been a failure in navigating that process and most often fails to consider or engage with the protective parent, often siding with the abusive parent."

— Advocate 6

Survivor 17's experience illustrates how a Lawyer for Child's failure to investigate warning signs can lead to devastating outcomes. Despite her objections, overnight contact was ordered—and her son showed clear signs of distress:

"From last year October, I was not heard. Lawyer for child wanted contact to be overnight. They gave my son to my ex despite I wasn't ready... My son was not eating any food at my ex's house. He only drank milk at his house but asked food from me. In the school from hunger he started to eat sand."

— Survivor 17

She questioned why the Lawyer for Child did not investigate when the proceedings took an unexpected turn:

"When there was a stark change in the mother's decision to give day-to-day care of her son to her ex, why did lawyer for child not find out, and made final order? She should have put it as interim for 6 months."

— Survivor 17

The final parenting order gave day-to-day care to the father—the perpetrator of the violence she had fled. At the time of her interview, Survivor 17 had not seen her son for over seven months.

For ethnic and migrant women, these concerns are compounded by lawyers for children who may not understand cultural dynamics—including multi-perpetrator abuse involving in-laws, transnational coercion, or the particular vulnerabilities children face when their immigration status is tied to an abusive parent.

Perpetrators Using the System

Some perpetrators — who may be men or women — use the Family Court system itself as a tool of ongoing abuse and control. By filing competing applications, refusing to engage meaningfully while creating procedural obstacles, withdrawing consent at critical moments, or pursuing parallel proceedings in other countries, perpetrators inflicted continued emotional, financial, and psychological harm on survivors.

For ethnic and migrant women, these tactics are particularly harmful. Unfamiliarity with New Zealand's legal system means women may not recognise deliberate obstruction for what it is—or know they have the right to object. Limited English makes it harder to keep up with rapidly multiplying documents and deadlines. Financial precarity, compounded by immigration restrictions on work, leaves women with fewer resources to sustain prolonged legal battles. Isolation from family support networks means they often face these tactics alone. And their reliance on family lawyers to guide, advise, and advocate for them is acute—yet legal aid constraints mean lawyers may not have capacity to explain what is happening, flag manipulative tactics, or push back against procedural abuse on their behalf.

Survivor 1 described how her ex-husband withdrew his consent for a counsellor's report just before a court hearing. The report documented exchanges between her child and the counsellor, including disclosures of abuse by the father—but because consent was withdrawn, the report was not provided to the court.

Survivor 15 found that her daughter's father refused to communicate with her or her lawyer, speaking only to the judge:

"The most difficult part in my case is, my daughter's dad never reply me and only talk to the judge, not even to my lawyer. He didn't reply or respect my lawyer at all."

— Survivor 15

Survivor 12 said her ex-partner dismissed his lawyers and posed as self-represented, despite receiving substantial behind-the-scenes legal help—including from the three "supporters" he had in the courtroom with him. She said he used his position as self-represented to question her directly in court as a way of threatening her.

Survivor 17's husband made repeated false reports to police to undermine her credibility:

"My ex started writing every week... nearly every 2 to 3 days per week. He was writing in the police thing like 105 online. He started writing that [Survivor 17] is mental... Which I was not aware of until I went to the court."

— Survivor 17

For some migrant women, false police reports carry additional weight—they can affect visa applications, character assessments, and the credibility of family violence claims to Immigration New Zealand.

The same perpetrator also manipulated a visit with their son into evidence against her. While living in refuge, Survivor 17 took her son to see his father at the child's request:

"While living in refuge my son wanted to see his father... So I took my son to see his father in the park but his father insisted I bring him to his office... Neither did I know it was a trap for me. He recorded the video and gave to court that I am not scared of him, bringing our child to his office. On that basis I didn't file protection order."

— Survivor 17

Her compassion for her child's need to see his father was used against her—reframed as evidence that she did not fear her abuser, and ultimately preventing her from obtaining a protection order. This tactic exploits the impossible position survivors are placed in: prioritising their child's emotional needs can be weaponised to undermine their claims of violence.

Transnational litigation as a tool of control

Perpetrators with connections to their home country can exploit legal systems across borders in ways the New Zealand Family Court cannot reach. They may file competing custody applications, make false criminal complaints, or pursue proceedings designed to exhaust the survivor financially and emotionally—knowing she must defend herself in an unfamiliar legal system, often in a country where gender bias in family law may favour fathers, and where his family's resources and connections outweigh hers.

Survivor 5 described how her ex-husband, who had returned to India to remarry, filed a case against her in India seeking removal of their daughter from New Zealand. Despite having day-to-day care

of their child in New Zealand, Survivor 5 had spent many thousands of dollars on lawyers opposing the application. Her application for permanent residency was declined because she could not obtain a new Indian Police Clearance certificate due to the court cases she was defending in India and a warrant that had been issued for her arrest there. She had been battling him through legal systems in both countries for over seven years.

This transnational dimension illustrates how perpetrators can weaponise not only New Zealand's legal system, but also legal systems in their country of origin—with direct consequences for women's immigration status and their ability to remain safely in Aotearoa.

Survivor 12 spoke about the impact of her ex-husband's tactics during the court process. By repeatedly dismissing lawyers and filing irrelevant applications, he forced her to respond to false claims in her affidavit in reply—an exhausting process that delayed proceedings and retraumatised her, especially while she was recovering from a concussion suffered during an assault by him. But she persevered:

"I kept on writing what the truth is."

— Survivor 12

Advocate 7 observed that perpetrators deliberately exploit language barriers and procedural complexity:

"He knew that it would be very stressful for the woman to go through a court process because of her language barrier and feeling unconfident with legal systems. And so he would keep appealing or delaying the dates of court processes so that she would have to keep anticipating or have to keep going back and going through this ordeal."

— Advocate 7

The Court's commitment to procedural fairness—ensuring both parties have adequate time to respond, that documents are properly served, that self-represented litigants are not disadvantaged—can be exploited by perpetrators who understand how to use process as punishment. For ethnic and migrant women who do not understand these processes, who cannot afford ongoing legal representation, and who may be navigating immigration uncertainty at the same time, these tactics can be insurmountable, forcing women to withdraw applications or accept inadequate outcomes simply to make the process stop.

Conclusion on Stage Two Findings



The findings from Stage Two reveal that during the Family Court process, ethnic and migrant survivors face compounding barriers that undermine their ability to participate meaningfully and achieve safe outcomes. Key findings include:

Inadequate Legal Representation:

- Tick-box approaches fail to recognise individual circumstances or present meaningful options
- Communication from lawyers is often delayed, confusing, and delivered without cultural sensitivity
- Legal aid constraints mean lawyers are overloaded and unable to provide comprehensive support
- Inadequate preparation leaves survivors unprepared for hearings
- Everyday parenting matters are not addressed consistently
- Survivors are pressured to accept undertakings without understanding the implications for safety and immigration
- Lawyers frequently lack the time, cultural competence, trauma-informed practice skills, and immigration knowledge needed to represent ethnic and migrant clients effectively.

Cultural and Linguistic Barriers:

- Interpreter access is inconsistent and quality varies
- Survivors are not always informed of their right to interpretation
- Interpreter selection can create active risk when interpreters bring bias or community loyalties into proceedings
- Unfamiliarity with court settings creates fear and confusion
- Available accommodations (screens, separate rooms) are not consistently offered
- Survivors are not asked about support needs, reinforcing isolation.

Gaps in Court Understanding:

- Assumptions and bias about migrant women affect credibility assessments
- The "doing it for the visa" assumption undermines genuine safety concerns
- Survivors struggle to communicate under cross-examination
- Coercive control—especially psychological, emotional, and financial abuse—is not consistently recognised
- Multi-perpetrator abuse involving in-laws and extended family is not understood
- Procedural equality produces substantive inequality when starting points differ
- Procedural flexibility is extended to perpetrators, while survivors bear the costs of delay.

Lawyer for Child:

- The role can provide crucial support but too often fails to understand family violence dynamics
- A "neutral" lens risks treating protective responses as equivalent to abuse
- Contact is prioritised over safety, even where there is documented violence
- Children's distress signals may be overlooked when the LfC role prioritises contact over a thorough investigation of safety concerns.

Perpetrators Using the System:

- Perpetrators weaponise court processes through competing applications, procedural delays, and withdrawal of consent at critical moments
- Some pursue parallel proceedings in other countries, trapping survivors in years of transnational litigation
- The court's commitment to procedural fairness, without recognition of power imbalances, can enable ongoing abuse

Worn Down by the Process:

- Lengthy proceedings, multiple hearings, and procedural complexity exhaust survivors
- Some withdraw applications or accept inadequate outcomes because they cannot continue
- The process itself becomes a form of harm.

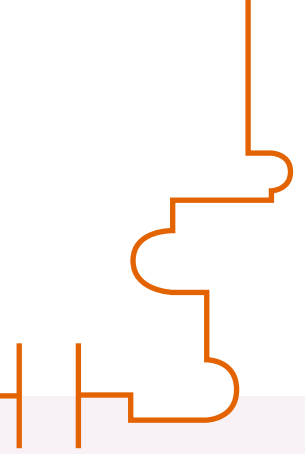
What System Participants Need to Understand

During the Family Court process, ethnic and migrant women are not just navigating legal proceedings—they are simultaneously managing immigration uncertainty, housing instability, financial pressures, childcare, trauma, and often pressure from family and community to reconcile. They may be doing this in a second, or even third, language, in an unfamiliar system, without family support, and while fearing deportation or separation from their children.

Lawyers, judges, court staff, interpreters, and Lawyers for Child who understand this reality are better placed to ensure ethnic and migrant women can participate meaningfully. This means:

- Taking time to explain processes, options, and implications—not assuming baseline knowledge of how the New Zealand legal system works
- Actively asking about support needs, language needs, and safety concerns rather than waiting for women to raise them
- Recognising that difficulty communicating or inconsistencies in evidence may reflect trauma, language barriers, or cultural factors—not lack of credibility
- Understanding that immigration concerns are intertwined with family violence matters and cannot be addressed in isolation
- Being alert to how perpetrators use court processes, procedural delays, and competing applications as tools of ongoing control

Stage Three: After the Family Court Process



Overview

The end of Family Court proceedings does not mean the end of abuse for many survivors of family violence. Perpetrators continue to use legal processes, family members, and court orders as tools of ongoing control and harassment. Some survivors live in continual fear despite having protection orders in place, while others face continued manipulation through parenting orders, supervised visits, maintenance or child support payments, or settlement agreements. Support services end once cases are "closed," and breaches of protection orders often go without meaningful consequence. These patterns of post-separation abuse are well-documented across all communities.

For ethnic and migrant women, these post-court vulnerabilities are compounded by isolation from family support networks, ongoing immigration precarity, community stigma around separation, and perpetrators' ability to weaponise systems across borders in ways the New Zealand legal system cannot address.

This stage examines the reality of life after Family Court for ethnic and migrant survivors: what gaps remained, what new challenges emerged, and whether the system's intervention had genuinely improved their safety and wellbeing.

Ongoing Victimization

Legal representation typically ends when the case is "closed," leaving survivors without professional support to respond to ongoing tactics by perpetrators and victimisation. This abrupt ending of support is a gap in the system that affects all survivors of family violence.

Survivor 1 explained that she has day-to-day care of her child, and her ex-husband has weekend visits and sometimes collects the child from school. Asked if she still has any fears about her ex-husband, she said:

"Oh, yeah. Yeah, I do. Sometimes he's drunk for days and days and days but have I got the confidence to go back to Family Court? Heck no, because they're not gonna make it easy for me."

— Survivor 1

Survivor 16 described ongoing manipulation after reaching a settlement agreement. Her ex-husband was cooperative until the appeal period expired, then reneged on his commitments:

"[H]e was being very nice to me during that time, before the appeal date is up. After the time frame, then he started to be so disagreeable and not agree with the settlement agreement... he go back against the settlement agreement... I kind of cannot believe in him. And when you talk to him, he sometimes is pretending that he is like a dumb, but he is actually not dumb... [he is] calculative."

— Survivor 16

Survivor 17's case illustrates the most extreme post-court outcome documented in this research. Despite being the primary caregiver who fled violence to protect her child, the final parenting order gave day-to-day care to the father with inadequate contact provisions for the mother. At the time she spoke to the researcher, she had not seen her son for over seven months:

"Worst part is final order made but no contacts for the mother. Discussed was, mother give one week notice to ex, and the contact should initiate. But the order didn't say if father refused to give contact what would happen. Right now mother is still crying, and it's been more than 7 months and no contact with her son."

— Survivor 17

Her case raises serious questions about how the court reached this outcome, and whether cultural misunderstandings or gaps in the Lawyer for Child's assessment contributed to a decision that separated a child from his primary caregiver. It is important to acknowledge that this research is based solely on the survivor's account, and the research team is not privy to the full legal file, the evidence before the court, or the reasons for the decision. Courts and Lawyers for Child operate under obligations to prioritise the safety and welfare of the child, and there may be context and considerations that are not reflected in this account. What this case does illustrate, however, is how the court process can be experienced by ethnic and migrant women — as opaque, disconnected from their reality, and leaving them without meaningful recourse when orders are not upheld. That experience, regardless of the full legal picture, is itself significant and warrants attention.

For ethnic and migrant women, patterns of post-separation abuse are compounded by additional vulnerabilities. Without extended family in New Zealand to provide support and witness these patterns, manipulation is particularly difficult to challenge. Survivors may doubt their own perceptions or lack the resources to return to court. Community stigma around separation may further isolate them from potential support networks.

Perpetrators also exploit immigration systems as tools of ongoing control—making false complaints to Immigration New Zealand, threatening to withdraw sponsorship for extended family, or using immigration status as leverage in negotiations over children and property. These immigration dimensions of post-court victimisation are examined in Chapter 4, Section A: the Intersection of Immigration and Family Violence.

Transnational Harassment

Some survivors, particularly those from South Asian communities, described how the perpetrator's family was able to harass and persecute from the "safety" of the home country—beyond the reach of New Zealand's legal system.

"[P]eople in India have given me a lot of bad comments and even threats and also that I have realised that I might have a tag of divorcee against my name as well."

— Survivor 14

"Three years after I got separated, they filed the case against me in India. Like I am a fraud... They put in all the newspapers back in India my family name and saying that I did this, I got separated, I took their money, gold and everything... There were heaps of things going on behind my back. They were trying to get me back."

— Survivor 5

This transnational dimension of abuse is invisible to New Zealand's Family Court system, which has no jurisdiction over conduct occurring overseas. Yet for ethnic and migrant women, reputation damage in their home country can have profound consequences—affecting their ability to return, their family relationships, future partnerships, and their sense of safety and belonging in diaspora communities in New Zealand who maintain connections with the home country.

Breaches of Protection Orders

Protection orders are intended to provide safety and accountability, yet some perpetrators breached these orders with little consequence—a systemic failure that affects survivors across all communities. A breach of a protection order is a criminal offence, and a conviction can affect future visa and citizenship applications. However, survivors described experiencing breaches that were either not prosecuted or did not result in meaningful accountability.

Survivor 10 described how her ex-partner breached the protection order by making false immigration complaints against her. Her lawyer identified this as breaching the protection order, yet it appeared there were no consequences for this breach. The ex-partner was able to weaponise both the immigration system and the protection order process to continue harassing and attempting to control her even after the Family Court proceedings had concluded.

Survivor 20 obtained her protection order in mid-2025 but since then, her ex-partner has made numerous attempts to intimidate and threaten her. He contacted a mutual friend and gave this person false and derogatory information about the survivor, which the friend then raised with her. In this way, the perpetrator was able to use coercion and psychological tactics to continue his abuse. He also posted a video on his social media page saying that if anyone went to court and spoke out against him, he would "get them." Survivor 20 said she saw this video and knew it was an attempt to intimidate her. In a further attempt to harass her, the perpetrator posted a fake, negative review of Survivor 20's family member's business on their website. He also attempted to hack her social media account. Survivor 20 said she knew these actions were the perpetrator's way of harming her and her family.

Survivor 20 reported these breaches to police. However, because many of the messages had been deleted, police said there was insufficient proof. Some incidents remain under investigation, but to date there has been no meaningful accountability for the perpetrator's ongoing harassment.

For migrant women, the consequences of inadequate enforcement are compounded by additional vulnerabilities. Perpetrators can exploit survivors' fear of immigration consequences to continue exerting control, knowing that false complaints—even if ultimately unsuccessful—create stress, uncertainty, and potential delays in immigration processes. The intersection of protection order breaches and immigration complaints creates a particular form of ongoing coercive control that the system is poorly equipped to recognise or address.

Not Prepared for What Comes After

Many survivors were inadequately prepared by their lawyers for what would happen after court orders were made. The focus of legal representation is typically on obtaining the order—whether a protection order, parenting order, or settlement—rather than on explaining what life will look like afterwards, what obligations the orders create, what rights survivors have if orders are breached, or what ongoing processes they may need to navigate.

For all survivors, this can leave them uncertain about how to respond when perpetrators test boundaries, breach orders, or seek variations. Without understanding the system, survivors may not recognise breaches as actionable or may lack confidence to return to court.

For ethnic and migrant women, this lack of preparation is compounded by the challenge of navigating a foreign legal system without cultural or family support. Women who did not fully understand court proceedings—due to language barriers, inadequate interpretation, or trauma—are even less likely to understand the ongoing implications of orders made. They may not know:

- What constitutes a breach and how to report it
- How parenting arrangements are supposed to work in practice
- What to do if the perpetrator does not comply with orders
- Who to contact if problems arise after legal representation ends
- How Family Court orders interact with immigration processes

Without lawyers explaining these matters—and without family members who understand the New Zealand system to provide guidance—ethnic and migrant women are left to navigate post-court life alone, often learning through painful experience what the system expects of them.

Fear of State Intervention

Fear of state intervention—particularly child protection agencies—is not unique to ethnic and migrant communities. Many women experiencing family violence worry that seeking help will result in scrutiny of their parenting or potential removal of their children, and this fear can be exploited by perpetrators.

For ethnic and migrant women, however, this fear is often amplified by several factors: language barriers that prevent them from understanding agencies' roles and processes; unfamiliarity with New Zealand systems and how child protection operates here; stories circulating within communities about children being removed; past experiences with authorities in countries of origin; and the additional fear that engagement with state agencies could have immigration consequences.

When Survivor 1's case was closing, her ex-husband's lawyer requested an Oranga Tamariki report. She experienced this as humiliation and ongoing harassment:

"That was humiliating too for me, to have the social worker go to school... There was no need for it because I'm not a druggie. I'm not an alcoholic. I'm just a normal person. I have degrees and I'm working as either a support worker or a social worker, or a translator... I'm a community worker myself but he decided to get Oranga Tamariki on my back."

— Survivor 1

Her lawyer was no longer available to help her respond:

"She was gone before the case was closed but he still was pushing the Court, pushing the Court. 'Now we got to be safe, we got to be safe. We need a social worker report'— which the Court said, 'Ok, let's do that.' But the social work report from Oranga Tamariki who come to my place, to his place and school. So it wasn't just my place. But then I ended up talking to the social worker. She was nice and she said, 'Ok, you know, I know there is no need for it but some lawyers can get quite nasty.'"

— Survivor 1

This fear can prevent survivors from seeking help when problems arise after court, disclosing ongoing abuse, or engaging with support services—particularly if they worry that any sign of struggling will be interpreted as inability to care for their children. Perpetrators may deliberately invoke Oranga Tamariki involvement, as Survivor 1's ex-husband did, knowing that it will cause distress and fear regardless of whether any action is taken.

This fear does not only arise after court proceedings have begun — it operates much earlier, preventing initial disclosure. Survivor 17 described being told that reporting family violence would result in her baby being removed:

"I was also told by some people that if I tell anything about my relationship about my ex then my baby will be taken away from me... if you report about family violence what's happening with you, basically because of the family violence, the baby will be taken from you. So I got extremely scared."

— Survivor 17

Whether this information came from misinformation circulating in her community, deliberate manipulation by her abuser, or a misunderstanding of how child protection works, the effect was the same: it stopped her from seeking help. Fear of Oranga Tamariki is not just a post-court phenomenon — it is a pre-disclosure barrier that can trap women in violent relationships before they ever reach the legal system. System participants, including first responders and support workers, need to be able to address this fear directly and accurately at the earliest point of contact.

Support Services Ending

For many survivors, support services were available and helpful while they were actively engaged in the Family Court process—particularly while residing in safe houses or working with specialist family violence agencies. However, once court proceedings concluded or survivors left emergency accommodation, this support often disappeared, leaving women to navigate ongoing trauma, safety concerns, and parenting challenges alone. There is no system for follow-up or monitoring of how survivors are faring after orders are made.

The transition out of emergency accommodation is particularly precarious for migrant women with limited work rights. Survivor 19 described the impossible position she faced:

"I am still living with Women's Refuge and now I have to find new accommodation, as they can't keep me for long, which is very difficult to get with just 13 hours pay a week. I feel homeless already."

— Survivor 19

Once court orders are made, there is no system to check whether survivors are coping:

"So it's all depends what the judge think about and the judge will make like a decision, right? And there is no, like, continuously follow up about our case. That's not a good thing actually... There's no point at which someone goes back and goes, 'Right, how are you doing?'"

— Survivor 15

For ethnic and migrant women, the ending of formal support is particularly acute. Without extended family networks in New Zealand, and often isolated from their communities due to stigma around separation, they have fewer informal support systems to fall back on when professional services conclude. The combination of formal support ending and informal support being unavailable or inaccessible leaves ethnic and migrant women particularly vulnerable in the post-court period.

Access to counselling—both for survivors and their children—is a challenge faced by many families after separation, particularly where perpetrators can withdraw consent and block children from receiving support. For ethnic and migrant women, these barriers are compounded by limited availability of culturally appropriate services, language barriers in therapeutic settings, and unfamiliarity with how to access mental health support in New Zealand.

Survivor 9 described how perpetrators could withdraw consent and block children from receiving help:

"When it comes to counselling and support... You have to jump hoops and try to find people and not everybody can do that... Which I think should be a norm that if you need help, we should be encouraged to, you know, talk to someone who can help you in that way. But people, women are just afraid. And when it comes to counselling, no, this is a huge, huge problem in the system and [my counselling service] told me this thing, that majority of the time it's the other party that takes away the kids' consent... and they [the children] end up in bad habits and all that kind of stuff because of that."

— Survivor 9

Parallel Processes: Navigating Legal Systems and Divorce Across Borders

For many ethnic and migrant survivors, the Family Court process in New Zealand is only one part of a larger legal picture. Parallel processes in their home country—divorce proceedings, relationship property claims, defending applications for removal of children, or responding to false criminal charges filed by perpetrators—add significant complexity and emotional strain. These offshore legal matters typically arise during or after the New Zealand court process, at a point when New Zealand legal representation and support services have ended.

"I went back to the courts a number of times because back home, I need to sort legal paperwork as well. You know, a family unit, we have our legalities back home as well."

— Survivor 6

Survivor 5 described battling her ex-husband through legal systems in both New Zealand and India for over seven years. After he returned to India to live permanently with his new partner, he filed a case seeking removal of their daughter from New Zealand. Despite having a parenting order giving her day-to-day care of their child in New Zealand, Survivor 5 had spent many thousands of dollars on lawyers opposing the application. Her application for permanent residency in New Zealand was declined because she could not obtain a new Indian Police Clearance certificate—due to false fraud charges the perpetrator had filed against her in India and a warrant that had been issued for her arrest there. At the time of her interview, she was still continuing her battle in the courts overseas and with INZ regarding her permanent residency application.

Terminology Mismatches and Documentation Barriers

Survivors encountered difficulties when New Zealand court documents did not translate into terms recognised by their home country's legal system. Survivor 6 described the challenge of obtaining documents that would be accepted in India:

"So I went to the foreign office. I said, can you attest this so that I can use it as custody papers. Custody is the term used back home, but custody is not the word used in New Zealand, it is day-to-day care... Now, if he comes back, according to New Zealand law, as per my understanding, he has the right. But according to Islamic laws, once the mother has custody unless, and until a proper case is fought, it's not that easy."

— Survivor 6

She went on to describe the difficulties in getting the attestation done and how the court in her home country did not accept the document because it did not refer to "custody."

Survivor 6 also spoke about the challenges of different attestation requirements for formal documents needed in the Indian court system—processes that required navigating both New Zealand's foreign affairs processes and her home country's requirements, without guidance from anyone familiar with both systems.

A further challenge for Survivor 6 was the power dynamics involved in managing offshore legal processes. Although her father paid for the lawyers in their home country, they were his lawyers, and as a result, they managed the case according to his priorities rather than hers. This left her feeling unheard and without agency in a process that was supposed to protect her and her children.

These documentation, terminology and process barriers are largely beyond what the New Zealand Family Court can address—the court cannot control what terminology or attestation overseas jurisdictions require. However, they are part of the reality that ethnic and migrant women are navigating, and system participants—lawyers, court staff, support services—who are aware of these challenges are better placed to provide meaningful support. These implications are discussed further in the findings.

Perpetrators can also exploit jurisdictional differences in the opposite direction—using New Zealand's legal system to extinguish rights survivors hold under the laws of their home country. For migrant women whose marriages were solemnised overseas under religious or customary law frameworks, those legal systems may provide specific protections unavailable in New Zealand: fault-based divorce grounds, maintenance obligations tied to marital misconduct, or rights to return of dowry, gold, or stridhan (a wife's personal property). New Zealand's no-fault divorce system—which requires only proof of marriage breakdown and two years' separation—does not engage with these considerations. While no-fault divorce serves important policy goals, it can be strategically exploited by perpetrators seeking to bypass obligations they would face in their country of origin.

Survivor 21 described how her husband is using New Zealand's family law system to escape his obligations under Indian law. Their marriage was solemnised in India under the Hindu Marriage Act, which gives her specific rights—particularly because she was not at fault and his actions caused the marriage to end. She wants to pursue her rights under Hindu law, including the return of gold jewellery he has taken. However, he has filed for divorce in New Zealand instead.

"He is trying to get a 'no fault' divorce here in New Zealand so he can try to escape what he owes me under Indian law."

– Survivor 21

Survivor 21 filed an application opposing the divorce until the property issues are resolved in India, and tried to explain the cross-jurisdictional implications to the Family Court. However, she has been unable to find a family lawyer who could represent her on legal aid. A community law lawyer advised her that the New Zealand court will likely grant the divorce regardless, and that it won't consider her Hindu law rights because of how the no-fault system works here.

"This is likely to affect my ability to claim my rights in India. He is using the system here to take away my rights from home."

– Survivor 21

Survivor 21's experience illustrates how migrant women's legal vulnerabilities extend beyond New Zealand's borders. She faces a perpetrator strategically using the New Zealand court to avoid accountability overseas, a legal system that cannot recognise her rights under Indian law, and a Family Court process she must navigate without representation because legal aid was unavailable. For family lawyers and judges, this case illustrates how migrant women's legal vulnerabilities extend beyond New Zealand's borders—and how decisions made in the Family Court can have consequences the court may not see or understand.

Divorce: Civil and Religious Processes

Beyond the Family Court process itself, survivors faced the additional legal and emotional burden of obtaining a divorce. For some, this meant navigating New Zealand's civil divorce system with its mandatory two-year separation period. For others—particularly Muslim women—there was also the requirement to obtain a religious divorce, an entirely separate process that added further stress and complexity.

In New Zealand, couples must be separated for at least two years before they can apply for a dissolution of marriage. For survivors who have fled violence and want to move on with their lives, this waiting period prolongs their legal connection to the perpetrator.

Survivor 9 noted her frustration: "You can't take a divorce before two years in New Zealand."

For women from faith communities that require religious divorce, the civil dissolution is only part of the process. Religious divorce involves engaging with religious authorities—who may not be supportive of women leaving marriages—and navigating processes that operate entirely separately from the civil legal system.

Survivor 9 described the compounding stress of navigating both systems:

"If you're not divorced, then it means that he's holding up, you constantly, you know, pushing you to come back and all that kind of stuff. I've seen this with other cases. A girl from another city actually. And she took refuge in my whole year in Auckland for two nights and she literally was on the verge of applying for a temporary protection order and she couldn't cope it. She's back and that guy tried to kill her, at least not once, like so many times... literally with her boys inside the house and choke her."

— Survivor 9

"The divorce system is one thing that I've dealt with and then you have your religious divorce because that's a completely different thing. That's not related to that, you know, the system that we have in place. When you come to the religious divorce and, you know, dealing with the sheikhs and all that kind of stuff, which is another added stress on top of it."

— Survivor 9

Until both civil and religious divorces are finalised, perpetrators retain a form of connection and leverage. The incomplete divorce can be used to pressure women to return, to extract concessions in negotiations, or simply to prolong the survivor's distress. For women from communities where divorce carries significant stigma, the unresolved status compounds their social isolation and vulnerability.

By this stage, women are navigating these processes without professional support—legal aid has ended, lawyers have closed their files, and there is no one to guide them through the requirements of either system.

Navigating Alone

By the time these parallel processes arise—whether offshore legal matters, civil divorce, or religious divorce—women are typically navigating without professional support. Legal aid has ended, family lawyers have closed their files, and support services have moved on. Women must manage complex cross-jurisdictional legal issues—often in a second language, across different time zones, and while dealing with ongoing trauma and the demands of single parenting—potentially entirely alone.

For ethnic and migrant women without family in New Zealand who understand both legal systems, there is no one to help them understand what documents are needed, how to obtain them, or how to respond to legal actions filed against them in their home country. The isolation that characterised earlier stages of their journey continues into this post-court period.

Conclusion on Stage Three Findings



The findings from Stage Three reveal that for ethnic and migrant survivors, the conclusion of Family Court proceedings often marked the beginning of a new phase of vulnerability rather than the achievement of safety. Key findings include:

Ongoing Victimisation:

- Perpetrators continue to use legal processes as tools of harassment after cases are "closed"
- Survivors lack confidence to return to court even when abuse continues
- Legal representation ends, leaving survivors without support to respond to ongoing tactics
- Settlement agreements and parenting arrangements are manipulated by perpetrators
- Transnational harassment from perpetrators' families overseas is beyond New Zealand's jurisdiction but has profound consequences for ethnic and migrant women

Breaches of Protection Orders:

- Breaches occur with little consequence or accountability
- Perpetrators weaponise immigration complaints as a form of ongoing control
- The intersection of protection orders and immigration systems creates particular vulnerability for migrant women.

Parallel Processes Across Borders:

- Survivors must navigate legal processes in their home country—divorce, annulment, relationship property, defending removal applications—often simultaneously with or after NZ proceedings
- Terminology mismatches between NZ and home country legal systems create barriers (e.g. "day-to-day care" versus "custody")
- Documentation and attestation requirements differ across jurisdictions, and women have no guidance on how to navigate these
- A woman may have successfully obtained orders in New Zealand, but if she cannot translate those outcomes into documents her home country will accept, she remains legally vulnerable in ways the New Zealand system does not account for
- By this stage, legal representation and support services have ended, leaving women to navigate complex cross-jurisdictional issues alone

Divorce:

- New Zealand's two-year separation requirement prolongs legal connection to perpetrators
- Religious divorce is a separate process that may involve unsupportive religious authorities
- Until both civil and religious divorce are finalised, perpetrators retain leverage and connection
- Women from communities where divorce carries stigma face compounded isolation.

Not Prepared for What Comes After:

- Lawyers focus on obtaining orders rather than explaining post-court realities
- Survivors do not understand their rights, obligations, or options after orders are made
- Ethnic and migrant women navigating a foreign system without family support are particularly disadvantaged
- Lack of preparation leaves women vulnerable to manipulation and uncertain how to respond to breaches.

Fear of State Intervention:

- Fear of Oranga Tamariki prevents some women from seeking help or disclosing ongoing problems
- Perpetrators exploit this fear by invoking child protection processes
- Ethnic and migrant women may not understand the role of state agencies, making them more susceptible to fear and manipulation.

Support Services Ending:

- Support disappears once court proceedings conclude with no follow-up
- Survivors are left to navigate ongoing trauma and parenting challenges alone
- Access to counselling is difficult, and perpetrators can withdraw consent for children
- Ethnic and migrant women have fewer informal support networks to compensate when formal services end
- There is no one checking in, asking how women are coping, or helping them understand what comes next.

What System Participants Need to Understand

Many of the challenges ethnic and migrant women face after court proceedings are beyond what the Family Court can directly address—the court cannot control what overseas jurisdictions require, how perpetrators behave after orders are made, or when support services end. However, these challenges are part of the reality that ethnic and migrant women are navigating.

Lawyers, court staff, judges, and support services who understand this reality are better placed to provide meaningful support—even if that support is simply acknowledging the complexity, taking time to explain post-court options, helping women understand what to expect, or connecting them with others who can assist.

For some ethnic and migrant women, safety and autonomy depend on navigating multiple interconnected challenges: Family Court orders, immigration processes, housing, finances, community stigma, and often parallel legal processes offshore. The failure to recognise these cross-border and cross-system dimensions means the system does not see the whole person. A woman left to navigate all of this alone—without anyone asking "what else are you dealing with?" or "how can I help?"—faces ongoing vulnerability that the court process was supposed to address.



Chapter 4

Cross-Cutting Themes

Section A:

The Intersection of Immigration and Family Violence



Overview

For ethnic and migrant women experiencing family violence, their immigration status is a vulnerability that is exploited by perpetrators as a tool of domination, intimidation and control. It is a thread that runs through every stage of the journey documented in this report, and influences whether women can recognise abuse, whether they feel able to disclose it, whether they can access support, how they experience court processes, and what options remain available to them after court orders are made.

As survivors and advocates explained in interviews, immigration issues arise before, during, and after the Family Court process:

Before court

Immigration dependency traps women in abusive relationships. Perpetrators weaponise visa status to prevent disclosure. Fear of deportation and lack of information about family violence visa pathways prevent women from seeking help. Women fear separation from children who may be New Zealand residents/citizens when they are not, or face removal orders that prevent them leaving New Zealand with their children. Abusive partners may withhold consent to include children in residency applications—and women know this.

Beyond perpetrators' weaponisation, the immigration system itself creates barriers that deter help-seeking. Stringent visa criteria, high evidential burdens, and misaligned court timelines mean many women fear that pursuing immigration pathways will expose them to greater risk rather than provide protection. These structural barriers are examined in detail below.

These fears are real and discourage, if not actively prevent, help-seeking. When women do leave, they must navigate immigration processes simultaneously with Family Court applications—without legal aid covering any aspect of immigration advice.

During court

Women's credibility is questioned with assumptions and accusations that they are "making up stories of abuse for the visa." Family lawyers often lack immigration knowledge and will usually not engage with immigration issues. Court timelines do not align with visa timeframes—a six-month family violence work visa is likely to expire before an eighteen-month court process concludes. Immigration anxiety overshadows women's ability to engage with proceedings or process their trauma.

After court

As discussed below by one survivor, perpetrators can strategically discharge protection orders to secure citizenship, while survivors face ongoing visa insecurity. The family violence visa pathway—designed to help—has such stringent requirements that it is out of reach for many. Women who have been through traumatic court proceedings may still not have secure immigration status.

Immigration also creates specific barriers relating to children, including consent requirements for including children in visa applications, non-removal orders that can trap mothers in New Zealand, and dependent visas that tie children's status to their father's. These issues are examined in Section B: Immigration Precarity and Children.

This section examines how immigration status intersects with family violence and the Family Court across six key themes, beginning with an overview of immigration dependency.

Understanding Immigration Dependency

A person's immigration status can increase their vulnerability to abuse because they are often dependent on their abuser, who is then able to exploit the victim-survivor's vulnerability for their own ends.²³ Current immigration policy settings do not adequately recognise this, nor do they promote the disclosure of violence or help-seeking behaviour. In addition, structural, bureaucratic and other intersectional barriers further victim-survivors' entrapment, preventing them from accessing support, failing to hold perpetrators to account and compounding victim-survivors' trauma.²⁴

Advocate 8, who has worked with women in safe houses and delivered training programmes to social workers and others supporting ethnic and migrant women victim-survivors, described the "layers of social structures that sit as system barriers contributing to the entrapment of people experiencing violence". She highlighted how multiple systemic barriers can entrap victim-survivors, including language barriers, unfamiliarity with New Zealand systems, racism, gender norms, housing instability, and a lack of financial safety. She also explained that immigration status itself is a form of social-structural inequity that can shift a person's social class and, in some cases, lead to poverty and lack of access to resources. These structural inequities, including the precarity created by immigration status, can significantly limit options for safety and support.

In many ethnic and migrant communities, the man migrates as the 'principal applicant'—a label which itself perpetuates a patriarchal paradigm.²⁵ His partner will usually be in New Zealand on a visa tied to his status—whether a partnership visitor visa, a partner of a worker visa, or another dependent category. Many of these visas do not permit the woman to work, or impose restrictions on her employment options.²⁶

Where family violence is present, this immigration structure creates particular vulnerability. The abuser may be listed as the contact person with Immigration New Zealand, may control finances and the immigration process, and may not allow the victim to work—or she may simply not be permitted to work under her visa conditions. She may therefore be unable to pay for a lawyer or immigration advisor, or to pay for the required supporting documents needed to change her status.

²³ Nightingale D, "The ties that bind and trap: How a deeper understanding of culture can improve safety and humanitarian outcomes for victim-survivors of family violence and migrant exploitation in Aotearoa New Zealand's marginalised CALD communities" (2024) 9 NZWLJ 119 at 130 – 131.

²⁴ Nightingale, above n 22.

²⁵ At 132.

²⁶ At 132, n 45; this immigration policy may trap women in abusive relationships, as being unable to work prevents victim-survivors from securing financial independence from their abuser.

He might have applied for a police clearance certificate for her and he may hold her passport and birth certificates, documents she may need for visa applications. Critically, if the victim's visa is based on her partnership with the abuser, leaving the relationship places her in breach of her visa conditions and potentially liable to deportation.

This immigration framework can trap women in abusive relationships: being unable to work denies victims the ability to secure financial independence; being dependent on a partner's visa means leaving the relationship risks deportation; and the complexity of immigration pathways means many women do not know options exist—while for others, such as those whose perpetrators hold temporary visas, only a short-term six-month work visa is available with no pathway to residency.

Immigration as Coercive Control

Immigration status amplifies power imbalances. Perpetrators weaponise women's visa dependency—threatening to withdraw sponsorship, cancel visas, contact Immigration New Zealand, or abandon wives offshore. Threats of deportation if women left or reported abuse were a common theme across multiple survivors.

"He always said that you're going to separate, you will be deported... because I am dependent on him, I have a dependent visa, under his name. So that's why I never take a step."

— Survivor 4

Survivor 12 described how she was trapped. She couldn't go back to her home country to face stigmatisation, ostracisation and no family support; and in New Zealand she was not allowed to work so had no means to leave the relationship. She asked: "How do you actually leave the relationship and live somewhere else?"

Survivor 19's experience illustrates how perpetrators and their families use immigration status as a tool of psychological and financial abuse—demanding money for visa applications while withholding any assurance they would follow through:

"I was so worried that he might cancel my visa and leave me without any awareness and I would be deported back to India. I left everything behind to start my life here with him."

— Survivor 19

Immigration status can also shift power dynamics in the opposite direction. For Survivor 17's husband, obtaining residency conferred a sense of authority and dominance—his secure status giving him the power to make demands and exert control in ways he had not done before. Survivor 17 described how her husband's behaviour changed after he obtained his resident visa:

"In the beginning he said his family doesn't want dowry but after my ex got resident visa then he started speaking about dowry and started to belittle me. Then he started asking me money every month cash. I paid his student loan debt and his parents' medical bills... He used to say 'oh you didn't give any dowry, least you can do is pay my parents' medical bills.'"

— Survivor 17

Survivor 17's experience illustrates how immigration milestones can mark turning points in abusive relationships—residency gave him additional control over her, and with it, an assumed power to escalate his threats.

Some perpetrators threaten transnational abandonment—planning to take their partners or children to their home country and abandon them there, or refuse to return. Survivor 17 described how her husband did not support her throughout her pregnancy and then, around one year after their baby was born, "he started planning and plotting and he told me that he wanted to take me to India on a one-way ticket."

The threat was not just about travel—it was about being trapped in a country where she would have no support, no means to return to New Zealand (and all of her property here including jewellery), and potentially no access to her child if he chose to return to New Zealand with his son (a New Zealand resident by birth due to the father's immigration status).

Immigration dependency created impossible situations where some women remained in violent relationships not by choice, but because they had no viable pathway to safety that did not also mean losing their children, their right to remain in New Zealand²⁷, or their future.

Advocate 6 highlighted the severity of immigration-related threats:

"The risk of their immigration status as a threat to them is probably a greater threat than possibly losing their life to their perpetrator."

— Advocate 6

She explained that unless this risk is addressed, women cannot access help:

"Unless you get the risk of immigration status out of the way, that's it. Like, that's just never going to change the situation for victim-survivors. If, no matter what else you do, means it's likely their status is at risk, and consequently their safety because... if they're forced to return to their home country, they may not survive. And if they do, the abuse potentially will be worse."

— Advocate 6

Fear and Lack of Information

The low number of women currently on the family violence residence visa (compared to the known high rates of family and sexual violence in ethnic communities) is a strong indication that the visa is generally inaccessible and overly difficult to obtain.¹ There may be a significant number of women who are eligible for the visa but are not applying for it—in part because they do not know it exists.

Survivor 10 said she had no idea there was a visa pathway until she reached a safe house:

"I had no idea that I could get a visa that will allow me to be independent from an abusive partner... I had no idea that that existed until I got to [the safe house] and they mentioned it."

— Survivor 10

Survivor 12 said that organisations would tell her the violence was wrong and to leave, but her question was: "According to my visa, can I be stable and stay in New Zealand rather than going back to India?" She said she didn't get the answer to that, and every answer she did get put her "back to living with [her husband]." It was only after she spoke to an immigration lawyer that she became aware of a visa option that would let her leave him and continue to stay in New Zealand.

²⁷ Including an inability to leave because of the stigma back home.

Survivor 19 was not aware of available support or that there was a visa available to victims of family violence:

"No, I did not know there is any such thing [family violence visa]. I didn't even realise that I was being abused."

— Survivor 19

Advocate 5 observed that immigration status is routinely controlled by perpetrators:

"When I worked with survivors of family violence, none of them had a work permit.... They were all on a visitor visa or dependent visa. And I've never seen any one of them even holding their own passports or being aware of what the paperwork was like... They don't know anything. They just sign."

— Advocate 5

She noted that partners deliberately delay residency applications to maintain control: "Their partners deliberately delay applying for permanent residency or work permit because they would rather have them dependent on them."

This left women with no knowledge of their immigration status and no understanding of what options might be available if they left. Advocate 5 described one woman who returned to her abuser twice because the process for obtaining a family violence visa took too long:

"The process was so long. Applications took a long time... Within the first month, she went back. And then she was picked up again with kids... She felt really horrible—I don't even have a visa. I don't have my passport. I don't have my kids' passports. She had to return."

— Advocate 5

Advocate 12 observed that immigration concerns are often misinterpreted as a distraction by police, lawyers, and other professionals, when in reality they are central to a woman's sense of safety and survival:

"The anxiety is all around the visa. Unless that's resolved, you cannot process their trauma, you cannot process their abuse."

— Advocate 12

"Sometimes it can be challenging when police see that or other people in the system see that. Or even lawyers can sometimes unfortunately be judgmental to say, you know, she's just focused on immigration. And sometimes it's advocating and saying yes, because in that Maslow hierarchy, immigration is directly related to safety. So, yes, that is her need."

— Advocate 12

When women do not know that a pathway exists, they cannot take it. But even when women do learn about the family violence visa, the stringent requirements and high risk of failure mean many choose to stay with their abusers rather than face potential deportation. Lack of information becomes a tool of entrapment—but so too does the design of the pathway itself.

The Immigration–Family Court Disconnect

The immigration and Family Court systems operate in harmful isolation. Women experiencing family violence are left to navigate both systems simultaneously—often while traumatised—but no single professional has an overarching perspective that enables them to advise on how decisions in one system may affect outcomes in the other. Women may have separate advisors for immigration, family law, tenancy, benefits, and employment matters—none of whom have visibility of the full picture. This leaves women to work it out for themselves.

Immigration policy can intersect with other jurisdictions in ways that further marginalise and even threaten family violence survivors, preventing them from disclosing violence and potentially leaving them with little option but to return to their abuser.

Court processes and immigration timelines do not align. A family violence work visa is granted for only six months, but Family Court proceedings can take eighteen months or longer. Women may be forced to make decisions about their court matters—or even leave New Zealand—before proceedings conclude.

Advocate 7 commented about this misalignment where a woman wants to complete a court process but her FV visa may expire before proceedings conclude:

"The family court ongoing process might mean that they feel like they need to stay for that process to finish. And the temporary family violence visa that they might get is like six months and then the family court process might go for 18 months. And in that time, there's a risk that they could be deported... those things often aren't kind of aligning."

— Advocate 7

Advocate 14 stressed that this challenge is particularly acute for migrant and ethnic women:

"The complexity that happens is when you have such delayed processes and if they're on an immigration [visa] with six months, that becomes a bit of a challenge—how do you make decisions when you have such a short time given to you to go through those processes?"

— Advocate 14

Survivor 10 described the fear this created:

"It was a bit scary because I was on a temporary work visa that was only for six months."

— Survivor 10

Advocate 12 criticised the six-month family violence work visa as a "band-aid solution" that sets women up to fail. Survivors need longer-term visas to allow time for healing, stability, and rebuilding their lives:

"Here's a six-month visa. There you go. Fix up your life'... You're expecting a woman who has a three-year-old child to get a six-month DV category visa and say, 'I'm going to fix everything in my life?'"

— Advocate 12

Reporting violence can trigger cascading challenges rather than relief.

"The system has set them up to fail. Reporting it starts a wave of all of these things that bring more challenges to them than not."

— Advocate 12

Advocate 12 relayed a situation where a client who was being abused did not want to report because of the consequences:

"No. My residency is due next month. I have an eight-month-old baby. I cannot do that. So I will just quietly hide somewhere till that residency comes. I will tell him I'm going. I will not tell him where. We'll apply for that residency when the time comes. Then I will separate."

— Client, relayed by Advocate 12

Advocate 12 reflected: "And I'm thinking, what do I... Where do I begin?"

As Family Court Associate Judge Niemand recently observed:²⁸

"The court must ensure that a situation does not develop where the very processes aiming to provide an effective response to [a survivor] as a victim of family violence, end up being mechanisms that become punitive to her. That would arguably be a form of systemic abuse that would fly in the face of the jurisprudence that underpins the Family Violence Act."

Although written in a different context, the tenor of this statement is relevant here. New Zealand's response to family violence must take into account the particular experiences an ethnic and migrant woman is going through—her cultural context, her immigration precarity, her isolation from family, the language barriers she faces, her unfamiliarity with a foreign legal system, and the ways these factors intersect with and compound the violence she has experienced. A siloed approach that fails to see the whole person—that treats immigration, family law, and family violence as separate matters when for her they are inseparable—is likely to fail to meet victim-survivors' needs and fail to support them to leave abusive relationships.

New Zealand's family violence visa provisions were introduced to address precisely this intersection—to ensure that immigration status does not trap women in violent relationships. However, the visa policy and its implementation creates material barriers to women seeking safety, compounding their existing trauma, isolation and systemic disorientation.

Family Violence Visa Requirements and Unintended Consequences

The family violence visa pathway was designed to prevent immigration status from trapping women in violent relationships. However, the stringent requirements and high evidential thresholds have an unintended consequence: they can deter women from leaving abusive relationships at all. When women learn what is required—final protection orders that may take 18 months, statutory declarations from professionals who are reluctant to confirm abuse occurred, proof that they cannot return home—many conclude that pursuing the visa pathway will expose them to deportation risk, prolonged uncertainty, and potential separation from their children, rather than provide the safety and stability they need. The pathway becomes not a route to safety, but another source of risk.

²⁸ *Gauri v Lata* [2024] NZFC 8780, [2024] NZFLR 594 at [16(e)].

The Immigration New Zealand Operational Manual sets out the evidence required to support a family violence visa application. The requirements are similar for both the work visa and residence visa pathways.²⁹ To prove family violence occurred, applicants must provide one of the following:

- a final protection order;
- a conviction for a family violence offence against the applicant or a dependent child;
- a complaint of family violence investigated by Police where they are satisfied it has occurred; or
- a statutory declaration from the applicant stating that family violence has occurred, together with two statutory declarations from specified persons.

The persons who can provide supporting statutory declarations are limited to: registered social workers; doctors; nurses; psychologists; counsellors who are members of the New Zealand Association of Counsellors; and experienced staff members of approved women's refuges nominated by the National Collective of Independent Women's Refuges or Shakti Community Council.³⁰ The two declarations must come from people in different professional groups, and they cannot be professionally related—for example, a doctor and nurse from the same practice cannot both provide declarations.³¹

Advocate 14 highlighted growing challenges for migrant women applying for family violence visas. Immigration requires statutory declarations stating the professional is "satisfied" that family violence occurred, which is problematic because social workers do not conduct investigations and cannot make such determinations. Reduced funding for counselling sessions has also made it harder to obtain the statutory declarations typically needed for visa applications.

"Provide all of that evidence. On top of it, you have to now beg your social worker to say she is 'satisfied' you were abused."

— Advocate 14

The author's own experience aligns with these concerns: NZ Police—who can provide a letter in support of a visa application—are extremely reluctant to state they are "satisfied" that violence occurred without a conviction. Convictions can take years through the criminal process, far exceeding the very short window women have to file a family violence visa application. While timeframes vary depending on each specific situation, survivors generally have only around six to eight weeks to file a work visa application under the family violence category—sometimes even less than that.

Additional requirements for Family Violence Residency Applications

Significantly, the family violence residence visa pathway is only available where a perpetrator is a New Zealand resident or citizen. Pegging a survivor's safety to a perpetrator's immigration status is fundamentally unjust and creates arbitrary exclusions. Survivors of violence perpetrated by those on temporary visas have no pathway to residency through the family violence category, regardless of the abuse they experienced and their need for protection and stability. This policy failure leaves vulnerable women without legal pathways to safety and independence.

For the residence visa, applicants face an additional hurdle: they must prove they are unable to return to their home country—either because they would have no means of independent financial support,

²⁹ Immigration New Zealand Operational Manual 2025, WI7.5 (for a work visa) and S4.5.5 (for a residence visa).

³⁰ WI7.10(a) and S4.5.6

³¹ WI7.10(a) and S4.5.6

or because they would be at risk of abuse or exclusion from their community due to stigma.³² This "inability to return" requirement has been criticised as an unduly high evidential threshold³³, more stringent than Australia's family violence visa provisions, which focus on the violence experienced rather than requiring applicants to prove they cannot return home. Even where a woman is from a country where gender-based discrimination and social stigma from separation are well-known, she will usually require assistance to present evidence-based country research supporting her application.

Advocate 12 highlighted the evidential burden on survivors:

"Prove that you will not be safe to go home. Prove it... Prove to us that because you're educated, you cannot survive in your home country. Prove to us that all of this violence occurred and you're not here because you just want permanent residence. Prove to us all of these things.' How can you put all of that responsibility on the survivor? All of it is a survivor's responsibility."

— Advocate 12

Her conclusion was blunt:

"It's not fair. It's not a functional process to have in place. You're saying we're giving you this to make it sound like it's a solution. It's not a solution. It's not a solution."

— Advocate 12

These evidential barriers don't just make the visa difficult to obtain—they actively discourage women from leaving violent relationships in the first place. When the pathway to safety appears more likely to result in deportation than protection, staying often becomes the rational choice, even when violence continues. The visa policy, intended to help, instead becomes another tool of entrapment.

The visa evidential requirements intersect with the Family Court or justice system in other ways too, that are not always apparent to the professionals advising women at each stage.

A final protection order is one form of evidence Immigration New Zealand will accept. But if a respondent files a notice of intention to appear and the matter proceeds to a defended hearing, it can take 12 to 18 months—sometimes longer—before a final order is made. During this time, a woman will be deemed to be in breach of her partnership-based visa because she is no longer in the relationship—irrespective of the fact that she separated due to family violence. She needs to move onto an independent visa promptly or risk deportation action being taken against her, but she cannot use the protection order as evidence until it is finalised.

Lawyers acting for either party may advise a woman to accept an undertaking from the respondent rather than pursue a final protection order. There may be a range of reasons for this—undertakings can be faster and less adversarial, he may have moved to another city or returned to his home country, or it may be part of negotiations where day-to-day care is offered in exchange for withdrawal of the protection order application. Survivors said they agreed to an undertaking without realising it was not only compromising their safety, but also compromising their family violence visa pathway by removing one of their evidential sources. This is not a decision a woman can make properly without advice that spans both systems.

Similar disconnects arise when some women seek to include their children in a residence application—an issue discussed further in the Immigration Precarity and Children Section (Section B) of this chapter.

³² WI7.10(b) and S4.5.6.

³³ Croskery-Hewitt S, *Fighting or Facilitating Family Violence? Immigration Policy and Family Violence in New Zealand* (The Michael and Suzanne Borrin Foundation, February 2023), at 135 – 136.

The result is that some women are left to reconcile two complex systems alone—systems that do not communicate with each other, operate on incompatible timeframes, and require evidence that each can inadvertently undermine.

Other countries have developed less punitive approaches. Australia, for example, allows applicants for partner visas who experience family violence during the visa application process to remain eligible for permanent residency, even if their relationship with the sponsoring partner has ended.³⁴ Critically, there is no requirement to prove an inability to return to their home country. This recognises that tying immigration status to an ongoing relationship—or imposing high evidential thresholds on traumatised women—can trap them in violent situations.

Credibility and the "Doing It for the Visa" Assumption

Beyond procedural barriers, many migrant women also face assumptions about their motivations that undermine their credibility. The assumption that protection order applications are motivated by immigration advantage rather than genuine safety concerns was raised by both survivors and advocates.

Survivor 12 described being directly accused of fabricating abuse:

"So that time even in the trial, they were asking me... 'You know you get assaulted from your partner, and that means you can get a visa in New Zealand. That's why you are making up the story'"

— Survivor 12

Survivor 19, who was on a temporary visa while her husband held permanent residency, described how this power imbalance affected her sense of credibility:

"My husband being a Permanent Resident, makes me think that nobody will understand or believe my side of the story and how he treated and threatened me."

— Survivor 19

Advocate 8 added that this accusation becomes part of the perpetrator's power and control tactics. Some clients were labelled by respondents' lawyers as fabricating claims to gain residency—an accusation that increases women's vulnerability and compounds the abuse.

Survivor 6 articulated the need for the system to understand how immigration and Family Court matters are interwoven for migrant women:

"If I'm saying to my lawyer, 'This is what I need for my visa or for myself', the lawyer needs to understand, the Judge needs to understand that these legalities are a part of an ethnic woman and they are like this. So they can't just do one side of things and not consider they're interwoven."

— Survivor 6

The misguided and, in the author's experience, wholly inaccurate assumption that the Family Violence visa category is an 'easy' route to residency that can be obtained through fabricated claims ignores the reality that leaving an abusive relationship as a migrant woman means risking

³⁴ Migration Regulations 1994 (Cth), regs 1.21, 1.23; see also Migration Amendment (Family Violence Provisions for Partner Visa Applicants) Regulations 2024 (Cth). For an overview, see Australian Government Department of Home Affairs "Family Violence Provisions".

deportation, losing financial security, navigating complex bureaucratic systems while traumatised, facing a high evidential burden, and enduring prolonged uncertainty of process and outcome—this is not a pathway anyone would choose unless they had no alternative.

Perpetrators' Pathways Versus Survivors' Precarity

The research revealed a stark disparity: perpetrators could apply to the Family Court to discharge a protection order (which would then remove an obstacle to them obtaining citizenship), while survivors faced ongoing visa insecurity long after leaving violent relationships.

Some survivors described perpetrators wanting to discharge protection orders—or have a temporary order replaced with an undertaking—so they could secure permanent residency and then citizenship. The Citizenship Act 1977 requires applicants to satisfy the Minister of Internal Affairs that they are of "good character." An undischarged protection order serves as powerful evidence against good character, making citizenship unlikely. However, a protection order can be discharged if the Family Court is satisfied that it is "no longer necessary for the protection" of the survivor.

This creates a legal avenue for perpetrators to strategically remove what would otherwise be a barrier to citizenship. Survivor 9 described her frustration:

"He played by the books to get the PPO [permanent protection order] dropped and now he can apply for citizenship. How can the DIA [Department of Internal Affairs] not pick that up, that, ok, you were in the system, like, literally a year ago."

— Survivor 9

Survivor 5 questioned why her ex-husband—against whom there were numerous police complaints—had been granted residency while she was still proving herself:

"I don't know how come if there was heaps of police complaints and everything, how come he got the residency, and I am still proving myself."

— Survivor 5

Many survivors described the ongoing immigration insecurity and financial instability they faced post-separation.

Survivor 12 applied for and obtained a family violence work visa, but it was only for six months—which made it nearly impossible to secure employment:

"With that work visa, I couldn't work in New Zealand. Wherever I go, they say they wanted at least a one year work visa to give [me] the job."

— Survivor 12

"I feel scared about the visa as it's temporary which keeps me on the edge and it's a long term struggle to be back to a normal life for me as compared to my abusive husband. He has a secure full time job, residency and place to live. It is very difficult for me to get a job on a temporary visa and further a secure place to live."

— Survivor 19

"The abuser roams free and the victim has to face so much pain/struggle."

— Survivor 19

Conclusion: Immigration Across the Family Court Journey

Immigration status is not a peripheral issue for many ethnic and migrant women experiencing family violence—it is central to their safety, their decision-making, and their ability to access justice. The family violence visa pathway—designed to provide a route to safety for victims on partner visas—has significant limitations that prevent many survivors from accessing it. The interviews with survivors and advocates reveal how immigration intersects with family violence at every stage of the Family Court journey.

Immigration and family law systems operate in harmful isolation. Family lawyers often lack immigration knowledge; immigration officers are not trained in family violence dynamics. Legal aid covers Family Court representation but not immigration advice. The result is that survivors fall through the gaps—navigating two complex systems that do not communicate, making decisions about protection orders without understanding immigration implications, and sometimes discovering too late that the orders they obtained do not meet Immigration New Zealand's visa requirements.

Equal application of the law does not always result in equitable outcomes. As stated by the Hon Robert French AC, former Chief Justice of the High Court of Australia, equality before the law is "not a guarantee of equal justice."³⁵ An empathetic and humane approach must recognise that victim-survivors of violence and exploitation in marginalised ethnic and migrant communities have inequitable access, and face significant barriers to safety, justice and humanitarian outcomes.

In both the context of family violence and the Family Court, immigration policy is able to be weaponised by perpetrators of abuse who use cultural factors as compounding tools of control and dominance over victim-survivors that prevent them from disclosing violence, leaving abusive relationships, seeking help and accessing justice. If policies and responses are blind to these factors, it is likely victim-survivors will not be supported in a compassionate, trauma-informed and culturally sensitive way—furthering their entrapment.

The current immigration policy settings reinforce vulnerability for victim-survivors of family violence who are on temporary visas. These policies need urgent review to remove as many barriers as possible to the safety and wellbeing of women and children, and to safeguard their human rights.

The fundamental injustice is clear: the very immigration dependency that enabled abuse continues to disadvantage survivors long after they have left violent relationships, while perpetrators—who created that dependency—face fewer barriers to securing their own immigration status.

Until immigration and family violence systems communicate, coordinate, and recognise each other's processes, ethnic and migrant women will continue to fall through the gaps. Immigration considerations must be integrated into family violence responses at every stage—not treated as a separate matter for women to navigate alone.

Immigration also creates specific barriers relating to children, including consent requirements for including children in visa applications and non-removal orders that can trap mothers in New Zealand. These issues are discussed in the following section.

³⁵ Robert French "Equal Justice and Cultural Diversity – The General Meets the Particular" (2015) 24 JJA 199 at 199, cited in Nightingale, above n 22, at 122.

Section B: Immigration Precarity and Children



Overview

Children are at the heart of family violence proceedings. Section 4 of the Care of Children Act 2004 states that "the welfare and best interests of the child in his or her particular circumstances must be the first and paramount consideration." This paramountcy principle is meant to guide all decision-making affecting children.

This stands in contrast to the Immigration and Protection Tribunal, where the best interests of the child are "a primary consideration" but not *the* primary or paramount consideration. This distinction is significant: in immigration proceedings affecting families, children's interests can be weighed against—and potentially outweighed by—other factors such as immigration integrity or the parent's compliance history. For children caught at the intersection of family violence and immigration, this lower threshold may mean their safety and wellbeing are afforded less protection than in Family Court proceedings concerning the same family.

The Family Court system includes mechanisms to give effect to the paramountcy principle. For example, the appointment of a lawyer for child ensures that children's views and interests are represented in proceedings that affect them. The Family Violence Act 2018 further recognises that children are particularly vulnerable to family violence—including witnessing or hearing violence—and that such exposure places them at significant risk of lasting harm to their current and future wellbeing.

Yet for children of ethnic and migrant women experiencing family violence, these protections often fail to translate into safety. The research reveals a substantial disconnect between the paramountcy principle as expressed in family law and the reality of immigration processes that operate without regard to children's welfare. Survivors and advocates consistently raised concerns about whether children's voices and needs are truly heard—not just procedurally represented—and whether, when a child's best interests lie in remaining safely in Aotearoa with their mother, immigration policy enables or obstructs that outcome.

This section examines the immigration barriers that trap children between systems, the impact on children and mothers, and the disconnect between family law's child-centred framework and immigration processes that operate in isolation from it.

Immigration Barriers Affecting Children

Parental Consent Requirements

Immigration New Zealand's operational manual requires parental consent—or a court order establishing "sole custody" with no visitation rights for the other parent—before a child can be included in a parent's visa or residence application.³⁶ In the context of family violence, this requirement gives abusive partners a tool of control that extends beyond the relationship itself. Even mothers with protection orders in place face the same consent requirements—they must still obtain consent from the very person the court has ordered to stay away from them. This exposes them to ongoing coercion, as perpetrators can withhold consent as leverage to extract concessions: demanding money, pressuring the mother to withdraw the protection order, or simply prolonging her uncertainty and insecurity as a form of continued control.

As Advocate 7 explained:

"The visa instructions say that if a woman wants to include a child on her residency application, she needs to get the permission of the perpetrator"

— Advocate 7

The instruction at R2.1.45 requires an applicant for residency to prove they have "rights of custody"—an outdated term no longer used in Family Court proceedings. The term derives from the Hague Convention and appears to have been incorporated into New Zealand's immigration policy without recognition of New Zealand family law terminology. The term "rights of custody" is defined in section 97 of the Care of Children Act 2004, but only for the purposes of implementing the Hague Convention on International Child Abduction. For domestic family law proceedings, the Care of Children Act 2004 replaced "custody" with "day-to-day care" and "access" with "contact." A parent seeking to include their child in a residence application must therefore prove a legal concept—"custody"—that the Family Court no longer uses or grants.³⁷ Immigration policy therefore requires proof of something the Family Court does not order anymore. The disconnect creates a real barrier for victim-survivors who may have parenting orders granting "day-to-day care" but no document using the word "custody."

Immigration New Zealand will accept as satisfactory evidence of custody either:³⁸

- legal documents showing that the applicant has custody of the child and the sole right to determine the place of residence of the child, without rights of visitation by the other parent
- a court order permitting the applicant to remove the child from its country of residence; or
- legal documents showing that the applicant has custody of the child and a signed statement from the other parent, witnessed in accordance with local practice or law, agreeing to allow the child to live in New Zealand if the application is approved.

A parenting order providing day-to-day care may satisfy these requirements, but only if it specifies that the parent has the sole right to determine the child's place of residence. Without family lawyers understanding the immigration requirements, this critical provision may not be sought in the parenting order application—leaving victim-survivors with orders that are adequate for Family Court purposes but insufficient for immigration purposes.

³⁶ Immigration New Zealand Operational Manual at R2.1.45 (for residence visas), E4.1 and F5.20 (for temporary entry visas including student visas).

³⁷ See Care of Children Act 2004, ss 47–48 (parenting orders providing for "day-to-day care" and "contact").

³⁸ Immigration New Zealand Operational Manual, R2.1.45(c).

These requirements assume a context of cooperative separation or formal legal processes. They do not account for family violence, where obtaining consent from an abusive ex-partner is unsafe, where court processes in the country of origin may be inaccessible or biased, or where the mother's safety depends on the perpetrator having no contact and being unable to exert coercive control.

Nor do the requirements account for the mismatch in timeframes and processes. Immigration applications operate under strict deadlines; Family Court proceedings for guardianship directions and parenting orders take 12–18 months or longer. Even when a mother does obtain Family Court orders, these may not satisfy immigration requirements. Immigration policy requires evidence of the right to determine the child's place of residence—but a standard parenting order is unlikely to include this, and a guardianship direction may not address it either, unless the family lawyer is aware of the immigration requirement and specifically seeks such an order. This requires a level of cross-jurisdictional knowledge that many family lawyers do not have, and that women navigating these systems alone cannot reasonably be expected to possess.

Survivor 21 experienced the severe time pressure this creates. She was told by the immigration officer that she had to provide evidence satisfying the consent requirement within seven days—a demand that completely ignores the reality that obtaining a court order could take well over a year. She was faced with impossible choices: withdraw her residency application and forfeit the fees she had spent; remove her children from the application, meaning they would have no option but to leave New Zealand when their visas expired; or return to her home country with them, where she would face financial hardship, stigma, and community ostracisation due to her separation.

Perpetrators have used these immigration rules as a way of continuing to exert coercive control. They have refused to give consent unless the woman or her parents pay a large sum of money, or unless she discontinues the protection order application. One advocate described situations where the mother had a residency pathway and the perpetrator did not, yet he refused to allow her to include her children in her residency application—even where she was the primary caregiver and he had little interest or ability to care for them, or where it would expose the children to safety risks if they lived with him in their home country. The refusal to consent serves no purpose other than control.

If a woman has no means to pay, or if she refuses to bargain her safety in this way, her only option is to go through an expensive guardianship proceeding—which can cost \$20,000 to \$30,000 or more. Legal aid is technically available for such proceedings, but finding a lawyer willing and able to take on this complex, time-intensive work within the constraints and low funding provided by legal aid is extremely difficult.

A mother of two primary school-aged children from a South-East Asian country had been living in New Zealand for several years with her abusive husband. The children were settled in school and thriving. After enduring years of abuse, she separated from her husband, who was on a temporary work visa scheduled to expire. Following separation, the mother had day-to-day care of the children. Her ex-partner had only very limited contact and provided no financial support. No parenting orders were in place.

The mother held a longer-term Accredited Employer Work Visa with a work-to-residency pathway. However, she could not include her children in her residence application without her ex-partner's consent—which he refused to provide. Immigration instructions required either parental consent or a legal document showing she had "sole custody of the children" with no visitation rights for the father. The children's dependent student visas were expiring at the same time as their father's visa. When the mother applied to extend the children's student visas so they could remain in New Zealand with her, she encountered the same barrier.

She faced a devastating dilemma: if she could not secure a Family Court order in time, the children would be forced to return with their abusive father; if Immigration New Zealand did not hold her applications open pending Family Court proceedings, she would lose thousands of dollars in fees

and face an uncertain immigration future; and if she gave up her residence pathway to return with her children, she would lose her career and potentially expose herself and her children to ongoing abuse. One of the children had expressed fear and safety concerns about their father to a social worker. Yet even with a protection order in place, immigration consent requirements remained unchanged.

Survivor 18's application for residency was through the family violence category. She wanted to include her children, but not all were already residents, and the children's father would not consent. She applied through legal aid for a guardianship direction from the Family Court, but was hugely concerned at the length of time this would take:

"It was a long and difficult process. I was so worried that INZ would say no, and my children would have to go back to Kiribati. This would have placed me in a terrible position as I had another child who was legally able to stay in NZ—so the family would have been forced apart. And what would I do? Stay in NZ without my children? Or go back and face poverty, discrimination, and ongoing harassment from my ex-husband? What a choice."

The immigration officer processing her application allowed Survivor 18 time to put the application on hold. With the support of a family member in Kiribati, she was able to obtain a court order from Kiribati confirming she had sole custody and the right to determine her children's place of residence. This process happened considerably faster than would have occurred under the Family Court process in New Zealand—but it required family support overseas, knowledge of the Kiribati legal system, and an immigration officer willing to exercise discretion. Not every woman has access to these resources, and outcomes should not depend on them.

The implications of the immigration rules in the context of family violence are stark:

- A mother fleeing violence cannot include her children in her residence application without her abuser's consent
- Children's dependent visas may expire at the same time as their father's visa, potentially forcing them to leave New Zealand with the abusive parent
- Family Court proceedings to obtain the necessary orders may take twelve months or more—time that Immigration New Zealand will not hold applications open for
- Even mothers with protection orders in place face the same consent requirements.

Immigration policy treats parental consent as a neutral administrative requirement, ignoring the power dynamics and safety risks in family violence contexts. Despite having day-to-day care, providing all financial support, and being the primary caregiver, a mother has no standing to make immigration decisions for her children without the consent of an abusive ex-partner who contributes nothing to their care.

Non-Removal Orders as a Tool of Control

Non-removal orders create particular vulnerabilities for many women on temporary visas. Advocate 7 described how these orders often appear unexpectedly and cause significant stress:

"Sometimes the perpetrator has said that it's all good, she can keep the children. He wouldn't put a non-removal order in place. And she feels very confident in that. And then suddenly there is one in place and she risks being deported without the children."

This is especially problematic when children are born in New Zealand. If the mother is from overseas and wants to return home with her children, or if her ability to remain in the country legally is uncertain, the perpetrator can use the order as leverage:

"If she is from overseas and she wants to take the children home with her or she doesn't have the legal ability to continue to stay as a resident at that point, the perpetrator's using that over her in the system can reinforce that perpetrator's control."

The order hangs over her as a constant threat. In these cases, the system itself reinforces the perpetrator's control, leaving women trapped and fearful, with very limited options for safety or autonomy.

The Disconnect Between Family Court and Immigration New Zealand

The Family Court operates on the principle that children's welfare is paramount. Immigration New Zealand operates on administrative requirements that treat parental consent as a neutral procedural matter. These two systems do not communicate, do not coordinate, and do not recognise each other's processes.

A Family Court judge making a parenting order may have no understanding of the immigration implications for the child. An immigration officer processing a visa application may have no understanding of the family violence context or the protective orders in place. The result is that children fall through the gaps between systems designed to protect them.

Family lawyers often lack immigration expertise, and immigration lawyers often lack family violence expertise. Without cross-disciplinary knowledge, neither can effectively advocate for children caught between these systems.

Compounding this problem is the lack of awareness of immigration requirements by family lawyers or failure by immigration lawyers and advisors to discuss the requirements with the woman's family lawyer. Without understanding what Immigration New Zealand specifically requires, a family lawyer may not seek the relevant directions from the Family Court. As a result, a survivor may go through the entire Family Court process and obtain a parenting order or guardianship direction, but still not actually satisfy the immigration rules. This means she must return to the Family Court again to obtain the specific orders required by Immigration New Zealand, creating further delay, expense, exposure to ongoing control by the perpetrator and risk of separation from her children.

The family violence visa pathway—designed to provide a route to safety for victims on partner visas—does not resolve these issues for children. A mother may be able to secure her own immigration status through the family violence visa, but her children remain trapped by consent requirements that assume cooperative co-parenting rather than abuse.

The Hague Convention Dimension

The Hague Convention on the Civil Aspects of International Child Abduction (1980) is an international treaty designed to protect children from abduction and retention across international boundaries. New Zealand is a signatory, and the Convention is given domestic effect through the Care of Children Act 2004. Applications under the Convention are heard in the Family Court.³⁹

The Convention establishes a legal framework for the prompt return of children who have been wrongfully removed from, or retained outside, their country of habitual residence. Its purpose is to restore the status quo by returning the child to the jurisdiction where custody disputes can properly be determined.

³⁹ Care of Children Act, s 101.).

Notably, not all countries are signatories to the Hague Convention. India and China, for example, are not parties to the Convention. This means the Convention's framework does not apply to children whose habitual residence is in these countries, creating a different set of considerations for families from these jurisdictions.

For migrant mothers experiencing family violence, the Hague Convention creates particular vulnerabilities. A mother who leaves an abusive relationship and remains in New Zealand with her children may face an application under the Convention for the return of the children to the country of origin. Even where family violence is present, the Convention's framework prioritises return, with limited exceptions.

A mother may therefore find herself navigating multiple Family Court proceedings simultaneously: a protection order application to secure her own safety, parenting proceedings to determine care arrangements, and a Hague Convention application seeking the return of her children to the country she fled. These proceedings operate under different legal frameworks, different evidentiary standards, and different underlying philosophies—yet all are determined by the same court, sometimes by different judges, with limited mechanisms for coordination.

The intersection of Hague Convention obligations with family violence protections presents complex challenges for courts. While the Convention includes an exception where return would expose the child to physical or psychological harm or an intolerable situation, this exception is narrowly interpreted. Mothers must meet a high evidentiary threshold to establish that return would be harmful, often in circumstances where documentation of abuse is limited or where the family violence occurred in a jurisdiction with fewer protections. The standard required to resist return under the Hague Convention is significantly higher than the standard for obtaining a protection order under the Family Violence Act 2018—meaning a mother may succeed in proving family violence sufficient to warrant protection in New Zealand, yet still face an order returning her children to the jurisdiction where the violence occurred.

For migrant and ethnic mothers, the Hague Convention and immigration consent requirements can become tools through which an abusive ex-partner exercises control. The threat of a Hague application—or the actuality of one—can force mothers to choose between their own safety and remaining with their children. Where a mother's immigration status is also precarious, she may face the impossible choice of returning to a country where she has no safety, or remaining in New Zealand and losing her children.

When the System Works

One advocate described a case in which the court responded effectively to a specific and serious risk facing a migrant family. Her client's children had visas that were about to expire, and the perpetrator was threatening to renew their passports in their country of birth as a means of taking them out of New Zealand. Recognising this risk, the court authorised the Lawyer for Child to retain the children's identity documents during proceedings, preventing the perpetrator from completing the removal process. This example illustrates how, when the court is alert to the particular vulnerabilities of migrant families and uses the legal tools available to it, meaningful protection is possible. It also points to what good practice can look like — a court that identifies risk early, responds decisively, and keeps the safety of children and their primary caregiver at the centre of its decisions.

In Survivor 18's case, the immigration officer processing her application allowed her time to put the application on hold while she pursued a guardianship order. This gave her the opportunity to obtain a court order from Kiribati confirming she had sole custody and the right to determine her children's place of residence—a process that happened considerably faster than would have occurred under the Family Court process in New Zealand.

These examples demonstrate what is possible when professionals understand both the family

violence dynamics and the immigration context. But such outcomes should not depend on individual initiative or discretion—they should be standard practice. In other instances, immigration officers have placed pressure on women to withdraw their residency applications or remove their children from the application where they cannot obtain the father's consent or have a court proceeding conclude imminently. The author is aware of one case where an officer asked a woman to provide the requisite evidence under R2.1.45 within two weeks—despite being told that obtaining a guardianship direction would take around 18 months. The disparity between these experiences illustrates a fundamental problem: outcomes depend on the individual officer's understanding and willingness to exercise discretion, not on consistent policy that recognises the realities of family violence.

Conclusion: Children Caught Between Systems

The paramountcy principle—that children's welfare and best interests must be the first and paramount consideration—rings hollow when immigration processes operate without regard to it. Children of ethnic and migrant women experiencing family violence are caught between systems that do not talk to each other, do not consider their safety, and do not hear their voices.

Even when mothers hold independent work visas and residence pathways, their children remain trapped by their abuser's immigration control. This is not a gap in the law—it is a failure of implementation, coordination, and basic regard for children's safety.

The framework exists in family law. The Care of Children Act is clear. What is missing is recognition by Immigration New Zealand that its policies and processes must also give effect to children's best interests—particularly when those children are caught in the intersection of family violence and immigration precarity.

The courts must balance New Zealand's international obligations under the Hague Convention with the paramountcy principle and the recognition in the Family Violence Act that children are victims of family violence in their own right. This balance is not always struck in favour of children's safety. Further consideration is needed of how the Convention's operation in family violence contexts, and immigration consent requirements more broadly, can better protect children and their mothers from ongoing harm.


The Family Court and Immigration New Zealand must find ways to communicate. Practical steps could include:

- Immigration officers trained in family violence dynamics and the implications of protection orders
- Family lawyers trained in immigration pathways and consent requirements
- Protocols for information sharing between agencies in family violence cases
- Immigration instructions amended to recognise family violence contexts and provide alternative pathways where consent cannot safely be obtained
- Alignment of timeframes so that Family Court proceedings do not result in lost immigration applications

In addition, the interaction between guardianship consent requirements and family violence protections requires urgent review. Where a protection order is in place, existing consent requirements can create an impasse that leaves children and primary caregivers in prolonged uncertainty. This tension between guardianship rights and protection from family violence requires careful consideration by policymakers and legal experts, and we recommend it be examined as a matter of urgency — including whether existing court powers could provide a pathway where consent cannot safely be obtained.

Section C:

Structural Gaps Across the Legal System



The barriers ethnic and migrant women face in the Family Court are not solely the product of individual failings or resource constraints. They reflect deeper systemic gaps in the legal system's capacity to respond to cultural diversity, language needs, and the intersection of family violence with immigration. Drawing on the insights from survivors and advocates documented throughout this report, this section examines the structural deficiencies that underpin the experiences documented throughout this report: interpreter services, judicial and legal education, cross-sector coordination, cultural competency, and trauma-informed practice.

Interpreters

Access to qualified interpreting services is a cornerstone of procedural fairness in New Zealand's family violence and child protection proceedings. High-quality interpretation ensures that all parties, especially individuals with limited English proficiency, can understand and participate effectively in the judicial process. Interpreters perform far more than literal language translation: they enable full comprehension of complex legal concepts, procedural dialogue, and witness testimony. Competent interpretation directly protects fair trial rights under the New Zealand Bill of Rights Act 1990, guaranteeing that all parties can engage meaningfully with the justice process.

The framework for a quality, trusted interpretation service in Family Court proceedings exists. Since July 2024, all public sector interpreters—including those serving in the Family Court—must hold NAATI certification under the Language Assistance Services (LAS) Programme. Parties requiring interpreting assistance may request an interpreter by notifying the court at least ten working days before a scheduled hearing, and may indicate preferences such as the interpreter's gender. The New Zealand Society of Translators and Interpreters (NZSTI), representing more than 700 professionals, maintains Codes of Ethics and Conduct anchored in accuracy, confidentiality, professionalism, and self-correction.

However, interviews with survivors and advocates disclosed problems with implementation: inconsistent access to interpreter services, limited funding, inconsistent quality of interpretation, and concerns about trust and confidentiality—particularly in small ethnic communities where interpreters may be known to the parties.

Family Court Interpreter Use

Data released by the Ministry of Justice in August 2025 reveals that between 2021 and May 2025, there were 4,135 interpreter bookings directed or approved by the court for Family Court proceedings—a number that more than doubled from 522 in 2022 to 1,136 in 2023 and continued rising to 1,215 in 2024. Over 80 distinct languages were recorded, with Mandarin (977 bookings), Punjabi (321), Tongan (219), Samoan (191), and Hindi (175) the most requested. Greater Auckland accounted for 71% of all bookings, reflecting migrant settlement patterns. The Ministry advised that it only records requests that were approved—not those declined, delayed, or unfulfilled. This means the data may not accurately capture the extent of the need for interpretation services in the Family Court.

Accessing Interpreters

Parties requiring interpreting assistance must notify the court at least ten working days before the scheduled hearing, and may indicate preferences such as the interpreter's gender. However, survivors in this research described inconsistent access to—and awareness of—interpreter services.

Some were never told they could request an interpreter:

"[No one at court] ask[ed] me if you want a translator or interpreter or there wasn't anything like that at all."

— Survivor 1

Others struggled without one, acutely aware of how language barriers affected their ability to be understood:

"More access to interpreters... that's huge because language, if you don't fully understand what's going on... that is the big issue for me at the time. Language... I could understand mostly what they're saying but I couldn't speak back."

— Survivor 8

"He's a good speaker. So, yeah, that part made me so sad. What if I said [my evidence] perfect? What if I can speak English perfectly? Probably they [the court] understand me so well."

— Survivor 8

In some cases, it was the Judge—not the lawyer—who suggested an interpreter:

"The third time I went to Court... when I met my Judge [they suggested] to me an interpreter. [Not my lawyer, but the Judge suggested]... She [the interpreter] explained everything to me... I felt very comfortable with her... [Nobody before then asked if I wanted an interpreter]."

— Survivor 8

In contrast, one survivor described a positive experience where an interpreter was proactively offered:

"I remember that before the very serious conversation [the community immigration lawyer] initiated with me and [asked] an interpreter for me. Yeah, I said I don't really need but [they] still asked the interpreter. That's very nice and professional, really helpful."

— Survivor 7

Advocates confirmed that proactive interpreter provision is not standard practice. One advocate emphasised the importance of ensuring interpreters are present for every meeting: "Language is a massive barrier" (Advocate 9). Advocate 9 also noted the challenge of finding lawyers who both speak relevant languages and understand family violence dynamics.

Interpreters are frequently assigned on short notice, with little access to case materials or preparatory time, despite the cognitive intensity of family violence matters. Without pre-hearing briefings, interpreters may lack crucial context about relationships, cultural sensitivities, or subject matter. Courtroom logistics exacerbate these difficulties: inadequate acoustics, restricted sightlines,

and judges and lawyers speaking for extended periods without pauses force simultaneous summarising interpretation that introduces distortion into the legal record.

Legal Aid Constraints

Legal aid funding for interpreters is severely limited, creating practical barriers to adequate language support throughout proceedings:

"Legal aid is really limited, you get \$620 to get a protection order for a client. Lawyers can spend many hours on that first affidavit getting it right... Legal aid needs to be increased for FV cases and it takes much longer for clients from other cultures. Funding for interpreters for the whole case to a defended hearing is only \$400, about 3 hours. It is not enough."

— Advocate 11

Advocates described the administrative burden of seeking interpreter funding through legal aid amendments, and the impossible choices this creates. As one advocate observed:

"Need interpreters for every meeting and court appearance for some, can be challenging. Legal aid interpreter limits unhelpful"

— Advocate 4

Quality, Trust and Concerns about Confidentiality

Culturally specific values such as the importance of "saving face" add interpretive complexity and can affect a person's willingness to disclose sensitive information. This makes cultural awareness essential for maintaining accuracy and trust. Migrant women, alongside Māori and Pasifika, are particularly vulnerable when interpreters lack training in tikanga, gender-based violence dynamics, or trauma-informed communication. As one advocate noted: *"Issues with interpreters in the court system—they don't get enough family violence, sexual violence training"* (Advocate 8). Ongoing cultural-competence training is therefore crucial to complement linguistic precision.

The precision and integrity of court interpretation are vital to the administration of justice. In family violence proceedings, interpretation errors not only distort evidence but can also jeopardise personal safety, undermine procedural fairness, and corrode trust in judicial outcomes. Advocates note that when no one else in the room speaks the language, inappropriate additions or omissions can go entirely unchallenged:

"And our interpreters—that needs to improve dramatically. That's a real, real problem... I have serious doubts about the quality that you can get and there's nothing you can do."

— Advocate 3

Accuracy in interpreting depends on cultural literacy as much as linguistic skill. Interpreters must navigate subtle cues, tone, idioms, politeness markers, and non-verbal signals, while conveying meaning faithfully. Dialectical variations (for example, Fijian Hindi versus Standard Hindi, or Mandarin versus Cantonese) increase the likelihood of technically accurate yet contextually distorted translation. One interpreter with extensive Family Court experience noted:

"Court assumes that Punjabi is the only language in India... Within Hindi also there are 7 to 10 different ways people speak... That is one of the biggest problems everywhere I have seen—that they do not book the person with the right skills."

— Advocate 5

For some ethnic groups, the interpreter pool is extremely small, creating additional dynamics:

"Interpretation is art and dealing with law words. For some ethnic groups a small pool of interpreters, there may also be dynamics—for women feeling judgement from her own culture, interpreters may know family even remotely and things may be interpreted in different way, male interpreter may mean woman won't talk at all. Dynamics can be problematic."

— Advocate 3

Confidentiality was raised as a major concern, particularly in small or close-knit migrant communities. Survivors may withhold critical information if they distrust or personally know the interpreter, fearing their information will be circulated back. Moreover, inaccurate interpretation—or interpretation coloured by an interpreter's bias—can undermine the purpose of proceedings.

One advocate described a case where an interpreter actively harmed a survivor's case:

"Difficult to find interpreters for some language groups—example, client got a male from her community with misogynistic views and who misinformed her during the court proceeding."

— Advocate 7

The advocate, who spoke the same language, was able to intervene—but without her presence, the judge would have had no way of knowing the interpreter was misrepresenting the process. She noted that the woman also feared her information would go back to her community, and that hearings sometimes proceed without interpreters rather than wait for one to become available.

The presence of an interpreter does not guarantee meaningful participation if lawyers fail to engage appropriately. One interpreter observed that lawyers sometimes speak only to the interpreter rather than addressing the client directly—undermining the woman's dignity and sense of agency:

"He's talking to me. She understood basic English... not a mana-enhancing experience for a woman, looking at her and talking to me. He was not really acknowledging her presence."

— Advocate 5

Interpreters themselves may face gendered hostility in the courtroom:

"The husband kept on saying, 'I'm not working with the woman'... And his lawyer, he stood there, he said nothing... This bullying, this is an ingrained male-dominating attitude. They bring it. And my understanding is... New Zealand people or the lawyers, they need to know how to handle it just because they're your clients."

— Advocate 5

New Zealand currently lacks a comprehensive national register of court interpreters, impeding efforts to align interpreter expertise with the complex and sensitive needs of family violence proceedings. This absence particularly affects migrant and refugee victims, who face an elevated risk of retraumatisation and miscommunication when seeking protection or custody orders.

The gap between what interpreters are formally engaged to do and what clients actually need can leave women without essential information:

"She was like, what happens now? What happens to my visa?... And the lawyer was lost... He just left me, 'Oh, can you just tell her, I don't have time now.'"

— Advocate 5

"Finally I said to him, can you tell her what we are doing?... If you don't tell her, she's scared, she's stressed. And sometimes, you know, language is the biggest barrier if you ask me."

— Advocate 5

These accounts illustrate that interpreters are often drawn into roles beyond linguistic transfer—providing emotional support, bridging information gaps, and advocating for basic explanations—because the system does not ensure that clients receive the information and support they need.

Conclusion

Access to professional interpreters and the assurance of interpreting quality are fundamental to the fairness, safety, and credibility of family violence proceedings. The OIA data shows that while interpreter bookings have increased significantly—more than doubling between 2022 and 2023—the numbers remain modest relative to the linguistic diversity of Family Court users. Survivors and advocates continue to raise concerns about inconsistent access, inadequate quality, and the absence of trauma-informed, culturally competent interpretation. Although policy frameworks establish important foundations, the gap between standards and implementation remains wide.

The framework for a quality, trusted interpretation service exists. What is missing is implementation: legal aid funding that is seamless rather than capped and contested; professional standards that are consistently adhered to; and the reassurances survivors need to trust that interpretation will be accurate, confidential, and safe." A truly just system must recognise that interpreting is not a procedural formality but a substantive right, essential for upholding the integrity of evidence and protecting vulnerable court users.

Judicial Education

In response to an inquiry about what cultural awareness training Family Court judges receive regarding family violence in relation to ethnic and migrant communities, Principal Family Court Judge Jacquelyn Moran advised in July 2025 that training may come from a range of sources:

- Online bench book guidance that includes content on family violence in ethnic migrant communities, covering barriers to seeking help, types of abuse (such as threats targeting a victim's vulnerable immigration status), and other considerations judges should be aware of
- Face-to-face facilitated training over four days on diversity, equity, and inclusion, provided by Te Kura Kaiwhakawā/Institute of Judicial Studies, which explores unconscious bias, encourages diversity of thought, and addresses barriers conventional practice presents to courts receiving "best evidence" including in family violence cases
- Local initiatives where service providers or advocacy groups (such as Shama) meet with judges and/or court staff to educate them about their work in communities
- Peer discussions in common rooms, where judges may share experiences about working with interpreters, alternative arrangements for giving evidence, or cases involving dowry-related violence
- Self-directed research judges undertake in preparation for individual cases

This response indicates that training opportunities exist. However, the survivor and advocate accounts in this research suggest a significant gap between the availability of training and consistent, embedded practice. Training that is optional, self-directed, or dependent on local initiative cannot ensure that every ethnic and migrant woman appearing in the Family Court encounters a judge, lawyer, or court staff member who understands her context.

The content of New Zealand's Family Court bench books—the reference manuals that guide judicial decision-making—is not publicly available. Unlike comparable resources in other Commonwealth jurisdictions, New Zealand's bench books cannot be accessed by researchers, legal practitioners, or the public. Forensic psychology researcher Nina Harding has noted that she has obtained copies of domestic violence bench books for family courts in the United States, the United Kingdom, Canada, Australia, and Commonwealth East Africa—but has never seen the New Zealand equivalent: "I don't know who prepared it, what it contains, or how its contents were selected."⁴⁰ As she observes, bench books in New Zealand "are secret, available only to judges. They could be hopelessly outdated or full of misinformation, and there would be no way for experts, legislators, lawyers, or the public to know."⁴¹ This lack of transparency makes it impossible to independently assess whether bench book guidance reflects current research on family violence dynamics, trauma-informed practice, or the particular needs of ethnic and migrant communities. Bench books have the potential to embed best practice and challenge misconceptions—or to entrench myths and outdated approaches. Without transparency, there is no mechanism for external scrutiny or accountability regarding the guidance that shapes judicial understanding of family violence.

Legal Profession Training Gaps

Training for family lawyers is available through continuing legal education (CLE) programmes, webinars and conferences offered by the New Zealand Law Society, the New Zealand Bar Association, The Law Association and private CLE providers. The Family Law Section of the New Zealand Law Society and the Family Law Bar Association also provide professional development opportunities for practitioners in this area.

However, unlike the structured judicial education described above, there is no mandatory requirement for family lawyers to undertake training in cultural competence, family violence dynamics, or trauma-informed practice. Continuing professional development (CPD) requirements set minimum hours of learning but do not prescribe content areas. A family lawyer may practise for an entire career without undertaking any training specific to the needs of migrant, ethnic, or refugee clients, or to the dynamics of family violence.

The survivor and advocate accounts in this research suggest that many family lawyers lack the knowledge and skills to work effectively with ethnic and migrant women experiencing family violence. This is not a reflection on individual lawyers but on a system that does not require or incentivise this learning. Without mandatory training requirements—or at minimum, strongly encouraged pathways with recognition for completion—the gap between what the legal framework requires and what lawyers are equipped to deliver will persist.

Cross-Sector Education Gaps

The immigration and Family Court systems operate in silos, and the professionals who work within each system are not always aware of how the other operates. Family lawyers often lack immigration expertise, and immigration lawyers often lack family violence expertise. Without cross-disciplinary knowledge, neither can effectively advocate for women caught between these systems.

⁴⁰ Nina Harding "Secret court manuals shroud justice in secrecy" Newsroom (16 November 2023).

⁴¹ Above n 38.

Compounding this problem is the lack of communication between immigration lawyers or advisers and family lawyers. Without understanding what Immigration New Zealand specifically requires, a family lawyer may not seek the relevant directions from the Family Court. As a result, a survivor may go through the entire Family Court process and obtain a parenting order or guardianship direction, but still not actually satisfy the immigration rules. This means she must return to the Family Court again to obtain the specific orders required by Immigration New Zealand, creating further delay, expense, exposure to ongoing control by the perpetrator, and risk of separation from her children.

There is currently no structured training that equips family lawyers to understand immigration pathways, or immigration advisers to understand family violence dynamics and Family Court processes. This gap leaves women to navigate the intersection themselves—often while traumatised, isolated, and under time pressure.

Cultural Competency and Western Worldview

The Legal Framework

The legal framework for culturally appropriate responses to family violence already exists in New Zealand law. Section 4 of the Family Violence Act 2018 sets out fourteen guiding principles, including that "responses to family violence should be culturally appropriate." The Act explicitly recognises that decision-makers should consider that "other factors (for example, all or any of disability, health condition, and old age) may mean that people are particularly vulnerable to family violence"—language broad enough to encompass the structural and cultural barriers faced by migrant, ethnic, and refugee women.

Similarly, section 4(1) of the Care of Children Act 2004 provides that the welfare and best interests of a child "in his or her particular circumstances" must be the first and paramount consideration. This language—"particular circumstances"—invites and requires decision-makers to see the whole child, including their cultural context, family situation, and the specific dynamics affecting their safety.

What "Culturally Appropriate" Requires

The principle that responses to family violence should be culturally appropriate has several implications:

- Cultural factors may influence how victims perceive and respond to family violence and may therefore inhibit help-seeking behaviour
- A nuanced understanding of different cultural contexts is required, including how they may influence family dynamics and appropriate responses
- Cultural competence, awareness, and sensitivity to cultural barriers are needed to ensure access to justice and safety
- There may be a role for cultural advisors and culturally-specific service providers in cases involving survivors from these communities
- Courts should consider cultural factors when making decisions in family violence cases

Western Assumptions About Safety and Independence

Advocates described how mainstream responses often ignore the broader cultural and relational context of ethnic women's lives. Western assumptions about safety, independence, and appropriate responses to violence can lead to prescriptive advice that ignores cultural realities.

One advocate described a referral where the first thing the woman said was: "I don't want to get a divorce." The woman had been repeatedly advised by professionals to leave her marriage, without consideration of the social and family consequences in her cultural context:

"Apparently she had many people advising her to get a divorce, not really understanding the social impact and the family impact."

— Advocate 15

The woman believed divorce was her only option, so she stayed in the abusive relationship rather than seek other solutions. The violence escalated. When she finally sought advice, the advocate stressed that her role was not to push divorce but to support the woman's choices:

"I told her, I'm not here to ask you to get a divorce. I'm here to support you—maintain your relationship if possible."

— Advocate 15

This example illustrates how Western assumptions about independence and safety can lead to prescriptive advice that ignores cultural realities. Professionals should prioritise informed consent and options, ensuring women understand their rights while respecting their values and circumstances.

One-Size-Fits-All Approaches

Another advocate shared an example of how applying a Western approach without cultural understanding can cause harm. A program that successfully involved whānau and community in Māori contexts was proposed for ethnic communities. The advocate warned that this would be damaging because, in many cultures, issues like family challenges are kept private to avoid stigma:

"If you involve the community in our culture, you are completely damaging this family forever... The same experiment that worked for one community will become a complete disaster in another."

— Advocate 15

This example shows how failing to consider cultural norms and community dynamics can lead to interventions that increase harm rather than support.

Trauma-Informed Practice

The Relevance of Trauma-Informed Approaches

Cultural humility alone is not sufficient. Professionals working with survivors of family violence must also understand how trauma can affect behaviour, communication, and a person's engagement with legal processes.

While a full discussion about the potential impacts of trauma is outside the scope of this report, research summarised by Te Pou notes for example that trauma can result in:⁴²

- Difficulty trusting, making it hard to establish close relationships
- Negatively affected cognitive abilities
- Undermined sense of safety causing counterproductive behaviour in an effort to regain control over their environment (such behaviour could include self-harm, defiance, and aggression)
- Hypervigilance and fearfulness
- Physical pain or illness symptoms
- Emotional numbing, feeling detached
- Freezing when there is a present or perceived danger

For ethnic and migrant women, these trauma responses may be compounded by cultural factors—such as shame, deference to authority, or unfamiliarity with adversarial legal processes—that can be misinterpreted as lack of credibility or inconsistency.

As Holly Hedley notes in a recent article on trauma-informed legal practice for Aotearoa New Zealand:⁴³

“Such [trauma] reactions clearly have the potential to impede a client's ability to fully engage with their lawyer or with the legal process generally. Some (such as hostility, emotional detachment or difficulty making decisions) can also easily be misinterpreted to a client's detriment throughout a legal process.”

What is a Trauma-Informed approach?

The commonly used "four Rs" framework for trauma informed approaches, developed by the Substance Abuse and Mental Health Services Administration (SAMHSA), provides a useful foundation for describing the goals of trauma-informed practice.⁴⁴ That is, to:

- **Realise** the widespread impact of trauma and understand potential paths for recovery
- **Recognise** the signs and symptoms of trauma in clients, families, staff, and others involved with the system
- **Respond** by fully integrating knowledge about trauma into policies, procedures, and practices
- **Resist re-traumatisation** by actively seeking to avoid practices that may cause further harm.

⁴²Te Pou o te Whakaaro Nui, *Trauma-informed care: Literature scan* (Te Pou, 2018).

⁴³ Hedley H, *An introduction to trauma-informed legal practice for Aotearoa New Zealand*, [2025] NZLJ 113 at 116.

⁴⁴ SAMHSA, *SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach*, (HHS Publication No. (SMA) 14-4884, July 2014).

While influential, the SAMSHA framework is far from the only conceptualisation of trauma-informed approach, and over time, and in the New Zealand context in particular, more nuanced elements have been discussed. In a literature review by Te Pou for example, a fifth R—Reflection—was discussed, emphasising the need to reflect on one's own biases, trauma histories, and organisational culture to understand how these might promote recovery or create barriers.⁴⁵ In the context of family violence too, the need for structural trauma awareness, such as with sexism and racism and an understanding of the impacts of historical trauma are also particularly relevant.⁴⁶

Trauma-Informed Practice in the Aotearoa Context

In the Aotearoa New Zealand context, the importance of Te Tiriti and the need to develop Māori-centred indigenous trauma-informed models must also be emphasised. The Royal Commission of Inquiry into Abuse in Care, when discussing what it means to be trauma-informed, said that “[t]rauma has neurological, biological, psychological, spiritual, social and cultural impacts”⁴⁷ and:

“Anyone working with survivors must be sensitive to the impacts of trauma and not do further harm. The trauma informed approach asks what has happened to someone, not what is wrong with them. A trauma-informed approach for Māori in particular would need to be supportive of whānau, hapū, iwi and hāpori, or communities, consider intergenerational and historical trauma, and recognise and provide for a te ao Māori worldview and Māori healing concepts.”⁴⁸

For ethnic and migrant women, a parallel need exists: trauma-informed practice must be culturally informed, recognising that trauma may present differently across cultures and that responses must be tailored accordingly.⁴⁹

Trauma-informed Practice for Lawyers

In her discussion on trauma informed legal practice in New Zealand, Hedley notes that while trauma-informed approaches have gained increasing recognition in health and social fields, discussions about trauma-informed legal practice remain “at an early stage and, for the most part... largely in the abstract.”⁵⁰ Yet the relevance of trauma informed practice within legal services, and in situations of family violence in particular is clear. As Hedley describes, lawyers in such situations frequently ask deeply personal questions and require people to re-tell, explain, and discuss traumatic events in detail, often almost immediately and in time-pressured environments.

Elements of the Court process itself can also have a traumatic impact for those involved, as Advocate 8 explained:

“It is traumatic and so scary just going to the court and seeing so many people in police clothes... imagine they are going somewhere that any time they might see the perpetrator or family of the perpetrator. Heartbeat, flashback, trauma—it’s double scary for our community.”

– Advocate 8

⁴⁵ Te Pou, *Trauma-informed approach: An update of the literature* (Te Pou, September 2024) at 14, citing Sinko L and others, *It takes more than rainbows: Supporting sexual and gender minority patients with trauma-informed cancer care* (2024) 130 *Cancer* 507.

⁴⁶ Above n 41.

⁴⁷ Royal Commission of Inquiry into Abuse in Care *He Purapura Ora, he Māra Tipu: From Redress to Pūretumu Torowhānui* (December 2021) at 68.

⁴⁸ Above.

⁴⁹ SAMHSA's six principles for trauma-informed practice include “Cultural, Historical, and Gender Issues,” recognising that services must be culturally responsive and address historical trauma: SAMHSA, above n 40.

⁵⁰ Above n 39 at 113

For the court room context, Judith Herman's observation is apt: "if one set out intentionally to design a system for provoking symptoms of traumatic stress disorder, it might look very much like a court of law."⁵¹

Operationalising trauma-informed legal practice

While relatively new, the principles and importance of a trauma-informed approach have increasingly begun to be recognised in New Zealand. Hedley's article highlights several examples where trauma informed approaches have been used in legal contexts, and in the recently updated Solicitor General's Prosecution Guidelines a trauma informed approach has been both defined and recommended. The Guidelines in fact expressly state that:⁵²

"Prosecutors should use their best efforts to follow a trauma informed approach, and recognise that victims may have experienced multiple forms of trauma. This includes trauma from the crime itself, trauma from their injuries or losses, trauma from their involvement in the criminal justice process and other forms of pre existing trauma that may affect their experience in the criminal justice process."

Learning to apply a trauma-informed approach can therefore arguably be considered a necessary professional competence for lawyers, but many of the survivor and advocate accounts in this research suggest that lawyers may be lacking in the knowledge or skills they need to recognise where trauma may be at play, or to take effective steps to ameliorate the traumatic impact of the legal process for those they serve.

Importantly too, in addition to serving their clients, trauma informed legal practice can also support lawyers (or other legal workers) to identify and take steps to address the impacts of stress and trauma for themselves. There is, as Te Miha puts it:⁵³

"... a growing body of literature documenting the benefits of adopting a trauma-informed organisational approach to wellbeing that normalises the secondary effects of working with trauma as an occupational risk, rather than a personal inadequacy ..."

In this way and as Hedley puts it "becoming trauma-informed can be seen not only as a professional competency for individual lawyers, but as a health and safety imperative for the profession".⁵⁴

However, there is a lack of New Zealand specific resources and training in trauma informed legal practice and further work is required to help translate what are "so far predominately academic and policy discussions [about trauma-informed legal practice] into the every-day work of the legal profession".⁵⁵ Embedding trauma-informed learning and practice takes time and resources—both of which, this research suggests, are already stretched thin for family lawyers and others working in this area in New Zealand.

⁵¹ Herman J, "Justice from the victim's perspective"(2005) 11(5) Violence Against Women at 574, cited in Hedley above n 39 at 116.

⁵² The Solicitor-General's Prosecution Guidelines, *Victims*, (January 2025), at 13 – 14.

⁵³ Te Miha T *Justice, at what cost? Exploring the Lived Experiences of Female Crown Prosecutors Working with Sexual Violence Trauma in New Zealand's Criminal Law* (Master's Thesis, Victoria University of Wellington, 2023) at 93.

⁵⁴ Above n 39 at 117.

⁵⁵ Above.

Conclusion: Foundational Barriers to Justice

The systemic gaps documented in this section—in interpreter services, judicial and legal education, cross-sector coordination, cultural competency, and trauma-informed practice—are not peripheral concerns. They are foundational barriers that undermine the Family Court's capacity to deliver justice for ethnic and migrant women experiencing family violence.

Cultural humility and trauma-informed practice are not optional extras. They are required by the legal framework and essential for justice. The Family Violence Act principles demand culturally appropriate responses. The Care of Children Act requires decision-makers to consider a child's "particular circumstances." Trauma-informed practice principles are increasingly recognised in New Zealand legal contexts and provide a pathway for professionals to understand how their clients' behaviour and communication may be shaped by experiences of violence or other traumatic circumstances.

The gap is implementation. Some training exists but is inconsistent. Understanding exists but is not embedded. The system sees cases, not people. For ethnic and migrant women, this gap is not an inconvenience—it is a barrier to safety and justice.

The New Zealand Bill of Rights Act guarantees the right to interpretation. Yet what is missing is the consistent, embedded implementation of these requirements in everyday practice.

Addressing these gaps requires more than additional training or resources—though both are needed. It requires a fundamental reorientation of how the legal system understands and responds to the needs of ethnic and migrant women. Until that reorientation occurs, the barriers documented throughout this report will persist, and the promise of equal access to justice will remain unfulfilled for some of the most vulnerable members of our community.



Chapter 5

Recommendations for Creating Pathways to Safety and Justice in the Family Court for Ethnic and Migrant Women and Children Survivors of Family Violence

This chapter presents recommendations derived from the synthesis of survivor narratives, advocate insights, and systemic analysis. The findings are also informed by a discovery workshop (see Annexure III) with advocates including an immigration lawyer, staff from family violence and sexual violence agencies, family lawyers, counsellors and social workers, and policy advisors and researchers; a summary of that workshop discussion is provided in the annexure.

The recommendations draw on findings across all stages of the Family Court journey—from pre-court experiences through protection order applications, parenting proceedings, and post-order safety—as well as cross-cutting issues identified throughout this research: children's experiences and representation, immigration and visa vulnerability, interpreter access and quality, judicial and lawyer education, cross-sector coordination gaps, and the need for culturally competent, trauma-informed practice.

What Survivors and Advocates Identified



Across survivor interviews, advocate consultations, and the discovery workshop, a consistent picture emerged: the current system largely fails ethnic and migrant women in three fundamental ways.

The system does not see them as individuals

Survivors described being treated as "just another file"—their cultural context ignored, their vulnerability as abuse victims unacknowledged, their immigration fears dismissed. Court processes designed for protection instead isolated women from their communities, reinforced gendered hierarchies, and failed to recognise coercive control, particularly where abuse was non-physical, culturally specific, or linked to visa status. As one advocate observed: "If we could see the person in front of us—not just a legal problem—we'd get it right more often."

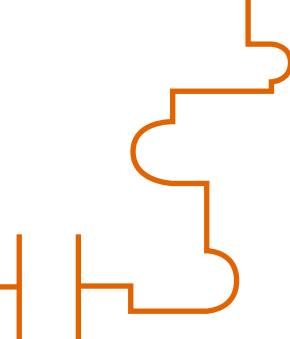
The system is fragmented

Women navigating family violence are simultaneously navigating family law, immigration, housing, income support, and child safety—yet these systems operate in silos. Survivors described telling their stories repeatedly to different agencies, missing critical deadlines because one system did not communicate with another, and ultimately often giving up because the maze was too complex. Support often ended the moment a court order was issued, leaving women vulnerable to ongoing harassment with no follow-up or coordinated post-order support.

Immigration precarity undermines safety at every turn

For women on partnership visas, immigration status is not a separate issue from safety—it is central to it. Perpetrators weaponise visa dependency, threaten deportation, withhold documents, and manipulate immigration processes as tools of coercive control. Women feared that leaving would mean deportation and separation from their children. The family violence visa pathway, while intended to help, imposes evidentiary requirements for mothers that assume cooperative separation rather than the realities of abuse.

Universal Needs



From these sources, ten universal needs emerged—the foundational requirements for a family violence response that ensures ethnic and migrant women can safely leave violent relationships, navigate the legal system, and rebuild their lives.

1

Information that reaches women where they are

online, through trusted community channels, addressing migrant-specific questions, accessible even when technology is monitored, and leading to a known, central place for help rather than a maze of agencies.

2

Time

legal aid funding that reflects actual complexity, contracts that allow wraparound support rather than crisis intervention only, and court scheduling that accommodates interpreted proceedings.

3

Training that is ongoing, specific, and accountable

not one-off workshops, but mandatory continuing education embedded in accountability mechanisms for judges, lawyers, interpreters, and court staff.

4

Interpreters who are trained, available, and safe

at every meeting with lawyers, not just court appearances; trained in family violence dynamics; and selected with consideration for community dynamics and gender.

5

Cultural evidence as standard practice

lawyers trained to gather and present it, cultural and structural impact statements as standard components of affidavits, and judicial education on how to interpret and apply it.

6

Integration across systems

family lawyers with immigration knowledge, Immigration NZ processes aligned with Family Court timeframes, information sharing between agencies, and a coordinator model so women are not left to navigate alone.

7

A survivor-centred approach that preserves autonomy

women deciding who leads their support, services designed around the woman's journey rather than agency structures, and respect for women's decisions even when professionals might advise differently.

8

Safe spaces—physical and relational

separate waiting areas, professionals who respond with empathy rather than administrative detachment, and processes that do not require women to repeatedly recount trauma.

9

Children recognised as victims in their own right

Lawyer for Child trained in family violence dynamics, where visa precarity is an issue the paramountcy principle actively applied to each child in their particular circumstances, and recognition that a mother's safety and a child's wellbeing are deeply interconnected.

10

Immigration security as a foundation for safety

a family violence visa pathway that is flexible and timely, work visas of sufficient duration, trauma-informed immigration processes, and an end to the use of immigration status as a tool of coercive control.

Workshop participants were emphatic: these solutions are not utopian. They do not require wholesale system redesign. They require attention to implementation gaps, adequate resourcing, sustained training, and a commitment to see ethnic and migrant women as whole people navigating intersecting systems. The principle that emerged most strongly was this:

"Everyone in every role has something they can do at every step."

Achieving this will also require survivors, non-lawyer advocates, and support people to develop a clearer understanding of the role of the Lawyer for Child and the court's commitment to procedural fairness — so that all parties can engage with the system with realistic expectations and greater confidence.

Recommendations for Systemic Reform



The recommendations that follow translate these needs into specific, actionable changes. They are organised by areas of implementation—community, sector, and institutional—across short-term (0–12 months), medium-term (12–36 months), and long-term (36+ months) horizons.

Reference	Recommendation	Responsibility	Timeline
1. Information and Early Intervention			
1.1	Establish multilingual information hub including website and helpline, and in-person access points, providing clear pathways to legal, immigration, and support services, with content available in the languages most needed in Family Court proceedings and trained multilingual operators.	MoJ (lead), MBIE, MSD	Short-term
1.2	Implement community visibility campaign distributing multilingual materials through schools, community centres, places of worship, libraries, and health settings.	Community orgs (lead), MoJ, Councils	Short-term
1.3	Produce video resources explaining Family Court processes in plain language with multilingual captions, hosted on accessible platforms.	MoJ (lead), ethnic community orgs	Short-term

2. Legal Representation and Legal Aid

The recommendations on legal representation and legal aid that follow include both structural reform and a direct challenge to current professional practice. One recommendation in this area warrants specific acknowledgment. The proposal for a universal service obligation — requiring family lawyers to accept a minimum of three legal aid family violence cases annually — will not be without controversy. Mandatory obligations on private practitioners raise legitimate questions about professional autonomy, and some will argue that the better solution is simply to fund legal aid adequately so that lawyers choose to do this work.

That argument has merit, and adequate legal aid funding is also recommended here. But funding reform alone has not historically been sufficient to ensure that ethnic and migrant women can access lawyers with the cultural competence and family violence expertise they need. A universal service obligation, set at a modest minimum, ensures that the burden of an underfunded system does not fall entirely on the small number of lawyers currently willing to take legal aid family violence work — and that all family lawyers maintain at least a baseline engagement with this area of practice.

While no jurisdiction has adopted an identical model, mandatory pro bono and legal service obligations are recognised features of professional practice in several comparable legal systems, including bar admission requirements in New York. The principle underlying these approaches — that access to justice is a professional obligation, not merely a charitable aspiration — is one this recommendation reflects.

2.1	Develop accessible, multilingual resources explaining how legal aid works in the Family Court and what clients can expect from their lawyer at each stage of proceedings. Require lawyers to communicate with clients in plain language and provide written updates at key stages (with translations available) setting out what has happened to date, next steps, what the client needs to do and key dates/deadlines.	NZLS (lead), Legal Services Commissioner, NZLS / Family Law Bar	Short-term
2.2	Extend legal aid eligibility to cover family violence visa applications and any subsequent appeals, enabling victim-survivors to access legal representation for immigration matters arising from family violence.	Legal Services Commissioner (lead), MBIE	Medium-term
2.3	Increase fixed legal aid fees by 40% for cases involving ethnic/migrant clients to reflect interpreter coordination, cultural complexity, and additional time.	Legal Services Commissioner, Minister of Justice	Medium-term
2.4	Establish automatic amendment to grant approval for cases requiring multiple interpreters, cultural experts, or immigration coordination.	Legal Services Commissioner, Minister of Justice	Medium-term
2.5	Implement universal service obligation requiring family lawyers to accept a minimum of three legal aid family violence cases annually.	NZLS (lead), Legal Services Commissioner	Medium-term

3. Interpreters

3.1	Implement mandatory protocols requiring proactive offering of interpreter services at all touchpoints, with early assessment of language needs.	MoJ (lead), Legal Services Commissioner, Police	Short-term
3.2	Remove funding caps on interpreter hours for legal aid cases; establish fast-track approval for high-risk cases.	Legal Services Commissioner (lead), MoJ	Short-term
3.3	Establish mandatory annual CPD (15 hours) for family violence interpreters including cultural humility, trauma-informed practice, and ethics.	MoJ (lead), NZSTI	Short-term
3.4	Create dedicated national register of JSTI/ NAATI-certified interpreters with family violence training, covering the 80+ languages already recorded in Family Court proceedings, with matching protocols for gender, dialect, and cultural background.	MoJ (lead), NZSTI, Courts of NZ	Medium-term
3.5	Require pre-hearing briefing protocols ensuring interpreters receive case context and clients receive explanation of court process in their language before proceedings.	MoJ (lead), Courts of NZ	Short-term

4. Court safety and processes			
4.1	Implement mandatory protocols requiring court staff to proactively ask all FV applicants about support needs (interpreters, support workers, screens, safe waiting).	MoJ (lead), Courts of NZ	Short-term
4.2	Ensure all courts have physically separated, secure waiting areas for family violence applicants.	MoJ (lead), Courts of NZ	Short-term
4.3	Issue practice direction allowing family violence specialist support workers in hearings regardless of lawyer objections.	Principal Family Court Judge (lead), MoJ	Short-term
4.4	Establish default practice to hear protection orders and parenting matters together, with prohibition on contradictory orders.	Principal Family Court Judge (lead), MoJ	Medium-term
5. Immigration reform			
5.1	Extend Family Violence Work Visa from 6 months to 3 years; reform evidence requirements to accept broader professional declarations and holistic portfolio assessment.	INZ/MBIE (lead), MoJ	Medium-term
5.2	Reform the Family Violence Residence Visa pathway by removing the "inability to return home" requirement. Align eligibility with Australia's family violence provisions, which focus on whether violence occurred during the relationship rather than conditions in the country of origin.	INZ/MBIE (lead), MoJ	Medium-term
5.3	Grant automatic work rights immediately upon filing protection order application, regardless of current visa status.	INZ/MBIE (lead), Minister of Immigration	Medium-term
5.4	Train Immigration NZ case officers in family violence dynamics, trauma-informed assessment, and recognising coercive control including visa-related coercion.	INZ/MBIE (lead)	Medium-term
6. Children			
6.1	Require all Lawyers for Child to complete training in family violence and cultural dynamics in ethnic and migrant communities, including coercive control and trauma responses in children.	NZLS CLE (lead), Principal Family Court Judge	Medium-term
6.2	Establish protocols between Family Court and Immigration NZ for children's visa applications where protection orders exist, enabling processing without perpetrator consent.	MoJ (lead), INZ	Medium-term

6.3	Amend Immigration Act 2009 to require that children's best interests be the paramount consideration—not merely a primary consideration—in all immigration decisions where family violence is a factor, aligning with the Care of Children Act 2004 standard.	MBIE/INZ (lead), MoJ	Medium-term
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7. Training and Cultural Competency

7.1	Require all Family Court judges, lawyers, and court staff to complete mandatory cultural humility and trauma-informed practice training (minimum of initial 2-day workshop and then annual refreshers).	NZLS CLE (lead for lawyers), Institute of Judicial Studies (lead for judges), MoJ (lead for court staff)	Medium-term
7.2	Create specialist FV-Migrant and Ethnic accreditation for lawyers with advanced training in culturally diverse family violence cases, with public register and legal aid fee surcharges.	NZLS (lead), Legal Services Commissioner	Medium-term
7.3	Publish comprehensive practice guidance documents on cultural responsiveness, coercive control recognition, and working with interpreters.	MoJ (lead), NZLS, Institute of Judicial Studies	Medium-term
7.4	Include interpreter competency in lawyer training: addressing clients directly (not through the interpreter), intervening when interpreters face hostility or bullying, and understanding the limits of the interpreter role	NZLS CLE (lead), Institute of Judicial Studies	Medium-term

8. Cross-sector coordination

8.1	Develop formal cross-agency information sharing protocols between Family Court, INZ, MSD, Police, and Oranga Tamariki with clear safety-focused guidance and where there is informed consent from survivors	Chief Executives of the relevant agencies collectively (lead), Department of the Prime Minister and Cabinet, Chief Victims Advisor	Medium-term
8.2	Establish integrated multi-service hubs in main centres co-locating legal, immigration, housing, income, health, and family violence support services.	MSD (lead), MBIE, MoJ, Health NZ	Long-term
8.3	Expand court navigator programme with specialist navigators for ethnic/migrant survivors in all Family Courts.	MoJ (lead), FV NGOs, ethnic community orgs	Medium-term

8.4	Partner with the Ethnic Communities Network in developing, implementing, and monitoring reforms affecting ethnic and migrant women in the family violence system, ensuring alignment with Te Aorerekura.	Centre for the Prevention of Family Violence and Sexual Violence (lead), MoJ, MBIE, MSD, Ministry for Ethnic Communities	Short-term
9. Structural reform, data collection, and accountability			
9.1	Establish specialist Family Violence List in main centres with dedicated judges, enhanced training, and trauma-informed courtroom practices.	Principal Family Court Judge (lead), MoJ	Long-term
9.2	Implement mandatory data collection on ethnicity, language, and migration status in all family violence cases with annual public reporting.	MoJ (lead), Legal Services Commissioner, Police, INZ	Long-term
9.3	Conduct comprehensive review of Family Violence Act 2018 effectiveness for ethnic and migrant populations with community consultation.	MoJ (lead), independent review panel	Long-term



Chapter 6

Call to Action

This is a call to action for judges, lawyers, court staff, interpreters, social workers, policy makers, and funders. Each has a sphere of control and a sphere of influence. The barriers identified in this research persist not because they are intractable, but because they have not been prioritised.

The women who shared their experiences for this research came to Aotearoa with hope. As one advocate reflected:

"These women didn't come to New Zealand to be abused. They came here because they believed in a future. Family violence was never part of the plan."

Migrant, ethnic and refugee women in Aotearoa are manuhiri—guests, here through the pathways opened by Te Tiriti o Waitangi. A justice system grounded in Te Tiriti must extend manaakitanga to all who seek safety on these shores, and a future where they can thrive. The system's task is to ensure that when violence occurs, the response does not compound the harm—but instead provides a pathway to safety, justice, and the possibility of rebuilding.

While this research represents a small sample, the patterns that emerge are consistent, compelling, and demand a response. The voices of survivors and advocates have been heard. The question now is:
what will be done?

To the Government

The recommendations in this report require political will and adequate resourcing:

- Commit to a cross-agency response that recognises family violence affecting ethnic and migrant women cannot be addressed by any single ministry in isolation. The Ministry of Justice, Immigration New Zealand, the Ministry of Social Development, and the Ministry for Ethnic Communities must work together.
- Resource the family violence sector adequately to provide culturally responsive, specialist services—including sustainable funding for ethnic-specific organisations that have the cultural expertise and community trust to support these women effectively.
- Reform immigration settings so that women's safety is not held hostage to their visa status. The family violence visa pathway must be extended, simplified, and made accessible.
- Fund legal aid properly so that lawyers have time to build trust, understand cultural context, gather evidence of coercive control, and advocate effectively.
- Invest in interpreter services that are professional, trained in family violence, and available at every stage—not just in the courtroom, but in lawyer meetings, with support services, and throughout the immigration process.

To the Judiciary

Judges hold immense power in family violence proceedings:

- Undertake mandatory, ongoing training in cultural competence, trauma-informed practice, and the specific barriers ethnic and migrant women face—including coercive control, immigration abuse, and multi-perpetrator violence.
- Recognise that demeanour is shaped by culture and trauma, not just credibility. A woman who cannot make eye contact, who defers, who struggles to articulate her experience in a linear narrative, may be demonstrating the effects of abuse—rather than indicating unreliability—and training should equip court professionals to make that distinction.
- Ensure courtroom safety is proactively addressed for every ethnic and migrant woman appearing in family violence proceedings.

To the Legal Profession

Lawyers play a critical role at the earliest stage of a survivor's legal journey:

- Require cultural competence and trauma-informed practice training as part of continuing professional development for all lawyers practising in family law.
- See the whole person—not just the legal file. Ask about immigration status. Ask about cultural pressures. Ask about extended family involvement.
- Offer interpreters proactively—do not assume that conversational English is sufficient for proceedings that will determine a woman's safety and her children's future. Ask appropriate questions to understand the level of English competency, and where there is any doubt, arrange an interpreter.

To the Family Violence Sector

Specialist family violence services are lifelines for survivors:

- Build cultural capability across all services, while supporting and adequately funding ethnic-specific providers who have the expertise and trust to reach women that mainstream services cannot.
- Advocate for systemic change, not just individual support. The barriers documented in this report are structural. They require structural responses.
- Coordinate and communicate—with each other, with lawyers, with immigration advisers. Women should not have to tell their story from the beginning every time they encounter a new service.

To Immigration New Zealand and the Minister of Immigration

Immigration settings are weaponised by abusers every day:

- Train all staff in family violence dynamics, including the ways immigration status is used as a tool of coercive control.
- Amend immigration instructions to recognise family violence contexts, particularly regarding parental consent requirements for children's visas.
- Extend the family violence work visa to three years, and reform the residence visa pathway to focus on what matters: whether violence occurred during the relationship – not whether a woman can prove she is unable to return home.
- Align immigration decision-making timelines and processes with Family Court proceedings, so that visa decisions do not cut across or contradict the safety outcomes women are working to secure through the courts.

To All of Us

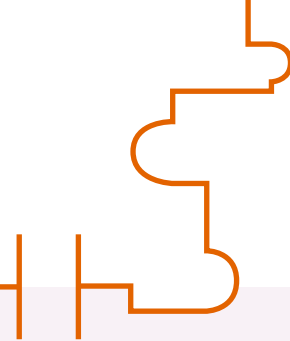
Family violence thrives in silence—when communities look away, when families pressure women to stay, when neighbours do not ask questions.

For ethnic and migrant women, that silence is often harder to break. It may be enforced by family loyalty, community reputation, or the fear that speaking out will bring shame not just to themselves but to everyone they love. It may be shaped by cultural expectations about marriage, by pressure from elders, or by the knowledge that their community is small and news travels fast. It may be compounded by not knowing that what is happening to them is recognised as violence under New Zealand law, or that help exists.

Every person in Aotearoa has a role to play:

- Believe women when they disclose
- Provide information about where to get help
- Challenge cultural narratives that excuse violence or blame victims
- Support women to make their own choices, at their own pace
- Understand that leaving is not simple, and that safety is not guaranteed by a protection order

A Final Word



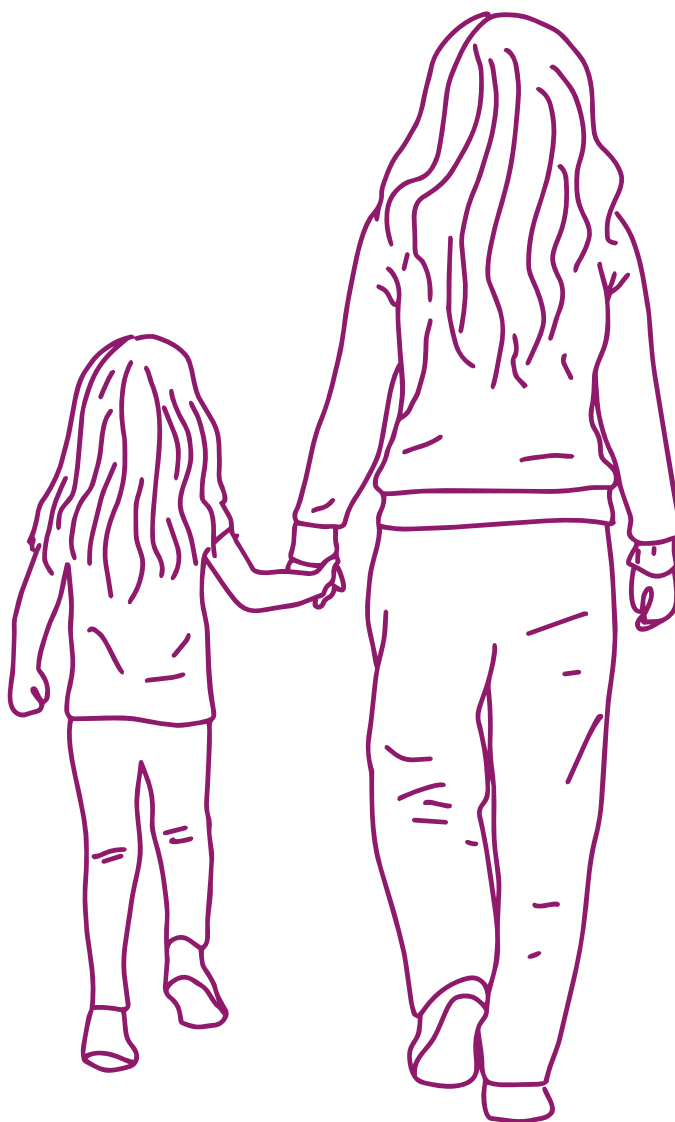
The survivors who participated in this research shared their stories at significant personal cost. They did so because they wanted things to be different for the women who come after them.

This report is their legacy. It is a record of what went wrong, and a roadmap for what must change.

The solutions are achievable. The legal frameworks largely exist. What is missing is implementation, resourcing, and accountability.

The victims and survivors in this report—the many thousands of ethnic and migrant women navigating family violence and the Family Court in Aotearoa—deserve a system that sees them, hears them, believes them, and protects them. Te Ao Mārama, the District Court's operating model, was built on exactly this vision: a court that is accessible, humane, and responsive to the people who stand before it. That vision must now be realised for ethnic and migrant women — not as an aspiration, but as a commitment backed by action, resourcing, and accountability.

Their children deserve to grow up safe. The women who spoke for this report have done their part. It is time for the system to do its.



The recommendations in this report are not abstract. They are grounded in the lived experiences of the survivors and advocates who participated in this research, and they respond to concrete, identifiable failures in the current system.

But what would it actually look like if these recommendations were implemented? What would Maya's journey look like in a system that worked?

This section reimagines Maya's story—not as a fantasy, but as an achievable vision of what a trauma-informed, culturally responsive, and coordinated system could deliver for ethnic and migrant women experiencing family violence.

Recognition: Maya Knows What She is Experiencing

Maya recognises that what she is experiencing is violence. She knows this because information has reached her—not by accident, but by design.

She has seen content at her doctor's surgery, at Sara's school, at her place of worship, and at community centres. She has come across videos on social media—created by specialist family violence services—that speak directly to women like her, in her language, about what violence looks like, including the forms she might not have names for: the isolation, the financial control, the threats about her visa, the monitoring of her phone.

She knows:

- This is violence. It is not normal. It is not her fault.
- It is not her culture—no culture accepts violence.
- There is a way forward that does not require her to return to her home country.
- She has rights in Aotearoa New Zealand, regardless of her visa status.

First Contact: Maya Knows Where to Go

Maya knows there is somewhere to call—a central hub, a known place.

When she makes contact, she has choices:

- She can speak to an advisor from her ethnic background, or not—it is her decision.
- She can request someone who speaks her first language, or she can have an interpreter at every meeting—her choice.
- She is believed. She is not asked to prove anything before she is helped.

The person she speaks to asks: "Do you have anyone here? Do you have a support network? What do you need?"

Information: Maya Understands Her Options

Within hours of her first contact, Maya has access to comprehensive information—all online, all in her first language.

Clear, accessible information about the Family Court:

- A visual guide showing the steps in the process to secure her safety and Sara's safety
- An explanation of what a protection order is and what it can and cannot do
- Information about special conditions that can be included—such as conditions relating to places of worship
- Information about other court applications available to her: parenting orders, non-removal orders, occupation orders, furniture orders, tenancy orders
- A video, in her language, explaining what will happen if she goes to court
- Clear guidance on what information she can include in a protection order affidavit

Complete clarity about the visa process:

- She understands the family violence visa pathway step by step
- She knows exactly what documents she needs to apply
- She knows when she needs to apply—the timeframes are clear
- She knows who she can see to help her apply for a visa, and the professionals in her area who can assist with declarations
- She understands she can get a work visa for at least three years—enough time to heal, to work, to rebuild
- Her immigration status will not be used against her
- She does not need a final protection order to access visa support—a temporary order is enough

Informed decision-making:

With this information, Maya can make informed decisions:

- Whether to apply for a protection order, and which additional court applications are right for her situation – parenting orders, occupation orders, non-removal orders
- How her Family Court applications and immigration pathway connect – which applications support her visa case, in what order to file them, and how court timelines interact with visa timeframes
- What documents she needs, what steps to take, and who can help her at each stage

She understands that her Family Court and immigration matters are not separate problems to be solved in isolation – they are interconnected, and her strategy needs to account for both. She is not rushed into decisions. She is not pushed into a protection order before she understands what it means for her safety and her immigration pathway. She has agency.

Support for Her Husband: Maya Wants Him to Get Help

Maya wants her husband's violence to stop. She wants him to get help. She wants Sara to have a positive and safe relationship with her father.

She can see that options exist:

- Living Without Violence programmes are available
- These are provided by different ethnic providers—she can see that there are culturally appropriate options
- The system is not only about punishment; it includes pathways to change

This matters to Maya. It is part of her decision-making.

Coordinated Support: Maya Has a Guide

Maya engages the services of a family violence coordinator from a specialist family violence agency. This person becomes her guide through the process.

The coordinator helps her with:

- Understanding her options and making decisions at her own pace
- Arranging wrap-around services: counselling, practical support
- Discussing safe house accommodation if she needs it
- Creating a list of practical matters to address: school pickups for Sara, transport expenses, financial support
- Connecting her with the right services at the right time

The coordinator does not make decisions for her. They support her to make her own informed decisions, with full information.

Legal Support: Maya Can Find the Right Lawyer

Maya can access an online directory that shows her:

- Family lawyers who have capacity to take new clients
- Which lawyers also have immigration expertise, or work closely with immigration lawyers
- Which lawyers have completed training in family violence and trauma-informed practice
- Which lawyers have completed cultural safety training
- Which lawyers speak her language and how to access interpreters

She can choose someone from her ethnic background if she wants—or she can choose not to, if she is worried about confidentiality in a small community. The choice is hers.

When she meets her lawyer:

- There is time. The lawyer is funded adequately to spend the time needed to build trust, hear her story, and understand her situation.
- An interpreter is present at every meeting—not a family member, not a friend, but a professional interpreter who has been trained in family violence and who understands the relevant terminology in her language.
- The lawyer does not assume her English is "good enough" just because she can hold a conversation. The lawyer offers interpretation proactively.
- The lawyer asks her about her preferred method of communication—and respects it.

Working with her lawyer on the affidavit:

- Maya understands that much of what she has experienced is coercive control
- With help from her lawyer and interpreter, she can identify it and describe it
- She is able to document the pattern of behaviour: the isolation, the financial control, the monitoring, the threats about her visa, the involvement of her husband's family
- Her lawyer compiles a comprehensive affidavit with supporting exhibits
- The affidavit captures her full experience—not a rushed, incomplete account

When her husband responds:

- When Maya receives her husband's affidavit in reply, she is able to stay calm. Her lawyer has prepared her for this moment—explaining that it is common for respondents to deny the abuse, to minimise what happened, to make counter-allegations, and to portray themselves as the real victim.
- Maya is upset by what she reads—the lies, the distortions, the rewriting of her reality. But she is not blindsided. She expected this.
- She discusses the affidavit with her lawyer, who helps her identify which allegations need to be addressed and which can be left to speak for themselves. With her lawyer's support, and with an interpreter present, Maya prepares her affidavit in reply. She understands the process and what is required of her. She is not overwhelmed. She is not alone.

Dispute Resolution: Maya Understands Her Options

Maya learns that mediation and dispute resolution are available before matters go to court.

She has choices:

- She can see which dispute resolution providers are available
- She can choose an ethnic provider if she wants—again, the choice is hers
- She understands the purpose of mediation and what it can and cannot achieve

She is prepared:

- She is clear about what she wants to ask regarding a parenting order for Sara
- She knows she can raise the issue of a non-removal order through the mediator
- She understands that relationship property can also be addressed
- She goes into mediation informed, not blindsided

Preparation: Maya Is Ready for Court

Before Maya goes to court, she is prepared:

Psychologically:

- She knows what the courtroom looks like
- She knows where she will sit, who will be there, what will happen
- She has watched a video, in her language, that walks her through the process
- She has had a meeting with her lawyer—not just a phone call the night before, but a proper meeting with time to ask questions

Practically:

- Her lawyer has gathered supporting evidence: a psychological report if needed, an FV advocate report, cultural context evidence
- Her lawyer understands that the violence she has experienced may include threats made from overseas, harassment through legal systems in her country of origin, and patterns of abuse that operate outside what a protection order can reach – and the affidavit reflects this

In terms of safety:

- She knows she will not have to sit next to her abuser in the waiting area
- She knows she can have screens, or be in a different room
- She knows she can have a support person with her
- Someone has asked her: "What do you need to feel safe?"

In Court: Maya Is Heard

When Maya arrives at court, the space is warm and welcoming. She is greeted by staff who have been trained in family violence and cultural responsiveness.

The interpreter:

- Has been trained in family violence and sexual violence
- Understands the legal terminology and can convey it accurately in her language
- Is not from her immediate community, so she feels safe to speak freely
- Is present throughout—for the hearing, but also for conversations with her lawyer before and after

The Judge:

- Understands that Maya may not have disclosed everything at the start—that memories surface, that shame operates, that what looks like a "minor incident" may be part of a pattern of coercive control
- Understands that coercive control is a lethality indicator
- Understands that family violence risk can come from multiple perpetrators—including her husband's family
- Recognises that Maya's presentation—her nervousness, her deference, her difficulty making eye contact—may be shaped by trauma and culture, not by lack of credibility
- Has received training on the specific barriers ethnic and migrant women face when giving evidence

The process:

- Maya is kept informed at every step—what is happening, what comes next, what decisions have been made and why
- If there are delays, she understands why
- She is not left in the dark, wondering, anxious

Children: Sara Is Seen

Sara is recognised as a victim of family violence in her own right—not just a witness, but someone who has been harmed.

The lawyer for child:

- Has been trained in family violence and understands that a child's wellbeing cannot be fully assessed without regard to their mother's safety
- Works collaboratively with Maya's family violence advocate to understand the full picture
- Applies the paramountcy principle carefully, recognising that contact arrangements must be assessed in the context of family violence rather than treated as a default outcome
- Listens to what Sara says, but also understands the context in which she is speaking

The court:

- Considers the Care of Children Act principle that the welfare and best interests of the child must be paramount
- Does not lose sight of this principle in the complexity of the proceedings
- Ensures that children's voices are heard through appropriate, trauma-informed processes

Immigration: Maya's Status Is Secure

Throughout this process, Maya's immigration status is not a source of terror—it is a source of security.

Prompt access to an independent visa:

When Maya applies for a family violence work visa, it is processed promptly. Within weeks, she holds a visa in her own name—no longer connected to or dependent on her husband. If her husband contacts Immigration New Zealand to make claims about her or to try to interfere with her application, INZ staff are trained to recognise this as a continuation of coercive control. They do not disclose any information about Maya or her application to him. **Her safety is paramount.**

The family violence work visa:

- Provides open work rights for at least three years—enough time to heal, to work, to rebuild
- Is available regardless of whether her partner was a citizen, resident, or temporary visa holder
- Maya knows exactly what she needs for her family violence work visa application. A clear, accessible list of professionals who can provide statutory declarations — doctors, counsellors, social workers, family violence advocates, police officers — is available, and her case worker coordinates the rest. She does not make phone calls to strangers, explain her situation from scratch, or chase declarations alone. Her case worker schedules the appointments, follows up, and ensures everything is obtained.

- The professionals Maya meets are accessible and available—and they are not required to have witnessed the abuse or to have known Maya for a long time. They can meet with her, hear her account, and provide a declaration stating that they have met with her and believe it is likely she has experienced family violence. Declarations are provided free of charge or heavily subsidised. A temporary protection order, or evidence from a family violence agency, is also sufficient for a work visa. The threshold is realistic and achievable.
- Is processed by Immigration New Zealand staff who have been trained in family violence dynamics

Preparing for residence:

Her immigration lawyer is fully aware of her story. Based on their previous meetings, **the lawyer assists Maya to write her own declaration in her own words—comprehensive, clear, and reflecting her full experience.**

Practical barriers are addressed:

Immigration New Zealand is aware of the difficulties Maya may face in obtaining a police certificate from her country of origin. If obtaining such a certificate would require her to disclose her location or put her at risk, **INZ accepts a statutory declaration in lieu of the police certificate, recognising that requiring contact with authorities in the home country can be unsafe for family violence victims.**

The residence visa pathway:

- Does not require Maya to prove she is "unable to return home" or that she would face "exclusion from her community"—she is treated as a person who is entitled to safety
- Recognises that a woman who has built a life in Aotearoa, whose child is settled here, who has left an abusive relationship with courage and at great cost, should not be forced to justify why she cannot return to a country where she may face shame, stigma, financial ruin, or danger
- Is processed within six months, giving Maya certainty and stability

The systems talk to each other:

- Her family lawyer understands immigration
- Her immigration lawyer understands family violence
- The Family Court and Immigration New Zealand are not operating in separate silos
- No one tells her she has to choose between her safety and her right to stay

Children are protected:

Sara is a NZ resident because her father is a resident. However, if she wasn't, **Maya is relieved to know that there would have been no risk of her being separated from her daughter.** Maya has day-to-day care of Sara under a parenting order, and because a protection order is in place, she would not have needed her husband's consent to include Sara in her residence application. **Immigration instructions recognise that requiring consent from an abusive ex-partner—or contact with him to obtain it—is unsafe and inappropriate.** The paramountcy principle that guides the Family Court also guides immigration decision-making: Sara's best interests are served by remaining safely in Aotearoa with her mother.



Wrap-Around Support: Maya Is Not Alone

Throughout her journey, Maya has consistent support:

A key support person:

- Someone who walks the journey with her from start to finish
- Who helps her navigate the different agencies and systems
- Who checks in with her to ask how things are going
- Who is there regardless of geography—support is not dependent on where she lives

Practical matters are addressed:

- School pickups—who will collect Sara, what arrangements need to be made with the school
- Transport expenses—how she will get to appointments, court, lawyer meetings
- Financial support while she is not working
- Housing options and safe accommodation
- All the practical details that can feel overwhelming when you are in crisis

Her communication preferences are respected:

- She tells her family lawyer and her immigration lawyer how she prefers to communicate
- They respect this—whether it is phone, email, text, or through her support person
- She is not left chasing lawyers who do not respond

Coordinated services:

- The agencies work together—specialist family violence services, Community Law, MSD, Police
- She does not have to tell her story from the beginning every time she meets someone new
- Information is shared appropriately between agencies (with her consent)
- There are team hui between her family violence service and her lawyer to ensure everyone understands her situation

Financial support:

- She can access income support through MSD regardless of her visa status
- Legal aid is available and adequate—not limited to a few hours that force her lawyer to rush
- Interpreter funding covers her whole case — including lawyer meetings, affidavit preparation, and all stages of the court process — reflecting the additional time required when English is not a first language



Housing and Financial Security: Maya Has Stability

Maya does not face the impossible choice between safety and homelessness.

Safe house accommodation:

- When Maya first leaves, there is a safe house place available for her and Sara
- She is not given an arbitrary deadline to leave before she is ready
- The safe house understands that women on temporary visas face additional barriers to finding housing and employment—they do not pressure her to leave before she has secure accommodation and income

Transition to independent housing:

- When Maya is ready to move on from the safe house, there is support to find affordable, safe housing
- Her temporary visa status does not disqualify her from social housing or housing assistance
- She is not competing for housing with no references, no rental history, and a part-time income

Income support:

- Maya can access income support through MSD regardless of her visa status
- She does not have to prove her eligibility repeatedly or navigate confusing systems alone
- Her case worker at MSD understands family violence and does not ask her to provide information that would require contact with her husband
- She is not left without support while her work visa is being processed

4 After Court: Maya Can Rebuild

When the court process ends, Maya does not feel abandoned:

Ongoing support:

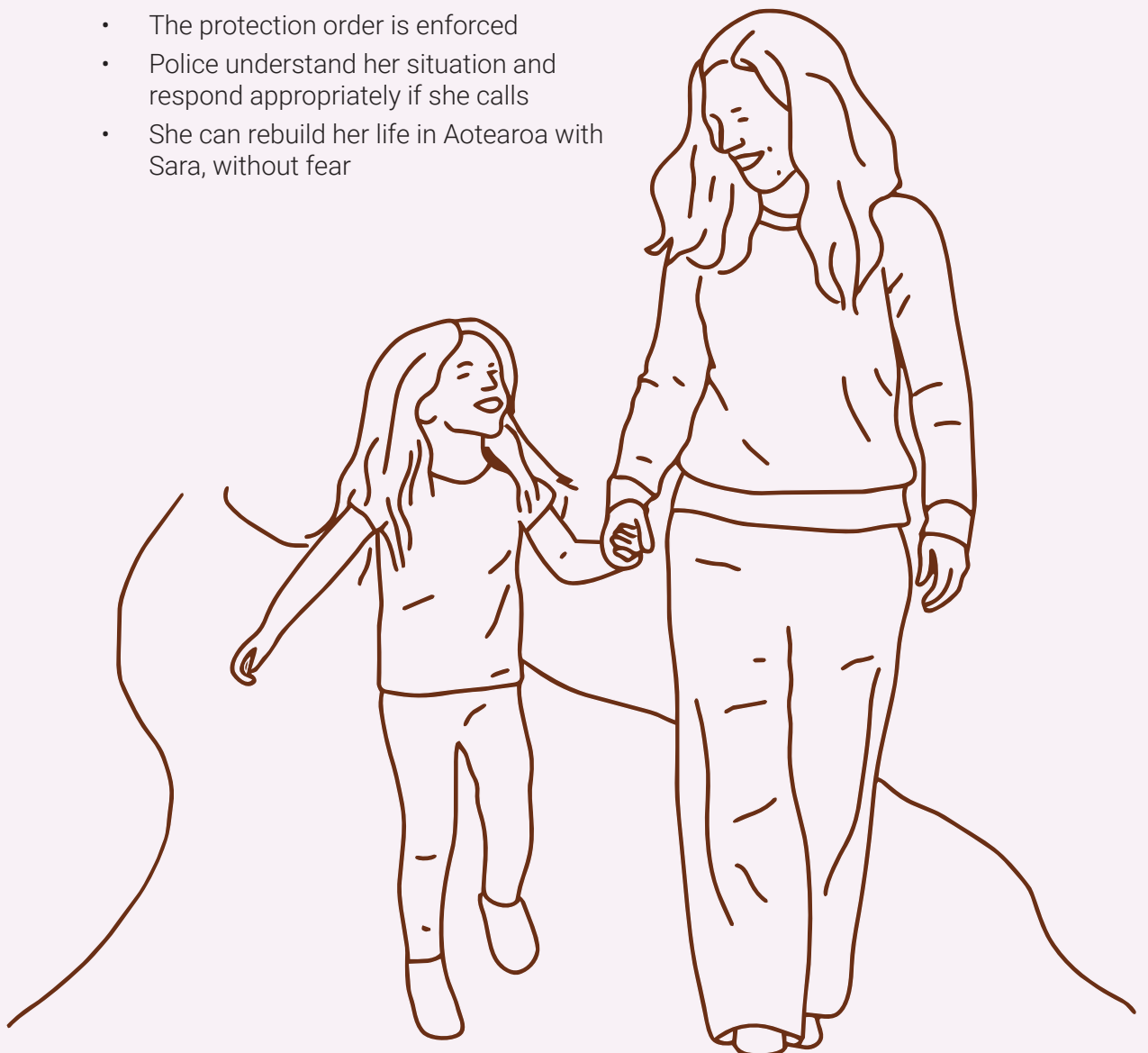
- Her support person continues to check in
- She has access to counselling and therapy
- Sara has access to child-specific family violence support
- There is someone to help her if her ex-husband breaches the protection order, or continues to use the legal system—here or overseas—to harass her

Community:


- She is not isolated from her ethnic community
- There are networks of women who have been through similar experiences who can support her
- She is not defined by what happened to her

Safety:

- The protection order is enforced
- Police understand her situation and respond appropriately if she calls
- She can rebuild her life in Aotearoa with Sara, without fear



The Principle: Everyone Has a Role



This vision is built on a simple principle:

"Everyone in every role has something they can do at every step."

This is not about one agency fixing everything. It is about:

- Each person understanding their sphere of control and their sphere of influence
- Judges doing what judges can do
- Lawyers doing what lawyers can do
- Social workers, interpreters, court staff, policy makers—each understanding their part
- A system that is socially and structurally responsive to the barriers Maya faces

The solutions are entirely achievable. They do not require wholesale system redesign. They require:

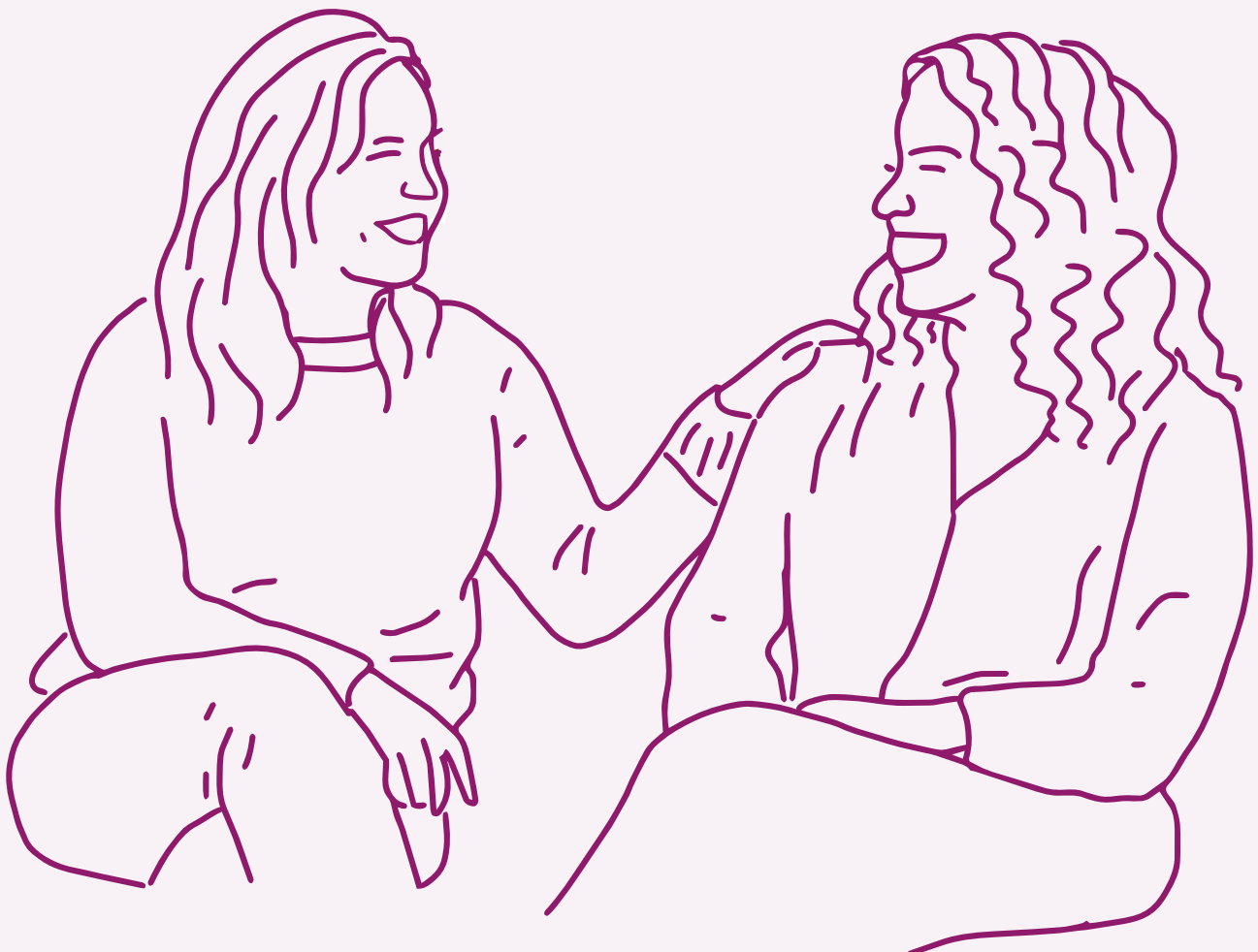
- 1. Attention to implementation gaps**
- 2. Adequate resourcing**
- 3. Training that is ongoing, not one-off**
- 4. A commitment to see the whole person, not just the legal problem**

From Survivor Voices: What Good Feels Like

When the system works, survivor and advocate accounts tell us that women experience:

- Being understood – their needs recognised, not assumed
- Receiving the right services and support, not just referrals
- Having someone coordinate across agencies on their behalf
- Being checked in on, not abandoned once the immediate crisis passes
- Understanding the court process – what stage it is at, what their role is, and how they can influence the outcome

This is what Maya deserves. This is what every ethnic and migrant woman navigating family violence and the Family Court deserves.



Appendix I – Survivor Profiles



The following profiles illustrate the lived experiences of research participants. All names and identifying details have been changed to protect confidentiality. Each narrative is drawn from interview data.

Survivor One

From Middle East, now a New Zealand resident (awaiting citizenship at time of the interview). She was living in a small rural town at the time of the abuse. She has one child who was very young during the Family Court process. Her entire family is overseas leaving her completely isolated. Her partner was physically and psychologically abusive, particularly when drinking. He controlled her movements, physically assaulted her including while she was pregnant, and cut off the internet to prevent contact with her family overseas. She initially self-blamed and tried to manage his behaviour. Motherhood gave her strength to act.

She first disclosed to her in-laws, who minimised the abuse. She later went to police and a FV/SV specialist organisation. When her son was four, police removed her ex after an incident and issued a safety order. She did not initiate Family Court proceedings—her ex took her to court claiming she "kidnapped" their son when she moved to another city, which she had done with his verbal agreement.

She obtained a legal aid lawyer but felt deeply unsupported. Her lawyer rarely spoke, didn't advocate for her, and seemed doubtful of her account despite extensive police documentation. She was never offered an interpreter, support person, or family violence coordinator. No one acknowledged her isolation or cultural background. She felt humiliated and retraumatised, describing court as "another form of bullying."

The case settled out of court—she received day-to-day care with weekend visits to the father. An order prevents her taking her son to her home country. She still fears her ex but won't return to court, having no confidence the system would help. She has never received counselling despite years of waiting and described this interview as the first time she's talked through her experience with anyone.

Survivor Two

From Colombia; now a New Zealand permanent resident. She has three children. She did not speak English confidently at the time of the abuse and required an interpreter throughout the Family Court process.

She described how abuse was normalised in her culture—men who work feel entitled to control their wives, have sex whenever they want, and even have other women. Her Christian upbringing taught her to be obedient to her husband. She was told if her husband had other women, it was her fault. Even after separating from him, he continued coming to the house, and she didn't initially recognise this as violence because "that's how it is."

Her first disclosure came after neighbours heard him arrive aggressively and called police. Her

children gave statements to police, and their willingness to speak gave her the strength to talk. Police issued a 72-hour safety order, which he broke within six hours by returning to the house. She fled to a friend's house with her children. Because he violated the order so quickly, the case went directly to court. Police contacted a FV/SV specialist agency who then referred her to an ethnic-specific agency that became her primary support. She worked closely with them, police, and her family lawyer (a woman assigned through legal aid). Her children also had a separate lawyer. She had an interpreter at every court appearance and felt safe with both her lawyer and interpreter—neither was intimidated by her ex-partner's aggressive demeanour.

The court process occurred in 2017. He contested the protection order and sought custody of the youngest child, claiming she was turning the children against him. She was never told she could appear separately from him in court. Seeing his face during proceedings was deeply traumatic—she felt he was going to kill her. She self-harmed during this period and crisis mental health services became involved. She remains in treatment.

After the judge spoke firmly to him, she found strength to be firm herself. Her children attended a three-month self-care and life skills programme with her, which helped them understand boundaries and recognise the abuse. The children ultimately chose not to see their father. She was granted day-to-day care of all children, and a final protection order was issued that remains in place—police check every six months.

She felt well supported by the coordinated response from police, the FV/SV agency and her lawyer. She recognised that New Zealand's approach was completely different from Colombia, where such matters wouldn't be addressed and children's voices wouldn't be heard. The first police officer—a man—telling her directly that "this cannot happen" and "you need to open your eyes because otherwise he'll kill you" showed her it was a different system.

She has grown through the process. Despite ongoing health and mental health challenges, she now does sewing work and helps other women by referring them to support services. She has become less dependent and teaches her children to never allow anyone to harm them.

Survivor Three

From Fiji; now a New Zealand resident. She has a young child. She knew her husband for three years before marriage and endured nearly ten years of controlling and abusive behaviour across both countries. She applied for residency for herself, her child and husband, hoping things would improve in New Zealand—people had advised him that his behaviour couldn't continue in a different country, but he didn't change. He looked down on women, controlled her movements completely (she could only go to work and come home), monitored her online status constantly, and would physically grab her if she was late returning from anywhere. He was verbally, emotionally, and physically abusive. He also physically abused their daughter. Financially, she paid for rent, bills, and both their fuel while he claimed to be saving for a house.

After a particularly severe violent incident, she contacted police. They referred her to a specialist FV/SV agency who arranged a female lawyer through legal aid. Her protection order and parenting order (with supervised contact) were both decided on the papers—she never had to attend Family Court.

She received strong wraparound support: police remained involved, she had her home secured and locks changed. She received some a sole parent benefit through MSD. She and her child have received counselling.

The survivor felt it was important that services understood her cultural background, and she felt they did. She has faced community judgment—her husband has spread misinformation—but she doesn't engage with it. She grew stronger through the process and she said she now feels happy and at peace.

Survivor Four

From India; arrived in New Zealand on a dependent visa under her husband's name. Her husband had been living alone in New Zealand since and working in a professional job. She has children. Violence began shortly after arrival. Her husband controlled all finances, didn't disclose his income, and threatened her with deportation if she complained. He became physically violent with her and the children, particularly in front of the children. Her in-laws pressured her to "manage" the situation, and her own parents cut off contact when she separated. She first disclosed the abuse accidentally when calling WINZ about an injury—the case worker asked about her relationship and referred her to a specialist FV/SV organisation. She chose one that was run by Indian women as she felt more culturally supported. Through the organisation she met a social worker who quickly connected her with a family lawyer.

She obtained a protection order, furniture order, tenancy order, and parenting order. She stayed in the family home; he had to leave. She was on legal aid but was not told she would have to pay the grant back over time. She has a large debt that she worries her children will inherit.

After the protection order became permanent, she and her ex-husband began communicating amicably around their child's serious health issues, including surgery. The children stayed with their father during this time and were happy. She believes he has changed and wants the children to maintain a relationship with him. However, police recently interviewed her child about past violence. She believes the officer used leading questions with a child who was unwell and confused post-surgery. Her son's statement led to her ex-husband's arrest on charges she did not want. He is now on bail with no-contact conditions, severing all communication with the children. She feels the system has caused more harm than help.

She requested an interpreter for court but was told she didn't need one. She found the judge's accent difficult to understand and prefers email communication due to language barriers. Her family lawyer declined to assist with the criminal matter. She feels caught in processes she does not trust or understand, and believes both she and her ex-husband need support—not ongoing punishment.

Survivor Five

From India; came to New Zealand on a student visa after an arranged marriage. She had been told her husband would be going to New Zealand, but learned two days after the wedding that his visas had been declined. The family had been looking for a woman to take him abroad. She sponsored him and their child to join her in New Zealand.

She lived with his extended family and experienced coercive control, financial abuse, and some physical violence. She was told what to do, prevented from getting a driver's licence, forced to work in a job she did not want to work in, and had her wages transferred to family accounts. She was isolated with no one in New Zealand and cultural pressure to stay silent. She eventually contacted a FV/SV specialist agency and obtained a protection order.

After separation, his family filed false fraud charges against her in India, published her name in newspapers, and obtained an arrest warrant—all while her ex-husband obtained New Zealand residency under the domestic violence category. He later applied to remove their daughter to India. The judge understood the risks (India is not party to the Hague Convention) and dismissed the application when he couldn't prove he would return or pay a bond. The Lawyer for Child was described as "amazing."

She was not eligible for legal aid because she was working; he received legal aid. He also contacted all free legal services first to conflict her out. She has spent significant money on lawyers in New Zealand and India over seven years and remains unable to obtain permanent residency because she

cannot get a police clearance certificate from India due to the false charges. Her family in India and her Shama support worker have been her main sources of support throughout.

Survivor Six

Pakistani woman, now a New Zealand citizen. Was the principal applicant on the family's skilled migrant visa. She has children. She experienced coercive control including financial abuse, isolation, and physical violence, which escalated after migration. Her first disclosure was to Police. Her eldest daughter, who spoke English confidently, explained the situation to Police. A restraining order was issued and Oranga Tamariki became involved. She was connected with a specialist FV support service who provided a support worker throughout the Family Court process. Finding a lawyer was difficult—she felt treated as "just another file" and encountered financial and cultural stereotypes. She eventually found an ethnic lawyer through a community connection who took a responsive, practical approach to her needs. She applied for a parenting order after the perpetrator absconded overseas. Day-to-day care of the children was granted to her. She felt well supported by support agencies but continues to face cross-jurisdictional challenges, as the perpetrator has initiated proceedings in Pakistan. She also experiences ongoing social isolation and stigma within her ethnic community.

Survivor Seven

From China; now a New Zealand permanent resident. She was on a visitor visa at the time of the abuse. She was a professional woman in China before coming to New Zealand. She has a young child. Her partner deliberately moved her from one city to another to isolate her from friends. He was highly controlling and manipulative—he did not allow her to join any community groups, attend social gatherings, or talk to anyone. The violence escalated when his lies were exposed: he had agreed to support her partnership visa application but was not actually eligible to do so. When Immigration rejected the application and her visa was about to expire, he became angry that his deception had been revealed. During one incident, he injured himself and displayed his bloody hand in front of her and their son. Frightened, she searched online and found a family violence hotline, which connected her to a FV/SV specialist organisation. A support worker accompanied her to report to police, who conducted a detailed interview, discovered his previous domestic violence record, and explained her options. Police gave her their direct number and told her to call anytime if she felt unsafe.

She was referred to community law and then to a family law firm for a protection order. Her first family lawyer was inexperienced and unhelpful—she didn't explain the process, didn't assist with completing the legal aid application properly (resulting in rejection), tried to discourage her from pursuing the protection order by emphasising risks, and then billed her a large amount for work that produced no outcome. The lawyer also sent notice of the application to the wrong address, causing significant delays. She complained to the law firm's partners, who protected the lawyer. Eventually the firm wrote off her bill. The FV/SV agency connected her to a second lawyer who was professional and experienced. This lawyer successfully obtained legal aid (proving the first lawyer's claim that she wasn't eligible was wrong), explained each step clearly, analysed the pros and cons of options, and advocated strongly for her. The Family Court process occurred during COVID lockdown while she was still living under the same roof as her abuser. Court dates were postponed multiple times due to urgent cases and lockdown complications. The technical challenge of both parties needing to appear online from the same house made proceedings difficult. She attended one in-person case management conference before COVID where she had to face her ex-partner—she was told she didn't have to appear but didn't trust her first lawyer enough to stay away.

She ultimately agreed to an undertaking rather than a protection order. The lockdown made everything uncertain, a protection order would have taken too long, and she was told that if he got a protection order against him and had to move out, she would have to pay him rent—an impossible burden for a woman without a job or income. She just wanted to end the suffering. Her

second lawyer helped negotiate a fair property settlement after her ex initially tried to impose unfair conditions.

She was never told about the family violence visa category until she later sought immigration advice from a community lawyer. Immigration staff were supportive about her visa situation and allowed her to switch back to a visitor visa after the partnership application failed.

She felt stereotyped as an Asian woman—people assumed she couldn't speak English, didn't understand the system, and would be easy to deal with. She said she had to "fight for respect". She worries deeply about other migrant women who lack English confidence and don't know how to navigate the system, suggesting that cultural support workers who speak victims' native languages would help enormously. She noted that for Asian women, the barrier isn't just language—it's confidence. Many are too ashamed to talk about domestic violence and lack the courage to seek help.

Survivor Eight

Korean woman who now holds a New Zealand residence visa based on domestic violence. She was on a visitor visa and married to her abuser when the violence occurred. She has a daughter. She called police multiple times; they issued safety notices but her husband repeatedly breached them. His parents dismissed the violence as not serious. She connected with a FV/SV specialist agency. She found a family lawyer within three days of leaving her husband's house. Her first lawyer was helpful but had to withdraw from her case. Her second lawyer was junior, unresponsive, and failed to explain processes clearly—she had to email five times to receive one reply and he only responded to court matters, not her safety concerns. He did not tell her about interpreter services; it was only on her third court appearance that the judge offered one. Once she had an interpreter beside her, she could finally participate properly. She was made to appear in the same room as her abuser without being told she could request screens or a separate room. Her lawyer advised her to sign an undertaking without explaining what it was, telling her it would allow her to return to Korea with her daughter and receive \$5,000—he did not explain the consequences if she returned to New Zealand. The court process took approximately eighteen months. She obtained a parenting order with digital communications contact with the abuser. She felt isolated throughout—"this is not my country"—and worried the court would favour her husband because he was a better English speaker. She believes if she had been told about interpreter services from the beginning and given written information in Korean explaining the process and legal terms, her experience would have been significantly better.

Survivor Nine

Survivor 9 is originally from Pakistan. She married and lived overseas for some years before moving to New Zealand. She has children. The abuse began from the start of the marriage. Initially she normalised the abuse due to cultural conditioning. She also experienced pervasive financial control—despite spending her entire inheritance on their immigration, she had no say in finances. She was not permitted to drive, work, or study. Her husband controlled her religious practice, dictated what she wore, and monitored her interactions with others. The children witnessed abuse and were also physically disciplined by their father.

Through a citizens advice service she connected with an ethnic women's organisation who helped her develop a safe exit plan and enter a safe house. The safe house felt like "tick boxes" rather than genuine, emotional support. Her legal process moved rapidly through temporary and final protection orders, with all three court cases settled outside court despite her desire to speak before a judge. She was initially pleased her lawyers shared her ethnicity but came to see this as problematic gatekeeping. In her final case, her own lawyer was silent while the child's lawyer dismissed evidence her children felt unsafe, pushing co-parenting instead. The protection orders were ultimately

replaced with an undertaking. She felt stereotyped and thought there was an expectation she would not speak up. She believes lawyers lack trauma training to interview children, and that pressure to settle outside court strips victims of their voice. She is now a New Zealand citizen.

Survivor Ten

A Latin American woman who was on a working holiday visa when she entered a relationship that became violent. Her partner had problems with alcohol and was physically abusive. She initially normalised the violence because of her cultural background where mistreatment of women was common. She was completely financially dependent on her partner—no job, no money, visa about to expire. Her partner was sponsoring her visitor visa application, which made leaving feel impossible. She felt guilty about the idea of reporting someone who she believed loved her and was helping her. She did not fully realise that what was happening to her was unlawful. She first disclosed the abuse to a counsellor at a volunteer women's health organisation, who eventually referred her to a FV/SV specialist organisation. After a violent episode, she went to a safe house. The specialist organisation connected her with an immigration lawyer and family lawyer.

Her first family lawyer was inexperienced and pessimistic about her case but a more senior colleague then became her main contact and they were supportive. Her partner opposed the final protection order but admitted to the violence while claiming provocation. The partner breached the temporary order by contacting immigration with false accusations. The judge granted the final protection order, citing the partner's clear problem with violence. The process took approximately ten months. Survivor 10 did not know a family violence visa pathway existed until the FV/SV organisation told her. She was eventually granted residency under the FV visa category.

She was not offered the option of a separate room from her abuser in court. She felt service providers lacked awareness of her cultural context and the specific risks she faced. Despite these gaps, she described the overall support as transformative compared to what would have been available in her home country. She now informally supports other Latin American women to recognise abuse and seek help.

Survivor Eleven

Survivor 11 is from India. She has children with her ex-husband. The abuse led to police involvement around 8 years ago. The police responded quickly, arrested him, and obtained safety and protection orders. However, she was pregnant at the time and facing pressure from both families, so she reconciled and withdrew all proceedings.

A few years later, her husband walked out. Navigating the legal system after separation was extremely difficult. The FV/SV organisation that had been supporting her, discharged her. She found a family lawyer on her own while recovering from surgery. Her first legal aid lawyer was unresponsive; her second was supportive and guided her well. She was granted day-to-day care of the children when her ex-husband informed the court he wanted nothing to do with the children.

She moved to a new city for a fresh start. A hospital support worker connected her with a counselling service who also provided psychological support for her daughter. She is frustrated the system pushed for her ex-husband's involvement despite his abandonment and the harm to her children's mental health.

She is currently awaiting a protection order hearing after her without-notice application was declined due to the passage of time. Her relationship property matter had stalled for over a year. Housing remains a struggle—she has been on the social housing register for some years now with no result. While her ethnicity brought cultural stigma around separation, her parents' support was crucial. She is now a New Zealand citizen.

Survivor Twelve

Survivor 12 is originally from India. She has a child. The abuse began in India, where she first separated after her daughter was born. However, women's services told her to return due to political pressure from her father-in-law, and threats from her mother-in-law. With no family support and relentless community pressure, she reconciled and joined her husband in a different country overseas. Police there dismissed the abuse as a "family matter."

She came to New Zealand almost 10 years ago on a partnership visa. The abuse worsened because her husband knew she feared police and had nowhere to go. He isolated her completely—controlling friendships, blocking internet access, withholding a phone and bank account, and forbidding her to work. She first disclosed at a children's care centre but organisations could only tell her to leave without answering whether she could remain in New Zealand. This pushed her back to the abuser.

In January 2019, after a severe assault she fled. Initially she was not able to get support from a FV/SV specialist agency but she spoke to a different agency and they provided her accommodation in a safehouse. Police were helpful, issuing a safety order and arresting her husband after he took a knife and her passport.

The FV/SV agency arranged a male lawyer without offering choice. He was dismissive—advising against pursuing property or child support as it would cause "trouble." She changed lawyers. Her second lawyer fought for child support and spouse maintenance. At trial, the defence accused her of fabricating abuse to gain residency.

She found the court process exhausting—responding to her ex-husband's lies left no space to state what she wanted. Legal aid time limits meant questions to her lawyer went unanswered. She is now a NZ permanent resident.

Survivor Thirteen

From China; was on a working holiday visa at the time of the abuse. She felt manipulated into the relationship. After she ended it, he began stalking her—logging into her social media accounts, spreading rumours to her ex-colleagues on Facebook, and following her to her workplace to apply for the same job. He also raped her while she was sleeping, later claiming in court that this was "normal" in his culture and that he would not have been charged in Malaysia.

She did not initially recognise what happened as family violence. When the stalking escalated, she went to police seeking help to apply for a protection order—something she only knew about from media. The process was confusing: the Ministry of Justice website led her to restraining order forms full of legal terms she didn't understand. Police couldn't help her fill out forms and referred her to a women's organisation. She was in a rural area at the time and could not travel to see a lawyer. Eventually, a women's organisation showed her the correct protection order form, which turned out to be simple. It was granted the next day.

No one told her about legal aid or that she could access a family lawyer. She found most answers herself by reading documents. Police referred her to ACC for counselling, which helped. She had no family in New Zealand and only temporary friendships due to her visa status. The criminal case went to trial, where one charge was dismissed due to a misunderstanding during questioning—She felt the Crown didn't listen or allow her to explain. She was on a work visa at the time of the interview.

Survivor Fourteen

Survivor 14 is from India. She first disclosed the abuse to her sister in India. She knew that domestic violence was not acceptable in New Zealand and that police would help, so she called them. Her husband was arrested. Police connected her with a cultural liaison officer who spoke her language. He helped arrange warm clothes for her, as it was winter and she had left with very little. Police then took her to a case manager who connected her to a FV/SV specialist agency and she stayed in a safehouse for around a month.

A lawyer was arranged for her, and she signed a legal aid application. The lawyer took her statement, explained the process, and handled everything. She applied for a protection order and never had to appear in the Family Court. Her husband did not oppose the protection order, so the temporary order became final quickly. Interpreters were provided when needed. She found everyone helpful—police, support services, her case manager, and family lawyer. However, she faced significant pressure from India. Relatives, neighbours, and community members judged her for going against her husband and passed stressful comments. She received threats. In Indian culture, she explained, filing a complaint against your husband is viewed very poorly and the woman always gets blamed. Many women stay in abusive situations under family pressure to maintain peace. She said if she had been in India, she probably would not have taken this step. Being in New Zealand gave her the freedom to act without people looking down on her.

She initially did not think about her visa and received no immigration advice before reporting. She was referred to a community lawyer who helped her to get a FV work visa and then a FV residency visa. When she was on the work visa, she struggled to find employment due to the short term duration of the visa.

Survivor Fifteen

From China; was a NZ resident at the time of the abuse. She experienced psychological and emotional abuse from her Chinese partner, who criticised her parenting, installed video cameras throughout their home, and monitored her and their child's movements using GPS.

She did not initially recognise what was happening as family violence—in her culture, it's not openly discussed. It was only after starting the separation process and speaking with a counsellor and psychologist that she understood the abuse wasn't her fault. Her GP referred her to mental health support, and she received counselling for over a year.

She hired a private lawyer and spent significant money over two years in Family Court. No one told her about legal aid, despite not working at the time. She applied for a protection order, parenting order, non-removal order and occupation order. The protection order was declined because the court considered her psychological abuse was "not that serious." She had to move out with her young child while unwell and unemployed—even though the house deposit came from her parents.

She encountered 4–5 different judges, retelling her story each time. Her ex represented himself, refused to respond to her or her lawyer, and only communicated with the judge. Interpreter issues arose during hearings with her father in China due to dialect differences. She found the system slow and uncertain—describing it as being "in the dark."

Her child has been affected, experiencing nightmares and confusion. She now co-parents under a parenting order. She is working and much happier, and wants to help others in similar situations.

Survivor Sixteen

From China; came to New Zealand a few years ago on a partnership visa, married to a New Zealand citizen. She has two children. Her family remains in China. Her husband was controlling from the start, not allowing her to go outside or meet people. She experienced anxiety and depression after having the baby and didn't initially recognise the behaviour as family violence. The physical violence included two serious incidents where he hit her on the head until she bled. His family pressured her not to report harshly, so she omitted important details about his abuse from her police complaint. His child (her stepson) wrote a letter to the court falsely claiming she was the aggressor. She was financially exploited. While pregnant, he convinced her to put her own Chinese property money into joint ownership, claiming it was required for her visa. He never gave her money in New Zealand.

After the second assault, police connected her to Chinese and Asian community support services, which she found very helpful. They referred her to a legal aid lawyer. She applied for protection, occupation, and parenting orders. Her protection order was denied—the judge accepted her ex-husband's narrative that he was "looking after her" and that she had a bad temper.

Her lawyer was extremely busy and poorly prepared her. She was notified about court the night before. She provided extensive evidence—neighbour statements, letters documenting the first assault—but none appeared to be used. Her lawyer never told her about the stepson's letter beforehand. Interpreters kept changing, creating communication gaps. She felt confused, scared, lonely, and depressed going into court for the first time while caring for two children alone. After the protection order was denied, she reached a settlement with a different lawyer. Her ex was amicable until the appeal deadline passed, then reneged on the agreement. She identified key problems: inadequate lawyer preparation, communication barriers with changing interpreters, and lack of psychological preparation for court.

Survivor Seventeen

Survivor 17 is Fiji-Indian. She has a young child and is studying full-time. She came to New Zealand after marriage and had no family support network here.

The abuse began during her pregnancy and worsened after her son was born. Her husband obtained his resident visa and his behaviour changed markedly — he began demanding dowry payments, belittling her, and making financial demands including repayment of his student loan and his parents' medical bills. He controlled what she wore, dictated when she could attend religious services, and isolated her from friends. His parents, who visited from India, witnessed him strangle her and did nothing. When she disclosed the strangulation to friends, they minimised it — one telling her he had a "bad temper," another suggesting he needed to "adjust." She did not initially know that support existed or that she could apply for a protection order while still living under the same roof — she was given incorrect information that she could not.

Her first disclosure came through her baby's Plunket nurse, whose careful, practical questioning enabled her to open up for the first time. A Shakti refuge social worker connected her to a family lawyer. She faced a significant catch-22 when seeking legal representation — multiple lawyers told her they could not help her obtain a non-removal order unless she first left the house, leaving her trapped between conflicting advice and practical impossibility.

Her court experience was deeply damaging. She described a round table meeting that focused for three hours solely on overnight contact arrangements, with assurances of confidentiality that were not honoured — everything she said was subsequently used against her. Her ex-husband made repeated false police reports claiming she was mentally unwell. He also recorded her bringing their son to visit him at his office — a visit she made at the child's request while living in refuge — and

presented the footage to court as evidence she did not fear him, using it to prevent her obtaining a protection order. A Lawyer for Child pushed for overnight contact despite the child showing clear signs of distress, including refusing to eat at his father's house and eating sand at school from hunger. When the proceedings took an unexpected turn and Survivor 17 withdrew her parenting order application under overwhelming pressure, the Lawyer for Child made a final order without investigation.

The final parenting order gave day-to-day care of her son to his father — the perpetrator. At the time of her interview, Survivor 17 had not seen her son for over seven months. The order contained no provision for what should happen if the father refused contact, and he did refuse. She also experienced immigration abuse — her husband used her visa dependency as a tool of control and her application for permanent residency was affected by the proceedings.

Her experience is one of the most severe documented in this research — a woman who fled violence to protect her child, navigated a system she did not understand, and lost day-to-day care of her son as a result. She wanted her story published:

"Please do publish my story. Here lawyers need to understand that culture does make a difference."

Survivor Eighteen

From the Pacific Islands; went through a lengthy process to obtain family violence residency for herself and her children in New Zealand. Her abuser returned to their home country and had no interest in maintaining contact with the children but still refused to provide consent for her to include the children in her New Zealand residency application. This created a significant barrier, as she needed either his consent or a court order to proceed with the children's visa applications.

She had to initiate guardianship proceedings to resolve the consent issue. She commenced proceedings in New Zealand under legal aid but was ultimately able to obtain court directions from the Family Court in her home country, with the help of family there. These overseas court directions were eventually accepted by Immigration New Zealand as meeting the visa requirements.

The most challenging part of the entire process was the fear that she would be separated from her children—that she might secure her own residency but be unable to include her children in her residency application, or that the legal complications would result in them being separated.

Her experience highlights the particular challenges faced by survivors when the abuser withholds consent for her to seek residency for her children even when the abuser has no contact and is not interested in parenting the children but is withholding consent as part of his ongoing control and abuse.

Survivor Nineteen

From India; came to New Zealand on a partnership-based visa (tourist, then dependent work visa). She has no children. Her family remains in India. She experienced psychological, financial, and physical abuse. Her husband controlled her money including groceries and basic personal hygiene items. He demanded her weekly pay and required her to work overtime while handing over her salary. Her parents in India gave him financial assistance to help her settle in New Zealand, which he and his family used and never returned. The abuse escalated to physical violence. Her husband and in-laws used her visa status as a tool of control, threatening not to apply for her residency (despite her eligibility) and to send her back to India. He threatened to leave her if she disclosed the abuse to anyone. She was manipulated to stay home and isolated from potential support.

She didn't initially recognise the abuse as such—in her community, living with an abusive partner is normalised. Cultural expectations created significant barriers: in India, women are expected to stay in marriages regardless of abuse, and separated women face stigma, blame, and are "looked down on." Her parents, who are old and unwell, cannot bear the shame of community criticism. Relatives in India have stopped contacting her, and she fears judgment if she returns.

After her husband left her alone (following through on his threats), she disclosed to a friend who had also experienced family violence. This friend connected her to a community lawyer. She was unaware of family violence visa pathways until then. She applied for a protection order. She is currently living in a safehouse but must find new accommodation soon, which is extremely difficult with her part-time work hours.

She holds a family violence work visa but faces ongoing housing and financial insecurity. Her protection order hearing is scheduled for 2026. She finds it difficult to explain the full extent of the manipulation, control, and abuse, and feels helpless having to prove herself against her husband's counter-narrative. She remains fearful that her husband may stalk her, and his family monitors her social media. They still possess personal belongings given by her parents, and he retains their photos online.

Her key concerns: the temporary nature of her visa keeps her anxious; her abuser has secure residency, full-time employment, and stable housing while she struggles with all three. She cannot return to India due to the stigma surrounding separated women. She advocates for faster long-term visa processing, job-seeking support, and housing assistance for survivors without children, and questions why victims must wait over two years for security while abusers face no consequence.

Survivor Twenty

From India; came to New Zealand through an arranged marriage. She has no children. She is supported by a family member who lives in New Zealand. The abuse began very early in the relationship after they moved to New Zealand. She was isolated and experienced online harassment. Her abuser threatened to disclose intimate videos of her online as a means of control. She obtained a protection order in mid-2025 and currently holds a family violence work visa, with an application for family violence residency pending.

Despite the protection order, her ex-partner has continued to stalk and harass her through various means. He contacted a mutual friend and provided false, derogatory information about her, which the friend then raised with her—using third parties as a vehicle to continue his psychological abuse. He posted a video on social media stating that if anyone went to court and spoke out against him, he would "get them." She saw this video and recognised it as a direct attempt to intimidate her.

His harassment extended to her family when he posted a fake negative review on her family member's business website. He also attempted to hack her social media account. She understood all of these actions as deliberate attempts to harm her and her family.

She reported these breaches to police. However, because many of the messages had been deleted, police said there was insufficient proof. Some incidents remain under investigation, but to date there has been no meaningful accountability for the perpetrator's ongoing harassment. She feels that the threats are not believed. Her experience highlights how inadequate enforcement of protection orders compounds vulnerabilities for migrant women.

Survivor Twenty One

From India; experienced psychological and financial abuse. She has no children. Her husband controlled her movements using cameras installed throughout the house. He threatened her,

including saying he would cancel her visa. He took her gold jewellery. When she called police, they issued a safety order and she went to a safehouse. He withdrew money from her bank account. He contacted Immigration New Zealand and withdrew his sponsorship for her residency application. His mother ran a smear campaign against her in India. She has a temporary protection order, with the permanent order still going through the Family Court.

Her experience illustrates how perpetrators can strategically exploit differences between legal systems. Their marriage under the Indian Hindu Marriage Act gives her specific rights in India—particularly because she was not at fault and his actions caused the marriage to end. These include fault-based divorce grounds, maintenance obligations tied to marital misconduct, and rights to return of dowry, gold, or stridhan (a wife's personal property). She wants to pursue these rights, including the return of the gold jewellery he took.

However, her husband has filed for divorce in New Zealand seeking to use the no-fault divorce system to escape obligations he would face under Indian law. She filed an application opposing the divorce until property issues are resolved in India and tried to explain the cross-jurisdictional implications to the Family Court. However, she has been unable to find a family lawyer who could represent her on legal aid. She was advised that New Zealand courts will likely grant the divorce regardless and will not consider her Hindu law rights because of how the no-fault system operates.

Her experience highlights how migrant women's legal vulnerabilities extend beyond New Zealand's borders. She faces a perpetrator strategically using the New Zealand court to avoid accountability overseas, a legal system that cannot recognise her rights under Indian law, and a Family Court process she must navigate without representation because legal aid was unavailable.

Survivor Twenty Two

From Southeast Asia; has children. She has a residency pathway in New Zealand through her career and is well-established professionally. Her children are settled in school here. Her husband is violent. They have separated, and his visa expires in 2026, at which point he will return to their home country. The children are currently on his visa.

She has not yet applied for protection orders or parenting orders but intends to do so. The core problem is that she cannot include her children in her own residency application without his consent—which he is withholding—or a court order confirming she has custody and the right to determine the children's place of residence. This requires guardianship proceedings.

The situation is extremely stressful. She fears for her children's safety if they remain living with him during the time it takes to obtain a guardianship direction through the Family Court. She is hoping Immigration New Zealand will place her residency application on hold while she pursues legal remedies.

She has applied for family mediation, but is uncertain of the outcome as her ex-husband is refusing to cooperate. This is despite him having little contact with the children and knowing it would be in their best interests to live permanently in New Zealand, where they are settled and where she has a positive future with her career.

Her experience highlights how abusers can weaponise immigration processes by withholding consent for children's visa applications—even when they have minimal involvement in parenting—forcing survivors into lengthy court proceedings while the clock runs on visa expiry dates. The intersection of immigration timelines and Family Court timeframes creates acute vulnerability for children caught between jurisdictions.

Appendix II – Survivor Experiences of Violence

This appendix documents the forms of violence experienced by the 22 ethnic and migrant women who participated in this research. Their accounts reveal the complex, intersecting nature of family violence—encompassing physical, psychological, sexual, financial, and immigration-related abuse, often perpetrated not only by intimate partners but also by extended family members. These narratives provide critical context for understanding the barriers survivors faced in seeking safety and justice through the Family Court system.

Some quotes in this appendix also appear in the body of the report, where they are used to illustrate specific findings. They are retained here as part of the complete record of survivors' experiences of violence.

Coercive Control and Isolation

Perpetrators used sophisticated strategies to maintain dominance, systematically isolating survivors from support networks, controlling their movements, and restricting their autonomy.

"I was not given money. I was not given car keys. I was verbally abused. I was isolated. I was made a drama of in front of my community which was very disturbing. I did not have a job so I had no finances of my own... Those months were literally isolation and abuse."

— Survivor 6

"He didn't allow me to go outside. And first, when I came over [from home country], I do not have friend. And so he doesn't allow me to go outside... he also didn't bring me to go out and meet with friends."

— Survivor 16

"His behaviour was overpowering, over-controlling and there was no space and freedom for me and everything he was stopping me... I can just go to work and come home. That's it. Other places I can't go."

— Survivor 3

"I think the original reason why [he] took me to another city, was he wanted to isolate me from my friends... he was very manipulating. He didn't allow me to join any community or attend a family gathering or anything else."

— Survivor 7

"He was in control of everything in that sense... When it comes to what I wear, how I wear, how do I even talk to the opposite gender? How am I engaging with other people when I started going back to study? It became a huge issue. That's why I wasn't able to study or work or do anything in those 10 years."

— Survivor 9

"I have to be home like a little child, you know, I have to be home otherwise he is gonna hit me or abuse me and stuff."

— Survivor 1

"He's not psycho. I can say he's very smart... He knows how to deal with this and how to torture someone mentally, how to harass with the newspapers, with the emails, with the comments on posts, with everything, he knows everything."

— Survivor 5

"I really felt isolated. I really felt that I'm cornered. There is no help for me. No one gonna believe what I say because I'm a foreigner."

— Survivor 1

Technology-Facilitated Abuse and Surveillance

Perpetrators used technology as a tool of control—monitoring survivors' communications, restricting internet access, and continuing harassment through digital means.

"You know, we have the video camera in our old house everywhere, just to, you know, track me... he said he just want to, you know, capture to see our daughter, but actually its me."

— Survivor 15

"My mind was always exhausted. Verbally abusive, he was to me physically and in all the ways I was sleeping and waking up in stress the whole time... He was monitoring me online... Even I can't talk to anyone and he will keep on calling me all day."

— Survivor 3

"If you got more emotional and verbal, like, you know, if I wanna talk to my family back home, he will cut the internet off."

— Survivor 1

"He actually cut the internet off me... I told him, I said, look, you know, for a long time, you physically abused me and I never rang police, but this is mental abuse and you're psychologically abusing me... And I can actually ring police and it's as bad as physical. And he laughed at me. He said, oh, you think you're a psychologist, you know everything?"

— Survivor 1

"I did not have a proper mobile or laptop to check what is family violence... he blocked the WiFi and never gave me a mobile."

— Survivor 7

"I am fearful of my husband if he still stalks me, and his family and friends stalks me on social media to keep my updates. It's very scary at times."

— Survivor 19

"I thought this was just how families are... I didn't know that constantly checking my phone, telling me I couldn't go anywhere, and controlling the money was abuse."

— Survivor 10

Financial Control and Economic Abuse

Perpetrators maintained control through financial dependency—restricting access to money, preventing employment, and exploiting survivors economically.

"I was so much dependent on my husband for every dollar spent, he would control every purchase be it groceries or basic things of personal hygiene. Even my parents gave him financial assistance in India to help me settle in New Zealand which he never gave me back."

— Survivor 19

"I didn't even know that my bank account was... a joint account."

— Survivor 9

"So when I went back to uni again [he said] I'm not going to support you. I'm not going to pay any extra bills for the childcare support. You still have to do everything in the house. I don't care, you know, the food, the laundry, blah, blah, all of that. It is a woman's duty. I'm just to sit there on a couch like a potato."

— Survivor 9

"[Y]ou know, you're a woman, you need to do all of this. It's your job. No matter how you're feeling... six o'clock in the morning, you have to wake up, you have to do everything in the house. You have to make sure your mother in law is happy and everybody in the house is happy. And when your husband comes back around seven, eight in the evening, you should be like, you know, spik and span clean and just be there. And that was literally my entire time."

— Survivor 9

"Five years I spent in Pakistan, my birth country with him and his family and then we immigrated to New Zealand. So five years was with him and his family in the same house. Me just, you know, serving."

— Survivor 9

"I was misled by him... saying that in order to get a visa... for me as a spouse... we have to have shared property. So my property in China and my money in China [is] under two person's name[s]... but he said that he preferred to buy the property in New Zealand with his money."

— Survivor 16

Physical Violence

Several survivors experienced physical violence, which was often used alongside psychological abuse and coercive control.

"Like every time he hit me, I will, I'll just black out of my mind. My brain would not work but I have one thought, what have I done or how, what could have I done to stop it?"

— Survivor 1

"I allowed him to yell at me, to hit me."

— Survivor 2

"[His family said] stay with your child's father... But... he assaulted me again during pregnancy, the night before my son was born, he actually assaulted me physically and it happened 3 or 4 times and he was sorry."

— Survivor 1

"The trouble you've given to me and my mum and my community for the whole one year, the separation, I want to take revenge on you."

— Survivor 12 [perpetrator's words when assaulting her]

"I wasn't strong in the beginning but then I tried my best to become very strong for me and my daughter."

— Survivor 3

Sexual Abuse

Some survivors experienced sexual abuse, which was often normalised within cultural contexts and difficult to name or disclose.

"[H]e never slapped at my face, he never touched my face, never anything that would be visibly seen, that people could see. Mine was sexual abuse. It was basically marital rape... And I just thought that's normal."

— Survivor 9

"He was not willing to talk to me at that time because he want kind of the physical relationship and all that stuff, but I don't want to... So it made him aggressive because he wants that. 'Oh I look after everything for you but you are not giving me anything'..."

— Survivor 4

"In [Latin America] when the men worked to sustain the family... then they drink like this. So then they think in [Latin America] working and then they drink, they think when they get home they can do anything, like they have to be fed, they can have sex whenever they want. They can do anything just because of this."

— Survivor 2

Visa-Related Coercion

Perpetrators weaponised immigration status to maintain control—threatening deportation, withholding sponsorship, or exploiting visa precarity.

"He always said that you're going to separate, you will be deported... because I am dependent on him, I have a dependent visa, under his name. So that's why I never take a step."

— Survivor 4

"I was so worried that he might cancel my visa and leave me without any awareness and I would be deported back to India. I left everything behind to start my life here with him."

— Survivor 19

"They [his parents and sibling] always threatened me to not apply for my visa further as it was dependent on my husband. They threatened to send me back to India to my parents. He asked me for money to apply for further visa but never gave me assurance that he would apply for it."

— Survivor 19

"I was thinking what would happen if I separated from him because I was not aware about the laws... and he always said that if I separate from him, I would be deported... So that's why I never take that step."

— Survivor 4

"My husband being a Permanent Resident, makes me think that nobody will understand or believe my side of the story and how he treated and threatened me."

— Survivor 19

Transnational Threats and Abandonment

Some perpetrators threatened to take partners or children to their home country and abandon them there.

"He started planning and plotting and he told me that he wanted to take me to India on a one-way ticket."

— Survivor 17

"He used to say to me. 'I'm gonna put the [parenting] order. You can never take [our son]'. His parents actually told me one day they came to my place. We never gonna let you take [name] back to [home country] to see your family. Never. That's what they used to tell me."

— Survivor 1

Pregnancy and Abandonment

Perpetrators' abuse did not pause during pregnancy or medical crises. Some survivors described being abandoned, denied paternity, or left without support at their most vulnerable.

"When doctors told me that I am pregnant, I was excited to tell my ex... He got angry on the phone and said 'stop lying. Even if you are pregnant that baby can't be mine.' I immediately started crying. It was like someone just stabbed my heart into pieces."

— Survivor 17

"I was admitted in hospital for 6.5 weeks. He only came 3 times to hospital for only less than 5 minutes... I asked my ex to be present in room during the surgery but he denied."

— Survivor 17

Survivor 19 said her husband showed no concern when she required medical attention after having a suspected miscarriage.

Multi-Perpetrator Abuse: In-Laws and Extended Family

Many survivors experienced abuse not only from intimate partners but also from in-laws and extended family members who participated in control, surveillance, and pressure.

"What happens is if anything like this happens, your husband's side of people, they start telling their relatives that this is what their daughter in law has done and that's how the things spread around."

— Survivor 14

"[T]he Indian community, we are very customised, very traditional people. We don't want to be, you know, this is not happening in our culture. Our parents always said no, you have to manage. Whenever I just make the call to my parents, my in-laws, they said then, oh this is not good. OK, fine. We can talk to him, but they just said 'Don't do this'. That's all. But he kept doing it."

— Survivor 4

"[His family] were the people that I told first, and then they told me, oh yeah, he's always been like that. He's got anger problem, he's got alcohol problem and I did not know any of that... [They said] stay with your child's father, you don't just go... I mean, we don't know any other different way."

— Survivor 1

"I got separated even in India, when daughter born. So that life what does like he contacted the women refugee in my hometown. So they were against me. They said go back and live with him."

— Survivor 12

"So even in India, there is a women's safety team who's there, but they are not even supporting me because the lady straightforward told me I got a pressure from politician who knows your father-in-law."

— Survivor 12

"I am fearful of my husband if he still stalks me, and his family and friends stalks me on social media to keep my updates. It's very scary at times. His family in India still possess my personal belongings given by my parents."

— Survivor 19

Child-Related Threats and Coercion

Perpetrators used children as leverage, threatening custody or removal to maintain control over survivors.

"My thought was if I break up, go live on my own, then my son is too little because I knew in New Zealand it's 50/50 custody of the children. And I always thought my son is too little to go with his dad without me being around, especially him being an alcoholic and all the rest of it. And, so I stayed as much as I could about till about when he was four."

— Survivor 1

"I was also told by some people that if I tell anything about my relationship about my ex then my baby will be taken away from me so that had prevented me from speaking up. I don't wanna lose my child because somebody said that if you tell somebody, if you report about family violence what's happening with you, basically because of the family violence, the baby will be taken from you. So I got extremely scared."

— Survivor 17

These accounts demonstrate the complex, intersecting nature of family violence experienced by ethnic and migrant women. The violence documented in this research was rarely limited to a single form—survivors typically experienced multiple, overlapping forms of abuse. Understanding these dynamics is essential for developing effective responses within the Family Court system and beyond.

Annexure III – Workshop: Collective Problem- Solving with Subject Matter Experts



Overview

On 5 July 2025, 15 subject matter experts gathered in Tāmaki Makaurau for a facilitated workshop to develop practical recommendations for improving access to safety and justice for ethnic and migrant women navigating family violence and the Family Court. Over ninety percent of participants were themselves from ethnic or migrant communities, bringing both professional expertise and lived understanding of the barriers identified in this research.

Participants included family lawyers (including those approved for legal aid), social workers, an immigration lawyer, counsellors, policy advisors, academics specialising in family violence and ethnic community issues, case workers, and managers from family violence and sexual violence organisations.

Methodology

The workshop used a design thinking approach, structured around "How Might We" (HMW) questions. These questions were framed using Roopa's story⁵⁶ —a composite persona developed from the research interviews representing the journey of an ethnic migrant woman experiencing family violence and engaging with the Family Court system.

Participants worked in small groups, each addressing specific pain points identified through themed insights from survivor and advocate interviews. Groups were given a 'Solution Concept Canvas' and asked to identify who the solution was for, what problem it addressed, how it would meet users' values/needs, how the solution worked, and what practical steps would be required for implementation.

The Two Core Problems

The workshop focused on two interconnected problems identified through the research:

Problem One: Lack of Cultural Responsiveness in the Family Court System

Key stakeholders in the Family Court system often lack awareness of the structural and cultural barriers faced by ethnic and migrant victim-survivors of family violence. This results in many

⁵⁶ At the workshop, this composite persona was named "Roopa" and included India-specific details. For this report, the story has been adapted and the persona renamed "Maya" to reflect the shared experiences of ethnic and migrant women across diverse communities, rather than being specific to any one cultural background.

women feeling unheard, unseen, and misunderstood, and unable to meaningfully participate in court proceedings. Consequently, their access to safety, support, and justice—and that of their children—is compromised.

Problem Two: Fragmented Support for Victim-Survivors

Ethnic and migrant victim-survivors navigating the Family Court process frequently encounter a fragmented system with little coordinated support. They are often required to recount their traumatic experiences multiple times to various agencies, without a clear understanding of their rights or the legal process and its implications. This lack of holistic, trauma-informed, and culturally appropriate support leads to unmet needs and increased risks to safety, wellbeing, and equitable access to justice.

Framing Principles

Several framing principles guided the workshop discussions:

- **Women's voices as foundation:** The research findings—survivor experiences which were presented in a Discovery Report prepared by the author and an assistant researcher)—anchored all discussions
- **Social entrapment framework:** Recognition that women face barriers at multiple levels (individual, community, and system)
- **Spheres of control and influence:** Each actor in the system has something they can do; the question is what lies within their sphere of control and what lies within their sphere of influence
- **"Everyone in every role has something they can do at every step":** Workshop participant
- **The paramountcy principle:** Section 4(1) of the Care of Children Act—the welfare and best interests of the child “in his or her particular circumstances” must be paramount, and that should not be lost sight of
- **Opening the system:** Just as the Family Court system has opened to accommodate Te Ao Māori perspectives, it can also open to the experiences and needs of ethnic and migrant women

Participants also noted concern about terminology, with a preference expressed for "Migrant, Ethnic, Refugee (MER)" communities over "CALD" (culturally and linguistically diverse), which some felt obscured the specific structural barriers these communities face; and also because someone may identify with a specific ethnicity while having English as their first language, meaning the “linguistically diverse” label does not apply to them.

How Might We Questions

Workshop participants identified a wide range of 'How Might We' questions on individual post-it notes—a design thinking technique used to translate the barriers identified in the research into opportunities for practical change. The questions were then grouped and themed, and included the following.

Note: the questions below are reproduced as recorded during the workshop. Participants used the names "Roopa" and "Raj" to refer to the composite persona and her abusive partner—corresponding to "Maya" and her partner as described elsewhere in this report (see footnote 55).

Awareness and Help-Seeking

- How might we empower women like Roopa to seek help and reach a decision?
- How might we get information to Roopa when Raj monitors her search history?
- How might we ensure information addresses migrant women's specific questions?
- How might we make family violence information accessible to ethnic victims?
- How might we raise awareness of existing support?

Legal Representation and Court Processes

- How might we ensure family lawyers understand immigration issues?
- How might we ensure lawyers are family violence and trauma informed?
- How might we ensure lawyers have the time they need with clients—to build relationships and trust, hear their story, respond to what they hear, and create safe pathways to extra support?
- How might we as lawyers create a space where women feel able and safe to disclose family violence, and where we know how to respond well to disclosures?
- How might we ensure the base relationship between woman and lawyer is good?
- How might we ensure lawyers get paid adequately for family violence work?
- How might we create an online directory for family violence services to find appropriate lawyers?

Interpreters and Communication

- How might we ensure better access to high-quality interpreters?
- How might we ensure there is adequate funding so FV services, clients and lawyers can access interpreters?
- How might we ensure court documents are translated prior to and after court—anything court related?
- How might we support ethnic women to ensure they can freely give evidence in Family Court?

Court Environment and Safety

- How might we make Roopa feel more comfortable and safer in court?
- How might we have separate rooms and spaces outside court so women don't need to sit next to their abuser prior to the court hearing starting? Warm, comfortable physical spaces?
- How might we ensure warm, empathetic reactions—letting her know what's happening and what's going to happen in the courtroom at every step?
- How might we make the courtroom environment more conducive to Roopa's voice being heard?
- How might we create safe spaces at court so that ethnic migrant women can have a fair and uninterrupted opportunity to outline the particulars of their case and the impact of violence on their lives?

Judicial and Court Staff Understanding

- How might we ensure that judges understand the cultural and structural context when ethnic women give evidence?
- What training can judges receive to understand that family violence risk can come from multiple perpetrators and that coercive control is a lethality indicator?
- How might we raise judges' and lawyers' awareness of how limited a picture of women's family violence experiences and cultural context they may have?
- How might we inform judges who make decisions about protection orders for ethnic women about the internalised barriers that make it challenging to fully disclose the nature of violence they experience?
- How might we ensure judges get the full context of family violence victims to make decisions that consider not just safety but justice?
- How might we ensure a judge receiving a protection order application urgently without notice is aware of cultural and structural context, given decisions are made on papers quickly?
- How might we ensure court staff get training?

Children

- How might we ensure the voices of children who are victims and survivors from different backgrounds are considered in safety planning and legal processes?
- How might we ensure children can access family violence support designed for them?
- How might we ensure the family violence advocate works with the lawyer for child to give insights into how the family violence directed at mum means the court should consider the child as a family violence victim as well?

Coordination and Wrap-Around Support

- How might we ensure survivors have access to culturally responsive support to navigate the Family Court system?
- How might we ensure women don't have to tell their story multiple times?
- How might we get agencies to work as one unit?
- How might we ensure that government agencies involved (eg Ministry of Justice, MSD, INZ, MHUD/Kāinga Ora) are able to safely share information and collaborate to ensure the safety and wellbeing needs of victim-survivors have been met?
- How might we make court systems easier for both victims and their support professionals (lawyers/advocates) to navigate?
- How might we ensure that women have a consistent support person (such as a FV advocate) throughout their journey and that geography isn't a barrier to this?

Immigration

- How might we make visa statutory declaration writers more visible?
- How might we have a flexible temporary family violence visa which covers their entire court process including any appeals?

- How might we ensure immigration security enables, rather than inhibits, disclosure of family violence by those on temporary visas?

Following the HMW discussions, participants worked in groups of two or three to develop solution concepts addressing one or more of the problems identified. Each group used a 'Solution Concept Canvas' to structure their proposals. Six solution concepts emerged.

Group Recommendations

Group 1: Central Hub for Awareness and First Contact

Pain point addressed: Victims fear taking the first step; they lack awareness that what they are experiencing is violence and do not know what support is available.

Solution: A Central Hub

The group proposed a central, known place for help—using the analogy that just as everyone knows you go to the supermarket for groceries, women should know where to go for family violence support. This hub would be powered by collaboration between key agencies including Shama, Shakti, Shine, and Women's Refuge.

Key elements:

1. Strong social media presence with content creation in multiple languages
2. "Let's Talk" videos about family violence—what it is, its impact on children and families, why to get out, what support is available, and where to go
3. Information socialised through trusted community touchpoints: religious places (mosques, gurdwaras, temples), medical centres, schools, sports events, and cultural festivals
4. Panels of ethnic mentors available
5. A website and social media presence powered collectively by all key family violence agencies

Why it works: Information reaches women where they are, in forms they can access even when monitored, through trusted community channels.

Group 2: Creating Safer Spaces to Talk About Family Violence

Pain point addressed: Women do not feel safe to disclose; lawyers lack the skills and time to create conditions for disclosure.

Solution: Training and Co-Design

Key elements:

- Lawyers need adequate time with clients (linked to legal aid funding)
- Training for lawyers on what questions to ask and how to ask them
- Safer Together training for legal professionals
- Interpreters with specific training available for all client meetings
- Co-designing intake and disclosure processes with family violence specialists
- Interpreters receiving family violence training and cultural context training, including understanding how to convey new terminology in different languages

Why it works: Disclosure is not automatic; it requires safety, trust, and skill. Without training and time, lawyers cannot create the conditions for women to tell their full story.

Group 3: Judicial Education—"Super Judge"

Pain point addressed: Lack of understanding, knowledge, and awareness among judges, registrars, and clerks regarding ethnic and migrant women's cultural circumstances and barriers; inability to consistently implement cultural knowledge into the family justice system.

Solution: Comprehensive Judicial and Court Staff Training

Key elements:

Training content:

- Better use of interpreters
- Alternative ways of giving evidence
- Regular and ongoing training on cultural issues affecting ethnic and migrant women
- Addressing unconscious bias
- Understanding that coercive control is a lethality indicator
- Understanding that family violence risk can come from multiple perpetrators (including the abuser's family)

Practical tools:

- Comprehensive checklist for judges and registrars, referred to regularly
- Judges actively turning their minds to a specific woman's needs while in the courtroom
- Judges reviewing their practices regularly, including information sharing
- Judges considering what external supports are available to the victim (e.g., Does she have a FV/SV agency supporting her or is she navigating alone?)

Evidence and documentation:

- Document drafting guidance for lawyers to ensure judges understand cultural matters
- Lawyers to include cultural impact statements and structural impact statements in affidavits
- Filing cultural evidence from social workers, community leaders, and cultural experts

Learning environment:

- Creating learning environments that are safe by acknowledging judges have different learning needs
- Specific training streams for ethnic and non-ethnic lawyers and judges

Why it works: Judges cannot apply cultural understanding if they do not have it. Training must be ongoing, not one-off, and supported by practical tools (checklists, evidence requirements) that embed cultural responsiveness into routine practice.

Group 4: Building Trust with Family Lawyers

Pain point addressed: Lack of trust in family lawyers; insufficient knowledge among lawyers of different cultural contexts and the needs of victims of family violence.

Solution: Incentives, Training, and Practical Tools

Key elements:

Systemic changes:

- Incentivising family lawyers to do legal aid work (addressing the exodus of experienced lawyers from this area)
- Mandating cultural awareness education and family violence content as part of tertiary law courses
- Continuing professional development requirements for base-level training on family violence in cultural contexts

Network and mentorship:

- A Law Society-approved network of family violence and cultural experts that lawyers can call on as mentors and guides
- Regular webinars (e.g., every two years) interfacing family lawyers and immigration lawyers—cross-fertilisation of knowledge on representing ethnic clients who are victims of family violence

First meeting protocols:

- Special training for the first meeting with clients to maximise trust-building
- Interpreters included if required
- Social worker or support person present
- Sensitive and comprehensive extraction of all relevant information
- Checklist of questions to ask
- Communication skills training
- Clear protocols for keeping clients informed throughout

Documentation:

- Training on improving disclosures from the outset
- Training on stigma and its impact on disclosure
- Better use of cultural evidence
- Cultural impact statements and structural impact statements in affidavits
- Comprehensive information provision for survivors who are not connected to a refuge or specialist service

Why it works: Trust is built through competence, time, and understanding. Lawyers need skills, support, and adequate resourcing to provide the service ethnic and migrant women need.

Group 5: Shared Platforms and Integrated Systems

Pain point addressed: Contracts requiring high client loads leave no time for support workers to attend appointments with clients; fragmented systems; lack of resources and acknowledgement of the complexity of this work.

Solution: Integration and Wrap-Around Services

Key elements:

Networking and advocacy:

- An advisory/networking group of key agencies learning about each other's areas of practice
- A unified voice that is respected by government

Training:

- Mandated training for mainstream services, with regular dissemination of relevant information (MSD entitlements, immigration rights)
- Yearly professional development so agencies understand migrant, ethnic, and refugee communities

Service model—the Tripod:

- At key interactions, a tripod of: family violence lawyer + immigration lawyer + specialist support agency
- Holistic wraparound legal service system under one roof: lawyers, psychologist, social workers, court navigators

Practical resources:

- Checklists for social service agencies
- Clear information on the ways non-legal agencies can contribute and support clients through the court process

Why it works: No single agency can meet all of a woman's needs. Integration reduces the burden on women to navigate multiple systems and ensures that critical issues (especially immigration) are not missed.

Group 6: No Wrong Door—Coordinated Response

Pain point addressed: Fragmented responses mean people fall through the cracks.

While Groups 5 and 6 both identified fragmentation and coordination as central problems, their solutions approached the issue differently. Group 5 focused on building integrated systems and shared platforms across agencies; Group 6 approached the problem from the survivor's perspective — asking what a truly survivor-centred coordinated response would look like, and who should hold the centre of it.

Solution: A Survivor-Centred, Government-Supported Coordinated System

Key elements:

Design principles:

- Government supported and funded, but not government fronted
- Designed around the woman's journey
- A system where women have autonomy and make their own decisions
- Co-designed with government, community, and agencies

Case coordination:

- Survivor at the centre
- A nominated "protector of information" for smoother referrals
- Lead agency model: social worker as lead, engaged with immigration advisor
- Survivor decides who leads and coordinates her support
- Information sharing and case management system connecting the social worker with Immigration New Zealand, the lawyer, the judge, and social services (housing, financial support)

Service delivery:

- One-stop shop for protection orders and visa advice
- Co-located hubs—community led, government supported
- Legal aid changes to support this model

Why it works: It reduces re-traumatisation by eliminating the need to tell the story repeatedly. It provides cohesive services that clients can understand. It gives women autonomy and control, creating a safer pathway to leave abusive relationships.

Universal Needs: What the Workshop Revealed

Across all six groups, and threading through every "How Might We" question, a set of universal needs emerged. These workshop findings directly informed the Universal Needs framework presented in Chapter 5 of this report — readers will find the two sections closely aligned, as the Chapter 5 framework was developed from and builds on what participants identified here. They are presented in full in both places: in this annexure as a record of what the workshop produced, and in Chapter 5 as part of the report's core analytical framework. Across all six groups, and threading through every "How Might We" question, a set of universal needs emerged. These workshop findings directly informed the Universal Needs framework presented in Chapter 5 of this report — readers will find the two sections closely aligned, as the Chapter 5 framework was developed from and builds on what participants identified here. They are presented in full in both places: in this annexure as a record of what the workshop produced, and in Chapter 5 as part of the report's core analytical framework.

1. Information That Reaches Women Where They Are

Women cannot seek help if they do not know help exists, do not recognise what they are experiencing as violence, or cannot access information in a form they understand.

This requires:

- Information available online in multiple languages
- Information disseminated through trusted community channels (religious institutions, medical centres, schools, cultural events)
- Information that addresses migrant-specific questions (visa pathways, rights regardless of immigration status)
- Information accessible even when a woman's access to technology is monitored or controlled
- A known, central place to go for help—not a maze of agencies

2. Time

Every barrier identified in this research is worsened by lack of time. Lawyers do not have time to build trust. Support workers do not have time to attend appointments. Interpreters are not available when needed. Court processes are rushed.

This requires:

- Legal aid funding that reflects the actual time required to work effectively with ethnic and migrant women experiencing family violence
- Contracts for support agencies that allow workers to provide wraparound support, not just crisis intervention
- Court scheduling that accommodates interpreter availability and the additional time needed for interpreted proceedings

3. Training That Is Ongoing, Specific, and Accountable

One-off training does not change practice. Training must be ongoing, tailored to different roles, and embedded in accountability mechanisms.

This requires:

- Mandatory continuing professional development on family violence and cultural responsiveness for family lawyers
- Cultural awareness, trauma-informed practice and family violence content in tertiary law courses
- Ongoing judicial education on cultural and structural barriers, coercive control, and the use of interpreters
- Training for interpreters on family violence, including terminology and dynamics
- Training for court staff, registrars, and navigators
- Checklists and accountability tools that embed training into daily practice

4. Interpreters Who Are Trained, Available, and Safe

Language access is not a minor logistical issue; it is a matter of justice. Without adequate interpretation, women cannot tell their story, understand the process, or participate meaningfully in proceedings that determine their safety.

This requires:

- Professional interpreters at every meeting with lawyers, not just court appearances
- Interpreters trained in family violence and sexual violence dynamics
- Interpreters who understand legal terminology and can convey it accurately
- Consideration of community dynamics—women may not feel safe with an interpreter from their immediate community
- Funding for interpretation that covers the entire case, not a capped number of hours

5. Cultural Evidence as Standard Practice

Judges cannot consider what they do not know. Cultural and structural context must be placed before the court in a form that can be understood and weighed.

This requires:

- Lawyers trained to gather and present cultural evidence

- Cultural impact statements and structural impact statements as standard components of affidavits in cases involving ethnic and migrant women
- Access to cultural experts, social workers, and community leaders who can provide supporting evidence
- Judicial education on how to interpret and apply cultural evidence

6. Integration Across Systems

Women's lives do not divide neatly into "family law," "immigration," and "social services." A woman seeking safety is simultaneously navigating all three. Fragmentation forces her to tell her story repeatedly, miss critical deadlines, and fall through gaps between agencies.

This requires:

- Family lawyers with immigration knowledge, or routine collaboration with immigration lawyers
- Immigration New Zealand processes aligned with Family Court timeframes
- Information sharing (with consent) between agencies
- A lead agency or coordinator model so women are not left to navigate alone
- Co-located services where possible

7. A Survivor-Centred Model That Preserves Autonomy

Women are not passive recipients of services. They are decision-makers navigating extraordinarily difficult circumstances with limited options. Systems designed without their input often fail them.

This requires:

- Women deciding who leads and coordinates their support
- Services designed around the woman's journey, not agency structures
- Respect for women's decisions, even when professionals might advise differently
- Recognition that women may want the violence to stop without wanting the relationship or family to be destroyed
- Options for perpetrators to access culturally appropriate behaviour change programmes

8. Safe Spaces—Physical and Relational

Safety is not only about protection orders. It includes physical safety in court buildings, emotional safety in interactions with professionals, and cultural safety in how services are delivered.

This requires:

- Separate waiting areas at court so women do not sit beside their abusers
- Warm, comfortable physical spaces
- Professionals who respond to disclosures with empathy, not administrative detachment
- Processes that do not require women to repeatedly recount trauma
- Recognition that for many ethnic and migrant women, engaging with formal systems is itself a significant barrier shaped by experiences of authority in countries of origin

9. Children Recognised as Victims in Their Own Right

Children are not bystanders to family violence; they are victims. Their safety is inseparable from their mother's safety, yet the system often treats them as separate considerations.

This requires:

- Lawyers for child trained in family violence dynamics
- Collaboration between family violence advocates and lawyers for child
- Court processes that hear children's voices through trauma-informed methods
- The paramountcy principle—that the welfare and best interests of the child must be paramount—actively applied, not merely cited

10. Immigration Security as a Foundation for Safety

For women on temporary or dependent visas, immigration status is not a separate issue from safety—it is central to it. Fear of deportation keeps women in dangerous situations. Visa uncertainty undermines every other support.

This requires:

- A family violence visa pathway that is flexible, timely, and does not require a final protection order
- Work visas of sufficient duration (at least three years) to allow women to stabilise their lives
- Immigration processes that are trauma-informed and do not treat women as suspects
- Family Court decision-makers who understand how their decisions interact with immigration outcomes
- An end to the use of immigration status as a tool of coercive control.

Workshop participants were clear: the solutions they proposed are not utopian. They do not require wholesale system redesign. They require attention to implementation gaps, adequate resourcing, training that is sustained rather than sporadic, and a commitment to see ethnic and migrant women as whole people navigating intersecting systems—not as "files" to be processed.

