

WIFE IMPORTING

VIOLENCE IN ATTACHMENT RELATIONSHIPS¹

More than a thousand women sought support at Roks' women's shelters during 2008 and 2009, after being exposed to violence in their attachment relationship, i.e. from the man who they moved to Sweden to be with. These women had quite often lived in Sweden for less than two years and therefore had no permanent residence permit; if their relationship ends they would normally be deported, according to legislation. However, in their home country, these women risk everything from social misery to physical violence - at worst being killed, in accordance with the norms of honour cultures. These women can apply for a residence permit or asylum in Sweden, but few succeed in fulfilling the stringent requirements set for this permit to be granted. The women's shelters often see these so-called imported wives being deported - while their men begin a new relationship. Many shelters can witness about men who are currently on their eighth or ninth imported woman, all of whom have been exposed to violence. Roks, the National Organisation for Women's Shelters and Young Women's Shelters in Sweden, has brought attention to the problem of violence in attachment relationships in two reports.

Roks has chosen to use the term “wife importing”² to describe the situation where a Swedish man³ enters into a relationship with a foreign women with the purpose of exploiting her – as labour or a household worker, for being waited on or for sex. The women have been lured to Sweden with a promise of love, security and a good life, but when they finally get here the situation is found to be completely different: The man does not have as much money as he claimed to have and his behaviour towards the woman changes quickly to a nightmare of control, threats and violence. The woman ends up in a very exposed situation where she often:

- has no knowledge of her rights in Sweden
- has little or no network of her own, since her only support in the country is the man
- has “left everything” in her home country and risks reprisals if she returns
- lives on a temporary residence permit and risks deportation if the relationship ends

Imported women are often a difficult group for the women's shelters to support. In addition to their feeling poorly from the violence they have been exposed to, they find themselves in a very difficult situation where they are usually forced to choose between three alternatives that all involve serious difficulties: To return to their home country, to stay in the relationship or to apply for continued residence permit or asylum.

¹ “Attachment relationship” is the term used to describe a relation between a Swedish person and a foreigner when the foreigner applies for a residence permit based on this relation.

² “Foreign wife”, “bought wife” or “mail order bride” are other terms that may be used in this context.

³ A “Swedish man” refers to a man who lives and is established in Sweden. The man may have either a Swedish or foreign background.

Returning to the home country is often described by the women as being impossible. They may have sold their assets and are convinced that they will be socially stigmatized and have no chance of supporting themselves. Women from so-called honour cultures, where e.g. divorce is unacceptable, risk being disclaimed or even killed due to the disgrace others feel they have brought on their family through a broken relationship. These women often have valid reasons for asylum, but many have difficulty in getting sympathy in an asylum process.

As a result, many women choose to stay with the man, to “endure” until the two-year trial period for their temporary residence permit has expired, in the hope of being granted permanent residency. These women risk (in addition to living with a man who exposes her to violence and insults) the man leaving her before her trial period expires. Some imported women who seek support at the shelters have simply been thrown out by their husband, who is quick to notify the authorities that the relationship has ended and that the woman therefore has no right to residency. Many women's shelters have witnessed men who seem to have begun “systematic” wife importing. They make sure to end the attachment relationship before the trial period has expired and then begin a new relationship (often with a woman from the same country) that they later end in the same manner.

According to legislation, the main rule is that if an attachment relationship breaks up during the trial period, the applicant must be deported; however there is a protective condition stating that when a relationship has ended due to violence, the applicant can be granted continued residency.⁴ The requirements for this to apply are however so stringent that few women actually succeed in fulfilling them. The women's shelters are often forced to see how imported women are deported to a very uncertain or threatening future.

Roks believes that Sweden's actions in these errands are unacceptable. Today's legislation allows men to systematically abuse foreign women and strengthens the already distorted balance of power existing between the Swedish man and the foreign woman in an attachment relationship. In their reports, Roks has reviewed the problems with this legislation and other regulatory framework and gives suggestions as to how they can be solved.

Problems and proposals for measures

The proposals for measures are based on different methods of *improving the protection for persons living with temporary residence permits based on attachment*. This includes preventive measures – to avoid, as far as possible, women ending up in relationships where they are exposed to violence – and to improve the protection for those women who have suffered. Roks' proposes:

- 1. Improved review of permit assessments**
- 2. Explicit information to applicants**
- 3. Abolishment of the two-year rule**
- 4. Reasonable requirements for continued residency for broken attachment relationships**

1. Improved review of permit assessments

In 2006, the EU-directive on the rights to family reunion⁵ is implemented into the Foreigner Act. This means important changes in the handling of applications for residence permits based on attachment. The review of those applications where the parties are married or common-law spouses is weakened since the National Migration Board (the authority that tries the applications for residency and asylum in Sweden) may no longer perform a serious trial or examine the background of a reference person⁶ in these errands. Previously, this kind of review was performed since the risk of an applicant or her

⁴ The Foreigner Act (2005:716) Chap. 5, § 16

⁵ Prop. 2005/06:72 Implementation of the EC-directive on the rights to family reunion and certain issues about the handling and DNA analyses for family reunion

⁶ A reference person is the person who the applicant has an attachment relationship with

children being exposed to violence within the relationship was a reason to deny an application. This risk could be considered as existing if a reference person had committed a serious crime of violence against an intimate. Today, with the review being less stringent, marriage has become a free ticket to residency: Those reference persons who do not want to have their relationship or themselves closely reviewed simply make sure to get married before making an application. This means poor preventive protection for applicants, something which is made obvious when the same reference person can enter into an attachment relationship again and again, despite suspicion of – or even a sentence for – violence in previous relationships.

Roks believes that it is unreasonable that abuse can become systematic as is the case with repeated wife importing and that the possibility of introducing some form of limitation on how many times one person can function as a reference person within short periods of time must be discussed.

Roks also believes that the documentation for the assessment of applications can and must be improved. This can be done in many ways. According to legislation, an application may be denied if it is a question of a fake relationship.⁷ Therefore, marriages should be reviewed more closely in order to establish the authenticity of the relationship. Indications of a fake relationship are when the same reference person reappears in multiple errands and when a marriage is closely followed by an application. Since this is very often the case with wife importing, there are good prerequisites for discovering these cases in a review.

In addition, a continuous review should be performed during the trial period for temporary residence permits. The review must be performed by personnel with competence in violence in close relationships and discussions must be held separately with each party. If, during the review, it is established that violence or other infringements occur, then the authorities must intervene with protection and support.

2. Explicit information to applicants

The women's shelters' experience shows that women exposed to wife importing are often ignorant of the rights they have in Sweden. In most cases it is not until the women come to the shelter that they find out that the abuse they have been party to in their relationship is a criminal offence. One reason for this, is that people who have been granted a residence permit based on attachment, do not receive any obligatory information from the authorities about Swedish rules and regulations. Many imported women have been forbidden by their men to go to language classes or to in any other way establish themselves in the community, e.g. by becoming gainfully employed or developing a social network. The man has different ways of hiding information from the woman, which can have disastrous consequences: Believing that the man can get her deported, that he has the right to do whatever he wants to her, that no one will believe her, etc., the woman stays in the relationship, even if she is exposed to serious abuse. One factor that facilitates this type of information block is that when applying for a residence permit a power of attorney is often established through which the reference person has the right to speak for the applicant in all contacts with the National Migration Board. There is no understanding for the possibility that this may be misused.

These problems can be easily solved. To begin with, all persons who have been granted a residence permit in Sweden should receive basic information about the community through an information brochure and obligatory social and language education. If women receive knowledge about their rights in Sweden and where to turn to if things go wrong, their resources will be strengthened. Another method to prevent a reference person from hiding or faking information is for authority contacts to be taken directly with the applicant.

⁷ The Foreigner Act (2005:716) Chap 5, § 17a

Also, the information that the applicant receives about the reference person must be improved. Today, it may happen that a Migration Board processor knows a reference person from a previous case and that he has committed a crime of violence or has had many short-term attachment relationships. The National Migration Board's ethical council, however, states that a processor should never voluntarily give information to applicants about the reference person, unless it is included in the applicant's documents. According to Roks, there is good reason for the Migration Board to change their routines on this point. To convey information about the reference person to the applicant is reasonable both from an ethical perspective and with consideration for the need to protect the applicant and her children. It is of minor importance that in reality the information about a man's background seldom deters a woman from continuing with her application. Though, if the woman has received information it may come to mind at a later date, if the man abuses her. The risk of her trifling about what has occurred or believing the man's assurances that it was a one-time only occurrence, will be reduced if she knows he has committed abuse in previous relationships.

3. Abolishment of the two-year rule

The so-called "two-year rule" (this is that an attachment relationship must last for two years before a permanent resident permit can be granted), was introduced to prevent persons from being granted a residence permit through fake relationships. The regulation, however, has not succeeded in achieving this purpose: As long as a couple gives the impression of living together after two years, a residence permit will be granted. In addition, the regulation has turned out to be used by persons to commit abuse in attachment relationships, something which the existence of wife importing shows. The imported women are often forced into blackmail-like situations. For those who do not want to or cannot return to their home country, the best alternative often appears to be to remain in the relationship, despite the abuse, in the hope that a permanent residence permit will be granted. This cannot have been the intention of the legislation.

The fact that the two-year rule does not fulfil its purpose is reason enough to abolish the regulation. In addition, Sweden has to live up to national and international obligations to offer their inhabitants good protection against violence and other infringements. Removing the two-year rule does not mean that the arrangement for regulated immigration is removed. Other methods for checking that attachment relationships are serious and have been entered into with a free will and that none of the parties are exposed to abuse can and should be developed. Examples of these exist in previous praxis where the parties were summoned to follow-up discussions during the trial period for the temporary residence permit.

4. Reasonable requirements for continued residency for broken attachment relationships

A so-called "grounds for protection" for persons exposed to violence in attachment relationships is formulated in the Foreigner Act, Chap 5 §16. This was established so applicants in an attachment relationship that ends due to violence could be granted continued residency. The problem is that the requirements the applicant must fulfil are so stringent that few can live up to them:

- The applicant or her children have been exposed to *repetitive* or *serious* violence
- The relationship has ended primarily due to the violence
- The relationship has ended in connection with the violence
- The cohabitation has not been short-term
- It has been a question of a serious relationship from the beginning
- The abuse has been made probable

The requirements are characterized by lack of knowledge on violence in close relationships and how it affects the victim's behaviour and the possibility to provide evidence. This must be changed. The Migration Board's assessment must be based on general knowledge on how people are affected by being exposed to violence in close relationships and take into consideration those possibilities the woman has actually had to react towards the violence.

Conclusion

In a democratic society in a global world, it is everyone's right to enter into relationships and live anywhere and with anyone he or she wants. Legislation and praxis should, which is the case today, be based on "good standards", that is, that people have honest intentions and are not trying to hurt each other. However, it is also necessary to realize that there are exceptions, something which is proven by the phenomena of wife importing, where Swedish men use the superior position of power they have in relationships with foreign women who are new to the country and lack the resources to assert their rights. Law and regulations must have the chance to "catch" these cases, something that seldom occurs today.

The Swedish government decided on May 2011 to map and analyze, through an investigation, the existence and extent of violence, threats and infringements against foreign women that have been granted residence permits due to attachment with a man residing in Sweden. Roks welcomes this investigation.

"We are very positive towards the attention the government is giving this issue. With political will and initiative, the problems concerning wife importing can be solved", says Roks' president Angela Beausang.

Statistics

In 2009, 11,906 women were granted residence permits in Sweden based on attachments (the category "newly established relationship"). During the same period of time Roks' women's shelters were approached by 552 women who were exposed to violence within their attachment relationships. Between January and August of 2010, the National Migration Board had made 18 decisions on extension errands where threats and violence were tried. 17 of these women were granted continued residence permits; for 5 of these the reason was assent to violence or another serious infringement within the relationship.

About Roks

Roks, the National Organisation for Women's Shelters and Young Women's Shelters in Sweden, is the largest shelter organisation in the country. Roks aims at safeguarding the common interests of the shelters in their work against men's violence towards women and children. Roks strives to shape public opinion, and actively works to make the public aware of the reality that the shelters face, as well as conduct outward dialogues around the issues concerning the shelters. There are currently around 100 women's and young women's shelters within the organisation. Roks is a feminist organisation working on the rights of women's and young women's rights and liberation, as well as gender equality on all levels.

Roks' reports on wife importing (in Swedish)

"Marriage in Disguise – The Women's Shelters' Experience in Wife Importing" (2/2009)

"Wife Importing Continues – About Women Exposed to Violence in Attachment Relationships" (2/2010)

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