# MICRAINI WILS IN DISTRESS

Issues facing non-resident women married to Singaporean men











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#### **INTRODUCTION**

Since the outbreak of COVID-19 in Singapore, AWARE has been receiving an increasing number of calls from women in distress through the Women's Helpline. In March 2020, we received a record high of 619 calls. More importantly, we have seen a significant increase in the number of calls relating to family violence: Compared to the same month last year, there was a 33% increase in family violence-related calls in February 2020. While the increase in family violence during pandemic and lockdown situations has received widespread attention, there has so far not been any public discussion about the situation of a particularly vulnerable subset of family violence victims: migrant wives. Since January this year, at least 20 migrant wives have called our Helpline because of family violence or abuse.

Nationally, around one in four of all citizen marriages is between a non-resident foreigner and a Singaporean citizen. Seventy per cent of these migrant spouses are women, mostly from developing countries in Asia. They tend to come from poorer socio-economic backgrounds, and have limited social capital and support systems in Singapore. As non-residents, they depend wholly on their citizen spouse for the right to reside in the country if they are not on a work visa.

### These factors all render migrant wives especially vulnerable to family violence.

Since the introduction of strict social distancing measures and travel restrictions under the circuit breaker rules, migrants wives' already small social support networks in Singapore are further limited, making it even more difficult for them to seek help. Travel restrictions limit the ability of family members from their home countries to come to support them. They also make it more difficult for migrant wives to return to their home countries. While some Singaporean violence victims may be able to temporarily seek refuge with friends and family, this option is often not available to migrant wives.

The ongoing pandemic is thus also an opportunity to re-examine the underlying policies and structural conditions that are creating vulnerabilities for marginalised communities in our society. Using data from our Helpline calls, legal clinic sessions and local research on migrant wives of citizens in Singapore, we argue that immigration policies are compounding the vulnerability of migrant wives and the challenges they face in the areas of family violence, divorce and housing.

From 2016 to 2018, at least 137 migrant wives called the Women's Helpline.<sup>4</sup> They often called to talk about divorce, family violence and immigration-related issues they were facing.

<sup>&</sup>lt;sup>1</sup> Strategy Group, Prime Minister's Office, Singapore Department of Statistics, Ministry of Home Affairs Immigration & Checkpoints Authority, and Ministry of Manpower, Population in Brief 2019 (Singapore, 2019), 23. <a href="https://www.strategygroup.gov.sg/files/media-centre/publications/population-in-brief-2019.pdf.">www.strategygroup.gov.sg/files/media-centre/publications/population-in-brief-2019.pdf.</a> <sup>2</sup> Ibid. <sup>3</sup> Yi'en Cheng, Brenda S.A. Yeoh, and Juan Zhang, "Still 'Breadwinners' and 'Providers': Singaporean Husbands, Money and Masculinity in Transnational Marriages," Gender, Place & Culture 22, no. 6 (2014): pp. 867-883, <a href="https://doi.org/10.1080/0966369x.2014.917282">doi.org/10.1080/0966369x.2014.917282</a>. <sup>4</sup> Callers are not asked specifically about the citizenship status of their spouse. Of those that volunteered the information, 137 said that their spouses (or ex-spouses) were Singaporean citizens.



Overall, the top five issues migrant wives called about were:5



44.2%

**Divorce** 



**27.5**%

23.9%

Family violence Children's custody



23.9%

Uncertainty over right to remain in Singapore



**17.4%** Housing

In this report, we analyse these top issues, paying particular attention to the ways in which immigration status creates unique challenges for these women and their family lives. We urge the government to consider providing greater protection for migrant spouses, especially those experiencing family violence, by:

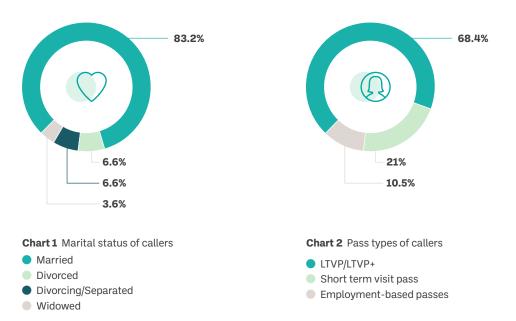
- Allowing abused migrant spouses to renew LTVP/+ independently of their citizen spouses;
- 2 Granting LTVP+ to all migrant spouses of citizens;
- 3 Ensuring better access to legal assistance;
- 4 Ensuring that all migrant spouses are informed of their rights, and about avenues of support;
- **5** Easing housing access with clear, timed routes to Permanent Residence (PR) status.



<sup>&</sup>lt;sup>5</sup> These categories are not mutually exclusive, i.e. a caller could have brought up more than one issue in a call.



#### WHO ARE THE MIGRANT WIFE CALLERS?



From 2016 to 2018, at least 137 migrant wives called the Women's Helpline. These women were **non-residents**, i.e. not Singaporean citizens nor Permanent Residents, and **were married or had been previously married to Singaporean citizen men**. Majority of them (83.2%) were married, while the rest were divorced, separated or widowed (Chart 1).

Callers were not specifically asked about the type of pass they were on, so a majority of the migrant spouse callers (61, or 44.5%) did not specify. Among those who did (76), the most common pass type was the LTVP/LTVP+ (68.4%) (Chart 2).

The pass type determines a migrant spouse's access to a range of benefits, e.g. right to work, public housing, healthcare subsidies. For those who do not qualify for an employment-based pass, they would need their citizen spouses to sponsor a Long-Term Visit Pass (LTVP) for them:

- LTVP: Valid for three months to two years; renewable; can apply for Letter of Consent (LOC) to work; qualifies for limited types of public housing; no access to healthcare subsidies
- LTVP+: Valid for three years at first, and up to five years upon renewal; can apply
  for LOC to work; qualifies for limited types of public housing; qualifies for some
  in-patient healthcare subsidies

Otherwise, these individuals would be on a short-visit pass (SVP) that is renewable for up to 89 days. Those on SVP are not allowed to work, and do not qualify for any form of government subsidies.

The latest publicly available data shows that from 2012 to 2016, there were 13,900 migrant spouses of Singaporean citizens who were granted LTVP, out of 16,600 applications. More comprehensive data on the number of migrant spouses by pass type is not available.

<sup>&</sup>lt;sup>6</sup> K Shanmugam, Minister for Home Affairs, Written Reply to Parliamentary Question on Applications for Citizenship Permanent Residence and Long-Term Visit Passes by Foreigner Spouses of Singaporeans by Mr K Shanmugam, Minister for Home Affairs and Minister for Law (Ministry of Home Affairs, Singapore, 2018). <a href="https://www.mha.gov.sg/newsroom/in-parliament/written-replies-to-parliamentary-questions/news/written-reply-to-parliamentary-question-on-applications-for-citizenship-permanent-residence-and-long-term-visit-p</a>

### ANALYSIS OF ISSUES FACED BY MIGRANT SPOUSES

Overall, the top five issues migrant wives called about were:

- Divorce
- Uncertainty over right to reside in Singapore
- Family violence
- Housing
- Children's custody

Using cases and information from the Helpline calls, legal clinic notes, as well as other local research on the experiences of migrant spouses, we analyse the ways that immigration policies and status affect migrant spouses in three broad areas. Overall, we argue that immigration policies give Singaporean spouses all the power in a marriage, which makes the migrant spouse especially disadvantaged or vulnerable in these aspects:

1 Family violence 2 Divorce proceedings 3 Housing



#### Family violence

Having to depend on their spouses for the right to remain in the country contributes to the vulnerability of migrant spouses. Callers reported experiencing spousal violence; some citizen spouses also used the threat of canceling visas/visit passes as a way of inflicting psychological abuse and preventing their non-resident wives from seeking help or reporting them to the police. For example, one caller reported that her husband would threaten to cancel her LTVP and return her to her home country whenever he was angry at her. Another caller described being beaten up by her husband, who also threatened to kill her if she told anyone about what happened. The caller said she did not want to "implicate" him for fear that he would not renew her LTVP. Fear of losing their right to stay forced these women to compromise their own safety and stay in abusive marriages.

A proxy estimate for the rate of family violence is the number of Personal Protection Orders (PPO) filed and issued. A PPO is made when the Court is satisfied that family violence has been or is likely to be committed and that a protection order is necessary.7 In 2016, the Family Justice Courts received 2,811 PPO applications, of which 203 applications (7%) were filed by migrant wives against their husbands.8 One hundred and one orders (50%) were issued. Due to incomplete data, it is not possible to compare the rates of spousal violence experienced by women across citizenship status. However, we can reasonably expect migrant spouses to be in a particularly vulnerable situation when they experience violence at the hands of those whom they have to depend on for their right to stay in the country. Our own Helpline data suggests higher rates of family violence experienced by migrant spouses, as compared to Singaporean women: From 2016 to 2018, 13% of Singaporean women who called the Helpline experienced family violence, while 27.5% of migrant spouse callers experienced the same. Overall, 14.7% of all calls received through the Helpline relate to family violence. While the higher rate could be due to migrant spouses having more information on how to seek help, we find this unlikely to be the case as in our experience, they generally lack information about their rights and how to demand them.

<sup>&</sup>lt;sup>7</sup> "Family Protection", Family Justice Courts (Singapore), last modified April 13, 2020. <a href="www.familyjusticecourts.gov.sg/what-we-do/family-courts/family-protection">www.familyjusticecourts.gov.sg/what-we-do/family-courts/family-protection</a> Desmond Lee, Minister for Social and Family Development, Written Reply to Parliamentary Questions on percentage of requests for Personal Protection Orders made by foreign spouses against their husbands in the past three years by Mr Desmond Lee, Minister for Social and Family Development (Ministry for Social and Family Development, 2020). <a href="mailto:sprs.parl.gov.sg/search/fullreport?sittingdate=6-1-2020">sprs.parl.gov.sg/search/fullreport?sittingdate=6-1-2020</a> <sup>9</sup> Ibid.

While not nationally representative, experiences of spousal abuse committed against migrant spouses are also well-documented in local qualitative research. Other factors contributing to their vulnerability include financial dependency, social isolation, the absence of a familial support system and the influence of traditional gender roles. As described in the introduction, the ongoing pandemic has already seen an increase in rates of family violence. Social distancing measures and travel restrictions will only render migrant wives more at risk by further restricting their mobility and support systems.





#### **Divorce proceedings**

Many migrant spouses who called the Helpline or came to our legal clinic were considering initiating a divorce, already going through divorce proceedings, or had been threatened with divorce by their spouses.

Data from divorces filed in the Singapore Family Courts show that between 2011 and 2015, the number of divorces filed between a Singaporean and a non-resident, or between non-residents, grew from about 1,015 to 1,314, while the number filed between Singaporeans decreased. Transnational divorces therefore account for around one in five divorces in Singapore. Migrant women are in a particularly vulnerable position when it comes to divorce, because their immigration status and immigration policies disadvantage them in divorce proceedings in the following ways:

#### a No independent right to reside in the country

Migrant spouses raised concerns about their right to remain in the country, aware that spousal sponsorship of their LTVP/LTVP+ would end after they got divorced.<sup>14</sup>

Quah in her research on the experiences of low-income divorced migrant women in Singapore pointed out that a loophole exists in the marriage and immigration policies, which a Singaporean citizen husband could exploit: During the first three years of marriage (when marital dissolution is generally disallowed), the citizen husband could cancel sponsorship of his migrant wife's visit pass, leaving the migrant wife with 14-30 days to leave Singapore, then file for divorce when the marriage has reached its three-year mark. With the wife unable to physically be a resident in Singapore beyond the usual 30-day SVP period, she would be entirely excluded and unable to contest any divorce claims, unless she had the ability to retain legal counsel in Singapore to represent her.<sup>15</sup>

A family lawyer we spoke to said that in her experience, if a migrant spouse is not represented by a lawyer on record, she will be able to show the Immigration and Checkpoints Authority (ICA) that she needs to stay in Singapore to attend Court and would usually be able to secure an extension of her SVP to do so.

<sup>&</sup>lt;sup>10</sup> Yeoh, Brenda S. A., Chee Heng Leng, Vu Thi Kieu Dung, and Cheng Yi'en. "Between Two Families: the Social Meaning of Remittances for Vietnamese Marriage Migrants in Singapore." Global Networks 13, no. 4 (2013): 441–58. doi.org/10.1111/glob.12032.; Sharon Quah. Quah, Sharon Ee Ling. "Transnational Divorces in Singapore: Experiences of Low-Income Divorced Marriage Migrant Women." Journal of Ethnic and Migration Studies, 2019, 1–19. doi.org/10.1080/136918

3x.2019.1585023.; Amanda Chong. (2014), "Migrant Brides in Singapore: Women Strategizing within Family, Market and State." Harvard Journal of Law and Gender 37, no. 332 (2014): 331-405. <sup>11</sup> Rattana Jongwilaiwan and Eric C. Thompson, "Thai Wives in Singapore and Transnational Patriarchy," Gender, Place & Culture 20, no. 3 (2013): pp. 363-381, doi.org/10.1080/0966369x.2011.624588.; Brenda Sa Yeoh, Heng Leng Chee, and Grace Hy Baey, "The Place of Vietnamese Marriage Migrants in Singapore: Social Reproduction, Social 'Problems' and Social Protection," Third World Quarterly 34, no. 10 (2013): pp. 1927-1941, doi.org/10.1080/01436597.2013.851959. <sup>12</sup> Joyce Low, Meng Chung Low, and Yoo Jin Cha, "International Divorces in Singapore: A study of trends from cases filed in the Family Courts," SAL Practitioner 31, (2019). <sup>13</sup> Ibid. <sup>14</sup> To be eligible to apply/renew for Long Term Visit Pass, you have to be the: Spouse of a Singapore citizen or Singapore permanent resident/Child (aged under 21) of a Singapore citizen or Singapore permanent resident/Graduate from an Institute of Higher Learning seeking employment in Singapore/Mother or grandmother of a child or grandchild studying in Singapore on a Student's Pass/Visitor seeking permission to give birth in Singapore <sup>15</sup> Quah, Sharon Ee Ling. "Transnational Divorces in Singapore: Experiences of Low-Income Divorced Marriage Migrant Women." Journal of Ethnic and Migration Studies, 2019, 1-19. doi.org/10.1080/1369183x.2019.1585023.

Indeed, some callers and clients approached AWARE for help because their citizen husbands were threatening to cancel, or had already stopped renewing their visit passes, which would severely limit their ability to engage in divorce proceedings. Those with children were primarily concerned about losing custody. For example, one caller shared that her LTVP had been cancelled by her husband and she had only two weeks to stay in Singapore. They had a young baby and the husband wanted custody, so she called to ask for legal advice.

#### **b** Limited access to legal aid

Many migrant spouses who call the Helpline ask about resources for legal aid, citing that they have already been denied legal aid elsewhere because they are neither citizens nor permanent residents. For low-income migrant spouses, legal fees incurred in divorce proceedings could be prohibitively high if they engaged private lawyers. This limits their options when it comes to legal representation, and puts them at a disadvantage in divorce proceedings. Low, Lee and Cha observed that between 2011 and 2015, divorces between Singaporean men and non-resident wives usually went uncontested, due to "uneven bargaining power" and difficulties the latter faced in navigating the system. <sup>16</sup> Furthermore, 76.8% of the non-resident wives going through divorce did not have legal representation in completed cases where ancillary matters were contested. <sup>18</sup> This suggests that migrant wives are in a relatively poor bargaining position during divorce proceedings, which has implications on, for example, their ability to obtain custody and care and control of their children (see below).

#### c Difficulty in obtaining custody of Singaporean children

Obtaining custody of their children is a big challenge for non-resident parents, and their experience deviates substantially from that of Singaporeants on two counts: 1. Non-resident mothers were less likely to obtain joint custody or sole custody of their Singaporean children and 2. Non-resident mothers were less likely to obtain care and control orders for their Singaporean children.<sup>19</sup>

According to analysis by Low, Lee and Cha (2019), joint custody was not the norm in divorce cases between Singaporean citizens and non-residents, unlike in cases between Singaporeans, where joint custody was made in 76% of cases. <sup>20</sup> In particular, as many as 49% of the cases between citizens and non-residents resulted in sole custody orders. <sup>21</sup> Of these, sole custody orders to the Singaporean father made up close to 45%. <sup>22</sup> The court's decision to award joint custody in cases between Singaporeans illustrates that it is in the best interest of the child to be cared for by both parents, but children of transnational marriages are often denied this option because of immigration policies. The difference in outcomes of custody orders also begs the question why there seems to be a different assessment made about the best interest of children when one parent is a non-resident. Are the best interests of Singaporean children not one and the same i.e. that they be cared for by both parents, regardless of the citizenship status of parents?



<sup>&</sup>lt;sup>16</sup> Joyce Low, Meng Chung Low, and Yoo Jin Cha, "International Divorces in Singapore: A study of trends from cases filed in the Family Courts," SAL Practitioner 31, (2019). <sup>17</sup> Ancillary matters are issues about care and custody of the children, maintenance and matrimonial assets. <sup>18</sup> Joyce Low, Meng Chung Low, and Yoo Jin Cha, "International Divorces in Singapore: A study of trends from cases filed in the Family Courts," SAL Practitioner 31, (2019). <sup>19</sup> An order of care and control determines which parent the child should live with. The parent given care and control of the child will be the primary caregiver who is in charge of handling the child's daily necessities and is responsible for their day-to-day life, such as the child's meals, bedtimes and transport arrangements. <sup>20</sup> Ibid. <sup>21</sup> Ibid. <sup>22</sup> Ibid.

Similarly, care and control orders tended to be made in favour of the Singaporean (male) parent. For divorces between Singaporean citizens, care and control is granted to mothers 73% of the time, and 20% went to fathers.<sup>23</sup> In contrast, for divorces between citizens and non-residents, 33% of fathers gained sole care and control orders.<sup>24</sup>

According to a family lawyer experienced in assisting migrant spouses, nationality is one of the factors that the Court will consider in awarding care and control. Based on her experience, care and control of Singaporean citizen children is usually awarded to their citizen fathers if their mothers are unable to retain residency in Singapore on their own merit post-divorce. This is because the children derive benefits from their Singapore citizenship (e.g. public education, medical treatment) with the security of residency in Singapore.

Subsequently, without custody or care and control of their citizen children, non-resident mothers face even more difficulty remaining in Singapore because, for example, they would not qualify for subsidised housing.<sup>25</sup>





#### Housing

Some callers experienced being chased out of their family homes by their Singaporean husbands or in-laws, and were in need of shelter. Limited social support meant that they often struggled to find alternative shelter. These callers were usually linked up with social workers from Family Service Centres to help them apply for shelter. Those who were divorced and widowed faced particular challenges, not having the right to own public housing.

Widowed migrant spouses were concerned about their right to remain living in the properties (often HDB flats) left behind by their citizen husbands. According to the Minister for National Development, a non-citizen spouse can retain the flat following the demise of the Singaporean spouse-owner if he/she becomes a Singaporean or PR within a one-year period, or if he/she includes a Singaporean or PR family member who is at least 21 and satisfies the eligibility rules and conditions to own a flat.<sup>26</sup> If the non-citizen widow or widower has Singaporean children who are minors, HDB can consider exercising flexibility, on a case-by-case basis, for the flat to be held in trust by a Singaporean or PR trustee, on the condition that the flat is to be given to the Singaporean children when they reach 21 years old.<sup>27</sup>

In some of the cases we have seen, however, the ownership of the flats went to another Singaporean citizen family member, e.g. an in-law who may already have been a joint-owner. There is no guarantee that the migrant spouse (and their children) would be able to continue residing in their home, as the owners may want to sell the property or simply not want them to live there anymore. This creates great uncertainty and anxiety for the migrant spouses and their children as there is no guarantee of a roof over their heads.

In our experience assisting single parents with their access to housing, divorced migrant spouses face even more restrictions than their citizen counterparts in accessing public housing, especially if they have failed to secure care and control of their Singaporean citizen children.

<sup>&</sup>lt;sup>23</sup> Joyce Low, Meng Chung Low, and Yoo Jin Cha, "International Divorces in Singapore: A study of trends from cases filed in the Family Courts," SAL Practitioner 31, (2019). <sup>24</sup> Ibid. <sup>25</sup> We have assisted at least one non-citizen Singapore mother whose previous appeal for public housing failed because she did not have care and control of her citizen child. <sup>26</sup> Lawrence Wong, Minister for National Development, Written Answer by Ministry of National Development on ownership of HDB flat of deceased Singaporeans with foreign spouses and children (Ministry for National Development, 2016). <a href="https://www.mnd.gov.sg/newsroom/speeches/view/written-answer-by-ministry-of-national-development-on-ownership-of-hdb-flat-of-deceased-singaporeans-with-foreign-spouses-and-children">www.mnd.gov.sg/newsroom/speeches/view/written-answer-by-ministry-of-national-development-on-ownership-of-hdb-flat-of-deceased-singaporeans-with-foreign-spouses-and-children</a> <sup>27</sup> Ibid.

#### RECOMMENDATIONS

We strongly urge for more protection for migrant spouses of citizens, particularly those with citizen children and those experiencing family violence.



# Allow abused migrant spouses to renew LTVP/+ independently of their citizen spouses.

Migrant spouses whose LTVP/+ get cancelled or not renewed by their citizen spouses cannot be sponsored by any other party as long as they remain married. In situations where their passes expire or get cancelled, the non-resident spouse will usually be put on a SVP, which has to be renewed every month at the Immigration and Checkpoints Authority (ICA). However, renewal is completely at the ICA's discretion and so this can be a stressful event every month for the migrant spouse. In addition, the SVP does not accord a right to work nor entitlement to any public benefits.

In some countries, special accommodation is made for abused migrant spouses by allowing them to apply for residency status independent of the citizen spouse (see table below).

	CANADA	NEW ZEALAND	UK	USA
NAME OF VISA/RESIDENCE PERMIT/SCHEME	Family violence temporary resident permit (TRP)	A Special Temporary Visa (Work Visa) OR B Special Resident Visa	Application for indefinite leave to remain because of Domestic Violence	Self-petition under the Violence Against Women Act (VAWA)
PERIOD OF VALIDITY	Minimum six months	A Six months, but it can be extended to nine months <sup>28</sup> B Ranges from 24 months, five years or 10 years <sup>29</sup>	Indefinite	Indefinite (upon obtaining green card)
RIGHT TO WORK	Yes	A Yes B Yes	Yes	Can apply for work authorisation

<sup>&</sup>lt;sup>28</sup> If the applicant applies for residence. <sup>29</sup> Resident visas will allow holders to travel in and out of New Zealand (as a resident) for a specified period of time only – usually 24 months, though in some situations they are valid for five or 10 years. "What is the difference between a resident visa and a permanent resident visa?," New Zealand Immigration, <a href="https://www.immigration.govt.nz/knowledgebase/kb-question/kb-question-3704">www.immigration.govt.nz/knowledgebase/kb-question/kb-question-3704</a>.

	CANADA	NEW ZEALAND	UK	USA
ELIGIBILITY CRITERIA	Physically located in Canada and experiencing spousal abuse <sup>30</sup> while in Canada Seeking permanent residence that is contingent on remaining in a genuine relationship in which there is abuse and if the relationship with the abuser is critical for the continuation of the individual's status in Canada	A You are, or were, in a relationship with a New Zealand citizen or resident You had planned to apply for residence on the basis of this relationship The relationship has now ended because of family/domestic violence against you or your children; and, You now need to work to support yourself B Same as ones for Special Temporary Visa, with two additional requirements: You need to provide evidence of why you can't return to your own country <sup>31</sup> ; and, You meet the health and character requirements for residence	You are currently on, or were on, a spouse or partner visa; and, You are able to provide evidence that during the probationary period this relationship broke down permanently because of domestic violence, and other requirements relating to criminality <sup>32</sup>	Qualifying spousal relationship <sup>33</sup> You have suffered battery/ extreme cruelty by your U.S. citizen or permanent resident spouse <sup>34</sup> You entered into the marriage in good faith, not solely for immigration benefits You have resided with your spouse You are a person of good moral character
ENTITLEMENT TO HEALTHCARE BENEFITS	Yes <sup>35</sup>	A Unclear B Yes	Yes	Yes



30 Including physical, sexual, psychological or financial abuse or neglect. "Temporary resident permit (TRP) for victims of family violence", Government of Canada, last modified July 26, 2019, www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/temporaryresidents/permits/family-violence.html#s02.31 You can't return to your home country because you would have no way of supporting yourself financially, or because you'd be abused or excluded from the community because of social stigma (this could be stigma associated with family/domestic violence, or with being separated or a solo parent, or other associated stigma). "Family violence, vulnerable migrants, and other special visa policies," Community Law (New Zealand), communitylaw.org.nz/community-law-manual/chapter-28-immigration/family-violence-vulnerable-migrants-and-other-special-visa-policies. 32 Rights of Women, "Domestic violence and immigration law: the "domestic violence rule"", 2017. rightsofwomen.org.uk/wp-content/uploads/2014/09/ROW\_ Domestic-Violence-A4-DIGITAL.pdf 33 You are married to a U.S. citizen or permanent resident abuser or your marriage to the abuser was terminated by death or a divorce (related to the abuse) within the two years prior to filing your petition, or your spouse lost or renounced citizenship or permanent resident status within the two years prior to filing your petition due to an incident of domestic violence, or you believed that you were legally married to your abusive U.S. citizen or permanent resident spouse but the marriage was not legitimate solely because of the bigamy of your abusive spouse. "Battered Spouse, Children and Parents," U.S. Citizenship and Immigration Services, last modified February 16, 2016, www.uscis.gov/humanitarian/battered-spouse-children-and-parents. 34 You have been abused by your U.S. citizen or permanent resident spouse, or your child has been subjected to battery or extreme cruelty by your U.S. or permanent resident spouse. Ibid. 35 Suspected victims of family violence who are not covered by a public or private health insurance plan may be eligible for coverage of healthcare benefits under the Interim Federal Health Program (IFHP), per the discretionary authority of the Minister, under IFHP Cabinet-approved policy. Benefits include (for the duration of the TRP): basic coverage (hospital services, physician care); supplemental coverage (urgent dental and vision care, mental health counselling); prescription drug coverage. "Temporary resident permit (TRP) for victims of family violence", Government of Canada, last modified July 26, 2019, www.canada. ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/temporary-residents/permits/family-violence. html#s02.36 A TRP that is valid for at least 180 days makes the holder eligible to apply for an open work permit. A TRP does not exempt the permit holder from the requirement to apply for a work permit if they wish to work in Canada. Ibid.

In summary, countries with such provisions protect immigrant survivors of abuse by:



Allowing them to apply and qualify for the right to reside in the country, without the sponsorship of the abuser



Entitling them to some public/welfare benefits, e.g. healthcare benefits to help rebuild their lives after a traumatic experience



Granting them the right to work so they can support themselves

Drawing from the experiences of other countries with such provisions, we propose that **abused migrant spouses be allowed to renew LTVP/LTVP+ independently of their citizen spouse.** For still-married migrant spouses who are already on an LTVP/+, they should be allowed to renew their own passes or allow another Singaporean citizen to renew it if there is evidence of domestic or family violence. The status quo is forcing some women to stay in abusive marriages because they do not want to lose their right to remain in the country.

Proof of domestic violence should not be onerous, and could include any of the following:

- Personal Protection Order
- Police report
- Medical records documenting injuries
- Survivor's personal statement (oral or written)
- Photos of injuries
- Testimonies from other family members/witnesses





### Grant the LTVP+ to all migrant spouses of citizens.

Overall, the immigration status of migrant spouses of citizens ought to be strengthened. Of the available temporary passes (that are not employmentbased), the LTVP+ offers the most security (longest maximum period of validity, grants access to healthcare subsidies, comes with right to work through a Letter of Consent).<sup>37</sup> All migrant spouses of citizens should be on an LTVP+ to reduce the uncertainty experienced by them and their families over their right to reside in the country. In Australia, for instance, migrant spouses of citizens can apply for the Partner visa (temporary) which allows successful applicants to reside in the country, work and enrol in the public health care scheme while their Partner visa (permanent) is being processed.<sup>38</sup> They are thus guaranteed of their right to reside until they can qualify for permanent residence status. Migrant spouses undergoing divorce proceedings should also be guaranteed of their LTVP+. There could be a policy prohibiting the citizen sponsor from cancelling or not renewing their migrant spouse's LTVP+ (without consent from the pass holder) once divorce proceedings begin, until at least the issuance of the Final Judgement of Divorce. This is to ensure that the migrant spouse has a fairer chance at contesting the divorce terms (if necessary) as they can physically be around to do so. Divorce processes sometimes take several months or even years to resolve. Migrant spouses should be guaranteed of their right to work in the meantime so they can support themselves.



#### Increase access to legal assistance.

Allow migrant spouses to access existing pro/low bono legal services available to citizens; set up free helplines to specifically support preliminary and basic procedural issues surrounding family law.

Given differing levels of literacy, complex legal terms used on online resources and unique circumstances of each case, many people prefer to speak to someone face to face or over the telephone when it comes to understanding divorce proceedings. Some legal clinics/services without nationality requirements exist, but could benefit from more state support to fund and expand their operations. For example, Project LEAF (Legal Empowerment & Assistance for Foreign spouses) was launched by the Law Society Pro Bono Services Office in March 2019 to cater to the legal needs of migrant spouses with Singaporean citizen children who find themselves in matrimonial disputes. However, it is run entirely on the goodwill of volunteer lawyers, on a pro bono basis. Migrant spouses of citizens should have the right to apply for and receive state-funded legal assistance through the Legal Aid Bureau.

Free helplines should include basic information on rights, important steps to consider before taking action, options for resolution, etc. Many of the callers to the AWARE Helpline are unaware of their various resources, including online information on divorce procedures. Easy to access, understandable and comprehensive information on family law should be provided both online and offline in different languages.

<sup>&</sup>lt;sup>37</sup> Short-term visit pass (SVP): usually valid for two to four weeks. Renewable, though a departure from Singapore is required for repeated renewals. Long-term visit pass (LTVP): valid for three months to five years; renewable. Long-term visit pass plus (LTVP+): three years at first, and up to five years on renewal. <sup>38</sup> This is a permanent visa. It lets successful applicants stay in Australia indefinitely.



### Ensure that all migrant spouses are informed of their rights, and of avenues of support.

All migrant spouses should have to attend an information session, in a language they understand, which could cover such areas as: their legal rights; the types of pass or visa they can apply for; the qualifying criteria, conditions, benefits and rights that come with each type of pass or visa; immigration status and divorce (for example what happens to an LTVP/+ upon divorce); where they can seek help, etc.

Marriage Preparation Programmes (MPP) supported by the Ministry of Social and Family Development should also cover these areas, if they do not already do so. Currently, MPP is mandatory for some transnational couples to attend as part of the migrant spouse's LTVP application approval conditions. Those who are not required to attend should nonetheless also be briefed on their rights.

There are several points throughout a transnational couple's journey to starting family life in Singapore at which the information session could be made available:

- Upon registration of marriage in Singapore;
- Upon application for an LTVP/+;
- Upon entering Singapore as a migrant spouse.



### Ease housing access with clear, timed routes to PR status.

PR should be granted to all migrant spouses upon (a) having a citizen child, (b) the death of the citizen spouse, or (c) (at latest) after three years on the LTVP+. Make citizenship available to all such PRs after a clearly defined and transparently published period.

The right of migrant spouses to remain in the country is endangered upon divorced or widowhood. This can be highly disruptive to women who have invested years in building a life in Singapore. In particular, mothers may face the risk of separation from their citizen children (or children may have to emigrate). Offering migrant wives a clear, timed route to PR will ease their housing access in the long term and allow their family lives to proceed on a stable footing. It will also prevent divorced mothers and widowed wives from having to leave their homes because they are ineligible to own or inherit them.



## ANNEX: STORIES FROM MIGRANT WIVES WHO HAVE EXPERIENCED DIVORCE AND/OR FAMILY VIOLENCE IN SINGAPORE

Since January 2020, we have been conducting interviews with members of transnational families in Singapore, including migrant wives who have experienced family violence and/or divorce. Below, we share stories from four of these women. Pseudonyms are used in all accounts to protect the identities of our interviewees.

# Sheena: Divorced mother of a young child whose care and control she was unable to secure due to her immigration status

Sheena is 28 years old, from Bangladesh. She married a Singaporean man in 2013 and was on a three-year LTVP+. Shortly after marrying, her husband became abusive.

"There was abusive things, he used to abuse me. I call police, police came scene and police were monitoring—observing our situation. But I didn't open up much, because I scared if something happen nobody there to look after me. Nobody will—I didn't have any friends, nobody was there for me. Even I was locked in the house for the first time, when he abused me, I called for the police."

After she gave birth to her child in 2014, her husband and in-laws forced her to go back to Bangladesh.

"So after I gave birth, on the fifth day, they sent me back to my country. They kept the baby with them. They bought a two-way ticket for me, I was told that you go, you can come back after one month. After one month I come back, I wanted to come back earlier but my family didn't allow because he abusive, he abuse me all those things."

While she was away from Singapore, her husband filed for divorce. Upon returning, she went to a women's shelter to seek refuge. She stayed there for three months while deep in depression.

"I was also in depression because I just give birth. I was so crazy for my child, I only cried for her and I was like, what kind of law is this? Why am I not able to see my child? One month later, I was in too much depression, so the shelter people contacted my sister and said, 'You all come and take her back home because she is in too much depression."

Her sister and mother thus came to Singapore to bring Sheena back home temporarily. In the meantime, Sheena's husband tried to cancel her LTVP+ but was told by ICA that he could not do so as cancellation would require Sheena's written consent. Sheena returned to Singapore in 2014, with "no hope, nothing", only with the desire to see her child. It was 15 months before she saw her child for the first time after giving birth.

At that time, Sheena was also fearful of losing her right to stay in the country and to see her daughter as her husband wanted to divorce her. When the divorce proceedings started in 2016, she was on a Social Visit Pass (SVP). Through the shelter's help, an MP wrote an appeal letter for Sheena to be granted a right to reside until the divorce proceedings end. Sheena was then granted a six-month LTVP sponsored by a friend.

"... if I divorce, my ex can cancel my pass. That was my worry. The pass was valid until 2016 November. So if I here, I can fight for my daughter, I can see her, so I keep doing that. I always fight, I always fight. So 2016, he don't want to do the renewal for me, he ask me to go back."

During the divorce proceedings, Sheena was keenly aware of the low chances she stood as a foreigner trying to fight for care and control of her Singaporean citizen. At the same time, her lack of care and control of her child prevented her from getting an LTVP again after her divorce was finalised and her six-month pass expired.

"No care and control, because of my situation don't allow me. And I was told by my lawyer that it is—the chances is very low for me to gain the care and control unless I am a Singapore PR or I have a good job, good income. Also, last year, when my pass is about to expire, immigration didn't give me the long-term pass, they told me maybe I don't have the care and control of my child."

This time, Sheena went to see another MP but experienced "rude" treatment due to her citizenship status.

"But he was very rude, like I'm foreigner, you know I go my own. They cannot help me because my child citizen, but I'm nothing. Everywhere we go the first thing is like, 'Are you citizen? Are you PR? OK. Your child is citizen, but you are nothing, right?'"

The MP did write a letter to ICA, but also said, "I know they will reject." Sheena found his attitude to be "disappointing".

Sheena also struggled with finding employment when her LTVP+ expired. Before, while she was still on an LTVP+, finding work and applications for them were "very easy" and she did not face any particular challenges. Her salary was also "very good", as she was earning up to \$2,300 with one of her jobs. However, when she lost her LTVP+ and was granted the six-month LTVP, MOM initially did not approve of her right to work until MSF wrote an appeal for her. Sheena is currently on a three-year long Work Permit that will expire later this year.

"I'm on the Work Permit. This (year) it's going to be expired. My salary, my income is very low. It's very difficult for me to survive on my own, how can I fight for my child? And the access matters is like keep, I'm always denied for the access."

While the Court granted her access to her child, it did not specify what "reasonable access" entailed. This made it difficult for Sheena to demand for her right to see her child, as her ex-husband often prevented her from doing so. It was a long process to see her child, and Sheena went to Court "many times" to try to change the terms of her access. This caused a financial strain on her as she had to engage a lawyer and she did not qualify for any form of financial assistance or legal aid.

## Roohi: Going through divorce proceedings while on a Social Visit Pass; unable to work in the meantime to support herself and her children

Roohi is 31 years old, from India. She married a Singaporean man and first came to the country in 2007 on an SVP. In 2009, they applied for an LTVP for Roohi. Though their marriage was registered in India, ICA approved of the application and Roohi was granted a year-long LTVP. Her subsequent renewals resulted in LTVP/+s that were between a year and three years long. In 2014, Roohi's husband left the family home and abandoned her and their two children.

"That time, I call also he don't want to pick up. Then he with some woman lah. So difficult to, I ask him please come because I am in different country for me. Because I don't know here all. Because I everywhere go alone, I very scared. My children all small, elder one is Primary One. The (younger) kid is K2."

Since Roohi's husband abandoned them, her ability to renew her LTVP was affected. In 2016, her renewal

application failed. When she tried to find out why, she was told by an ICA officer that they could only reveal the reason to her spouse.

"ICA I ask, why you want to reject? Three times I apply already, why you want to reject me? He never pay money you know, I am working, last time, working \$100 something, MSF give me \$400 something. Then the money is very difficult for me. I pay, pay \$30, \$30. You why reject, reject, reject? I ask the reason also, the reason I can't tell you. Spouse only."

At this point, Roohi was contacted by the police, who informed her that her husband had actually married another woman in Singapore.

"I asked the officer, my married is first marriage, he married in Singapore, second marriage. How can he married? The officer never say anything. That is valid. I said, OK, you say valid sir, I go ICA, they say your husband must make (the application), cannot do anything."

As a result of this, Roohi's husband could no longer sponsor her LTVP even though they were technically still married. Roohi thus sought help from a neighbour, whose husband agreed to sponsor her SVP.

While her husband was living with her and their children, he did not allow her to work. They lived in two public rental flats before her husband purchased a HDB flat, which he subsequently had trouble paying for. Roohi described having to drink "the toilet water" as they did not have enough money.

Roohi's financial troubles persisted after her husband abandoned the family.

"My children all, because I not enough money, no working. Then my children all eat in Indian temple, opposite you know my house, every night, my children all I bring temple, you know the food. Because I'm also very struggle struggle, you know. I cannot go back to India also... My children are foreigner considered if I go bring them to India. Then the payment is all double. I foreigner I come Singapore, I suffer a lot. Why I want my children to suffer in India, my country? I want to stay in Singapore."

Roohi and her children are still living in the HDB flat her husband owns, but has been told by HDB that she need not make any payment. She is also on social assistance, receiving monthly ComCare payments and subsidies for her utility bills.

"Then I go HDB, I explain to them everything... Then they say no need to pay, because MSF giving \$550 only. If you give me here \$250, then how?... I pay, pay slowly the money. The HDB explain to me, then no need to pay. Cause little bit money only, you, your children all eat. Then after that, three years plus, I never pay."

Upon advice of the police, Roohi has gone to court to apply for maintenance from her husband. He was supposed to start making regular maintenance payment to her and their children in September 2019 but is not very punctual.

"(If) MSF never give money, I nearly dangerous situation. Danger, danger. Because sometimes he want to give money, sometimes he no work, he cannot put money."

Without an LTVP, Roohi is struggling to look for work. She only worked for one year in 2016 when she managed to renew her LTVP, with her father-in-law as the sponsor. She earned \$700 a month but could not continue working once the LTVP expired.

"I request to ICA, give me LTVP+, I can McDonald's, cleaner work also I can do. Don't want give me... (Work Permit) very difficult. Because passport chopping, nobody come in front of me. Consider all people say tourist visa, I can't do anything, I can't help you," said Roohi of her attempts to find work while on a SVP. She has been informed by ICA that she would need to first be divorced before she can apply for an LTVP again.

In the meantime, her husband has initiated a divorce, and Roohi is waiting for her social worker to find her a pro-bono lawyer. Her husband and in-laws are also demanding that she give them the children.

"The mother, father all ask, give me the children, you go back to India. How I can go back to India? I say OK, I go back to India, I need my children. I cannot leave my children in Singapore. I want my children in Singapore, I also want to stay."

Her children, particularly her older son, understands what his mother is going through and is aware and distressed whenever Roohi's pass is about to expire.

# Mai: Divorced mother of two who managed to secure an LTVP while going through divorce thanks to help from social worker and MP

Mai is a divorced mother of two. Her older child is Vietnamese while her younger child is Singaporean.

Mai was married to a Singaporean man from 2009 to 2015, and has full care and control of their Singaporean child.

When she first came to Singapore in 2009, she was unable to get an LTVP as her husband did not pay income tax.<sup>39</sup> She was therefore placed on a series of three-month-long visit passes. Every time a pass expired, she would return to Vietnam for about a week before coming back to Singapore. It was an expensive routine. When Mai was seven months pregnant in 2011, her pass expired. However, she was not allowed to fly back to Vietnam as she was too heavily pregnant. As a result, her husband and her went to Malaysia by car and re-entered Singapore.

"I was really anxious at that time because I was about to give birth, then didn't know if I can come back (to Singapore). It's very stressful, always three months, three months."

Mai then managed to get a year-long LTVP and afterwards, was on a Work Permit from 2012 to 2016.

While married, Mai and her husband lived in her mother-in-law's flat. She had a fraught relationship with her mother-in-law, who insisted that Mai be a stay-home mother. She forbade Mai's mother from coming to Singapore to help care for Mai's child, and also from putting him in infantcare.

"I do everything. I cook, I clean, I look after everyone... I told her I will die before her," said Mai, on being ordered to be a stay-home mother by her mother-in-law.

Eventually, Mai's husband applied for a three-room BTO and the family moved out. While waiting for the flat to be built, they rented from the private market before moving into a public rental flat, which they shared with another family.

In 2013, Mai and her child lived in a shelter for nine months as her husband was abusive towards them both.

"One time, he shouted at me to go back to Vietnam. He threw my luggage out and threatened to kill (our child)...I didn't apply (for PPO) because I didn't want to split our family up. I wanted my child to have her father," said Mai, whose co-tenant reported the abuse to the police, triggering her move to the shelter.

After the nine-month stay, Mai moved back with her husband for half a year, but the abuse continued and she moved into the shelter again. This time, she and her child stayed there for three years, during which she initiated divorce proceedings.

While she was undergoing divorce, Mai was still on a Work Permit. However, after it expired in 2016, she was worried about her ability to continue staying in the country and sought help from her social worker. With her social worker's help and an appeal from her MP, Mai secured a three-year LTVP+, sponsored by a friend from church. When the pass was expiring in 2019, Mai had to look for a new local sponsor as her first sponsor was retired and could no longer qualify. She is now on a five-year LTVP+.

### Lifen: Had to return to home country twice when ICA rejected extension of short-term stay; abusive husband has threatened to not renew her LTVP+

Lifen is from China, and married a Singaporean man in 2007. They have a 12-year-old Singaporean child together. Lifen has been living in Singapore ever since and has tried to apply for PR 14 times but has yet to succeed, despite multiple appeals from MPs. Until two years ago when she finally got an LTVP+, Lifen had depended on a series of short-term visit passes for her right to reside in the country. Those passes ranged from a period of 30 days to one year.<sup>40</sup>

In 2008, shortly after their daughter was born, Lifen was told by ICA that she had to return to China as they were not going to grant her an extension of stay. It turned out that Lifen's husband has a criminal record (which she was unaware of when she married him). ICA cited that as the reason why her PR application had failed. Left with no choice, Lifen had to be separated from her young child and return to China for a month before returning to Singapore. However in the same year, her extension/renewal of her short-term visit pass was denied a second time and she was again forced to return to China. This time, she brought their daughter along as she had cried profusely and refused to be separated from her mother.

"Whenever I hear 'ICA' now I just get terrified and very anxious. I spent all these years making so many appeals for my pass to be extended so I can stay here. If I were alone it's OK, but I have my daughter and I can't bear to be separated from her. I developed depression over the years because of the constant stress... even now when you say 'ICA' I get scared."

Until 2018, Lifen's family were living in a HDB flat owned by her husband's brother. In total, there were eight people living there, including Lifen's mother-inlaw. Apart from cramped living conditions, Lifen also experienced verbal abuse from her husband's family, who were prejudiced against Chinese nationals.

"They were very controlling and they hated me because I was from China. They know that I have no power here because of my (immigration) status so they could do whatever they want and I have to adapt to their moods. My mother-in-law has a traditional mindset so when a woman marries in she must 'serve' the family... when we fight my husband will tell me 'if you dare to then you leave la'."

Lifen also described her home environment to be unsuitable for her young child as her in-laws were constantly smoking and gambling. She did not want her daughter to grow up in such an environment and pleaded with her husband to find a place of their own. However, her mother-in-law forbade her son from moving out, so Lifen eventually moved out in 2018 with her daughter.

As she is still married and is a non-resident, Lifen is unable to rent from HDB. She thus turned to the private rental market and moved thrice in two years. She is now living in a rented HDB unit, paying \$700 a month.

Before she moved out, Lifen was unable to work as her husband did not allow her to, and she could not legally work because she was not on an LTVP. However, she managed to do some informal, ad-hoc work over the years by taking on house-cleaning gigs. After receiving her LTVP+, she experienced difficulties looking for a job as most employers only wanted to hire PRs or citizens. She was then formally hired by a cleaning company, earning \$2,400 a month, and has been at this job for two years now. However, the business has since taken a hit due to the ongoing COVID-19 crisis and her salary has been cut to \$1,900.

"I'm starting to feel the pinch and get stressed because my salary is less now, but I still need to pay rent, need to pay for my daughter's tuition (\$400). I also have insurance to pay for, and food expenses have gone up because we order food more now. I feel lucky that the government is giving us the \$300, I really need it."

Lifen has also struggled with the high healthcare costs that come with not having access to healthcare subsidies. In 2012, she was advised by her doctor to undergo heart surgery due to a pre-existing condition. However, her husband and mother-in-law deemed the cost to be too high and refused to pay for the procedure. Back then, she did not have any healthcare insurance in Singapore. As a result, she had to return to China to get the surgery.

With her current LTVP+ expiring in two years' time, Lifen is starting to get anxious again and feels her depression acting up whenever she thinks about what will happen to her next.

"My husband already said he will not renew my pass next time. But because we are not divorced, and my daughter is underaged, I cannot get other sponsors. I hope ICA will grant me PR this time, otherwise I don't know what will happen to me. I really want to stay and live here, what about my child if I have to leave?"

