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**Article Title:** Im/mobility as a form of gender-based violence – The case of transnationally abandoned wives in India

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**Abstract:** Transnational marriage abandonment (TMA) of women is a growing form of violence reported across India and South Asia. The spouse, most commonly a husband, lives and works in a foreign country and exploits the advantages derived from his citizenship or visa status to exercise coercion and control over the immigrating wife. TMA takes different forms, including when a woman is left behind with the in-laws while waiting for the husband to provide visa sponsorship for her migration. Such women are vulnerable to financial precarity, isolation and domestic violence from in-laws, may be dispossessed from their marital home and served with *ex parte* divorces.

Drawing on life-history interviews with 35 'never-migrant' women conducted between 2013-16, and subsequent policy and legal developments in India and the UK, this article seeks to unpack the gendered dimensions of im/mobility within TMA. Women's immobilisation results from state migration policies, legal obstacles, patriarchal socio-cultural norms and purposive actions by husbands and their families to perpetually defer visa sponsorship and extract labour and/or money from women. Our findings indicate that immobilisation is a key facet of violence against

women and legal responses to TMA must utilise a gender-based violence framework that can incorporate immobilised 'never-migrant' women.

**Key words/short phrases:**

Transnational marriage abandonment; marriage migration; immobilization as violence; legal remedies; India; United Kingdom

**Word count:** 7410

## **Im/mobility as a form of gender-based violence – The case of transnationally abandoned wives in India**

### **Key Messages**

- Transnational marriage abandonment (TMA) of women within India causes involuntary immobility for ‘never-migrant’ women who are left behind waiting for visas.
- Immobilisation is a key facet of the gender-based violence in the context of TMA.
- Legal responses must address TMA using a gender-based violence framework that incorporates ‘never-migrant’ women.

### **Introduction**

Transnational marriage abandonment (TMA) is a form of violence against women. The non-resident Indian (NRI) spouse, most commonly the husband, lives and works in a foreign country but marries a woman from India; he then exploits the advantages derived from his citizenship or visa status to exercise coercion and control over the immigrating spouse, most commonly the wife. The affected women are deprived of their financial and other rights; and face the risk of social stigma, poverty, and domestic abuse from the natal and/or marital family in a society where women’s primary social status is associated with marriage (Anitha et al, 2017). It causes women to be socially ‘displaced in place’ within their communities, and impedes their access to legal rights across two different countries, including their citizenship and visa regimes (Bélanger and Silvey, 2020: 8).

Cases of TMA have been reported in India since at least the early 2000s (Rudra and Dasgupta, 2011). In 2018, the Punjab State Women’s Commission reported 30,000 pending cases of TMA of wives in the state of Punjab alone (IANS, 2018). After a consultation in 2019, the Ministry of External Affairs (MEA) introduced a Bill in the Indian parliament responding to this issue.

Despite reports of violence and abandonment, transnational marriages remain desirable in India because of the positive representations of life abroad compared with the relative poverty and lack of security in India, and long-standing cultures of migration, among other factors.

Based on interviews conducted with 57 transnationally abandoned women, and 21 practitioners in Punjab, Delhi, and Gujarat in 2013-16, we understand TMA to take these three forms (Anitha et al, 2017):

1. a woman migrates upon marriage to the country where her non-resident Indian (NRI) husband resides; here she may experience ouster in the context of prolonged abuse;
2. a woman migrating with her husband after marriage may be coerced or persuaded to 'visit' India, at times through deceit, and abandoned there while her husband returns and revokes her visa;
3. the woman does not migrate after marriage but is left behind with the in-laws while the husband goes back to his country of residence; he does not keep his promise of sponsoring her visa. Women in such a situation may be eventually ousted from their marital home or flee it because of domestic violence. We conceptualize this group as the 'never-migrant' abandoned women.

Focusing on the third category this article argues that the immobilisation and the socio-spatial isolation of the transnationally abandoned 'never migrant' women are unique facets of the violence of TMA. In other publications, we have explored TMA as a form of domestic abuse (Anitha et al, 2017), the specificity of dowry-related violence in transnational spaces (Anitha et al, 2018), and the role of women's complaints and legal documents in constituting transnationally abandoned women as 'gendered legal citizens' (Roy et al, 2019).

In this article, we explore the gendered violence of TMA using an im/mobilities lens, focusing on women's experiences of waiting for migration documents, facing violence and dispossession in their in-laws' homes, and countering being 'displaced in place'. Drawing on life-history interviews with 35 'never-migrant' women, we argue that this form of immobilisation – resulting from state migration policies, legal obstacles, patriarchal socio-cultural norms and purposive actions by husbands and their families to extract labour and/or money from women and their families – needs to be understood as key facet of violence against women. Finally, we discuss legal responses to TMA in two countries, UK, and India, and argue that TMA must be addressed through a gender-based violence framework that can incorporate immobilised 'never-migrant' women.

## Literature Review

### Arranged Marriages in India

In most parts of India, heterosexual marriage is socially and ideologically constructed as the normative site of identity for adult women (Uberoi, 1994; Thapan, 2009; Nandy, 2017). Women are socialised from their childhood to be dutiful and docile wives, characterised as 'another's (in-laws') property' in their natal homes (Sangari, 2012). A woman who is single – whether by choice, widowhood, or due to other circumstances – is viewed with suspicion for embodying a sexuality outside of heteronormative reproductivity. Single women are subjected to various cultural and workplace discriminations, invisibilised within policy and legal formulations (Gandhi et al, 2016), and considered 'unfortunate' and stigmatised within social norms and networks (Dube, 1988).

The vast majority of marriages in India can be considered as 'arranged marriages', and involve a man and a woman belonging to the acceptable caste, linguistic, geographic and religious

communities; these marriages are respectable by virtue of being arranged by, or with the approval of, the families or the community (Abraham, 2014). Over time there have been changes in arranged marriage decision-making practices, especially among educated urban Indians, whereby young people play a larger role in choosing their partner, but the role of the family remains crucial in this selection process (Netting, 2010; Allendorf and Pandian, 2016).

During and after the process of arranging the marriage, men and their families have more power over the wives and their kin. In most Indian marriages “wife-givers” are considered inferior to “wife takers” – for instance, the wife’s family are considered “perpetual donors” of gifts to the husband’s family throughout the life of the bride (Vatuk, 1975; Nishimura, 1996). This is evident in practices like demands for dowry by husbands and their families – gifts of cash, durable goods, or lavish wedding ceremonies – which is a leading cause of violence against women (Bloch and Rao, 2002; Sheel, 2005). As a presumed outsider in the marital home, the new bride occupies a subordinate status within her family, at least until she becomes a mother – especially to male children (Nanda et al, 2014). These cultural norms contribute to a high rates of domestic violence against women by partners and other members of the family in India (Visaria, 2000), estimated by scholars to be around 40% (Kalokhe et al, 2017).

### Marriage as a transnational migration strategy

Palriwala and Uberoi (2008: 29–51) argue that in India, owing to the norm of patrivirilocality (wife lives with the husband and his family after marriage), married women are the ‘epitome of the permanent migrant’, where the move after marriage represents migration no matter what degree of distance is involved. Yet, the close links maintained between the natal home and the woman, especially around key events such as birth of grandchildren, and visits and ‘gifts’ from the woman’s family members to the marital home out of a concern for the wellbeing of the

woman (Vatuk, 1975: 159), have led some to argue that the bride as a ‘migrant’ has a fluid existence intimately bound across geographic spaces and communities (Mand, 2008).

Marriage-based migration is one of the foremost socially legitimate means available to women to achieve social and/or economic mobility (Palriwala and Uberoi, 2008: 23-24), despite the trend of tightening regulatory regimes to deter certain categories of migrants from the global south, such as ‘unskilled’ workers and family members of residents (Brennan et al, 2017; Kofman, 2018). Though solo migration abroad for work and education is on the rise for upper-and middle-class Indian women, its purpose in some cases is to enable transnational marriage migration; for example, the inclusion of English language testing (IELTS) scores as criteria in Indian, particularly Punjabi, matrimonial advertisements seeking brides (Varghese and Rajan, 2015). The emphasis on language scores for economic and student migration suggests a situation where a young man opts to marry a woman with high IELTS scores, reasoning that within a few months, she can facilitate his migration with a spousal visa (Kaur, 2019).

Arranged marriages acquire renewed relevance in a global, mobile, neoliberal economy. With developing immigration and citizenship regimes in Western countries enabling women to sponsor other family members once they had migrated and/or acquired citizenship in host countries, transnational marriages became a ‘fully modern means of negotiating the boundaries of citizenship imposed by states’ (Mooney, 2006: 390). Certain dominant caste communities, such as Brahmins in Tamil Nadu, Kammas in Andhra Pradesh and Jat Sikhs in Punjab, invested in transnational marriages of women to enable chain migration of families and communities (Mooney, 2006; Kalpagam, 2008; Roohi, 2017), thus fulfilling ‘family aspirations and mobility strategies’ (Palriwala and Uberoi, 2008: 33) to migrate from India to Canada, US, Australia and European countries.



This desirable imagination and transformation of transnational marriages and non-resident Indian (NRI) grooms is evident in the post-liberalization milieu of 1990s India. The globalization of the Indian economy and the advent of a consumerist culture was incorporated and reconciled with ‘traditional’ Hindu family values, through the figure of the wealthy male NRI who travelled to India in search of a bride (Sharpe, 2005). Thus, transnational marriage can be seen as continuation of existing arranged marriage and patrivirilocal practices for Indian women, albeit one that is transformed and complicated by the scale of distances, including crossing national borders. Within these modern immigration regimes, parents, families, and communities seemingly accept the risks of transnational marriage which scales up inequalities between men and women, wife-takers and wife-givers, as well as the sponsoring and the sponsored spouse in the face of future potential to migrate (Charsley, 2007). These risks, faced by Indian marriage migrant women, encompass various forms of gender-based violence including marriage abandonment; these have been documented across various diasporic contexts in the UK (Bajpai, 2013), the US (Bhandari, 2024), Canada (Merali et al, 2015) and Australia (Vasil, 2023).

### Theoretical Framework – An Im/mobilities lens to gender-based violence

An understanding of the ‘gendered geographies of power’ prompts us to unpack the intersecting social formations at various scales, from the intimate to the transnational, that produce the ‘never-migrant’ transnationally abandoned woman (Mahler and Pessar, 2001). The act of migration has been understood as a significant risk factor in enabling domestic violence against women (Menjívar and Salcido, 2002; Erez et al, 2009; Choi et al, 2012). In the case of marriage migrants, state regulation through policies that control citizenship and mobility, such as probationary periods or conditional immigration status, can transform the gendered power structure of marriages, including spouses’ ‘ability (or the lack of it) to control their physical

positions and that of their partners in case of a divorce' (Liversage, 2013: 1074). More recently, Segrave (2021) has explored how perpetrators of family violence against migrant women in Australia are able to take advantage of border regimes to weaponise women's temporary migration status, and coercively abandon them across borders.

With the concept of 'power-geometry', Massey draws our attention to the differentiated access to mobility across social groups: 'some are more in charge of it than others; some initiate flows and movement, others don't; some are more on the receiving end of it than others; some are effectively imprisoned by it' (Massey, 1993: 61). Immobility is also understood as 'the aspiration to stay' which may, or may not be, connected to the structural constraints on the capability to migrate (Schewel, 2020: 331). Theorising an 'im/mobilities turn' in migration studies, Bélanger and Silvey extend power-geometry to pay attention to 'the mutually constitutive relationship between particular forms of movement and the regulations and disciplinary pressures that delimit that movement' (2020: 3424). We understand TMA, especially for 'never-migrant' women, as a form of *involuntary immobility*, which leads them to be 'displaced in place' (Bélanger and Silvey, 2020: 3430–1) as they are left behind in India waiting for visas, only to be ultimately served with *ex parte* divorces by their husbands living abroad. These 'trajectories and spaces of immobility and time (waiting)' render women vulnerable to physical, emotional, and financial violence at various scales and complicate their future migration prospects (Bélanger and Silvey 2020: 3429; Anitha et al, 2017).

The term 'left behind' is commonly used for women whose partners have migrated (Fernández-Sánchez et al, 2020); however the term has been critiqued for its negative connotations of women being abandoned or being passive (Archambault, 2010; Ullah, 2017). We have chosen to use 'never-migrant' to distinguish transnationally abandoned women who were

never able to leave India to join their husbands abroad, from the women who did migrate but returned/were forced to return to India following violence and abandonment. ‘Never-migrant’ does not suggest that these women lack agency or denote their inability to *ever* migrate; rather, it conveys our respondents’ sense of betrayal over their marriage abandonment. It emphasises that for this group of respondents, migration and marriage are inextricably intertwined – not only as a migration strategy but as the *reason* and impetus to migrate in the first place.

## Methods

This study, conducted in 2013-2016, aimed to understand the problem of transnational abandonment of wives in the Indian states of Delhi, Punjab and Gujarat, which have a long and diverse history of out-migration going back to the period of British colonial rule in India (Kapur, 2010: 53). The research explored the nature and impact of neglect, abuse and abandonment, and documented women’s experiences of seeking help with social and governmental services. Ethical approval was obtained from the relevant ethics committee at the University of Lincoln, UK. Combined with a purposive sample of key informants, we used convenience and snowball sampling to access abandoned women across rural and urban areas through women’s groups, the police, the Gujarat State Commission for Women, and lawyers working with abandoned women.

We conducted life-history interviews with our 57 research participants, and located their marriage decision, the nature of their relationship with their husband and in-laws and the impact of their abandonment in the context of broader power relations, opportunities and constraints that shaped their lives (Lim, 2011; Anderson and Jack, 2015). We also conducted semi-structured interviews with 21 representatives of community and women’s organisations, police and lawyers specialising in abandoned women’s casework.

Among our sample, 28 women had been married to men residing in the UK, eight to men from Italy, four each from Australia and USA, with smaller numbers from other countries. About 40% of the women migrated following their marriage; the rest stayed in India with their in-laws while they awaited a spousal visa. Respondent names have been anonymised in keeping with regional and religious naming conventions. Though mostly Hindu or Sikh, women belonged to different castes, indicating the prevalence of transnational marriages and abandonment across castes. Most of our respondents were university educated (69%) and unemployed (54%), reflecting the social class of women marrying NRIs, because of the large dowries involved. It was not possible to glean their husbands' educational background or jobs, as many women—including those who had migrated— did not know these details. This study is limited by its reach, as most of the women were accessed through services. This has influenced the class composition of our sample, as those with financial resources and social capital are more likely to access these agencies.

A grounded theory approach to data analysis situated individual narratives within their contexts (Riessman, 2008) and alerted us to the broader socio-cultural context of women's experiences of violence and immobilisation in the context of transnational marriages. We approached marriage migrant women as the 'knowers' of gendered social norms and structures, and considered how gender, along with caste, class, religion, immigration status and age shaped their experiences and interactions with us (Villenas, 1996; Code, 2014).

As researchers, different forms of im/mobility became evident in our research sites through our presence. While conducting research in Punjab, Yalamarty and Anitha stood out physically, despite being ethnically Indian—we are both short and dark-skinned, whereas women in Punjab are typically lighter-skinned and taller—rendering our bodies and our mobility hyper-visible. Some women and their families feared our visibility as visitors would raise suspicion or magnify

the shame of abandonment and attendant social injuries. Though we met most respondents at their homes, those who did not have privacy at home or feared neighbours' gossip, preferred to meet in public locations. Simultaneously, being outsiders who had protocols around anonymity and no ongoing connections with their communities, we became 'safe' witnesses for women to share their stories. Some women said we were the first non-familial members, or in some cases, the only people to whom they had disclosed certain details of their experiences, and most seemed to feel a sense of validation from being listened to and believed.

## Experiences of 'never-migrant' women

### Waiting to Migrate

Amongst our sample of 57, 35 women were never able to migrate from India to join their husbands living abroad. Their stories followed a similar pattern – after their marriages to NRI men, women oriented their futures towards migration and the start of their conjugal life in the husband's country of residence but found that their husbands and/or in-laws evaded securing their spousal visa. Their narratives demonstrated 'a particular type of expectant, and urgent, waiting... that often is extended across years' (Elliot, 2016). They are caught between the momentum towards transnational migration, and the perpetual waiting brought by its deferral, until their abandonment and divorce.

*After one year I asked him why he was making a delay. He said, "Yes, I wanted to call you during this year. But the intricacies of the American laws are such that it will take another 8 to 9 years." (Okhaben, 42)*

*He was giving excuses when I asked him to bring me abroad with him, saying he is arranging papers for visa... He kept saying this for a long time. When my*

*parents and relatives pressured him, he asked for the address to deliver the visa supporting documents. But he sent the divorce papers instead. (Taranvir, 33)*

In her study of migrant men's wives who were waiting to receive visa sponsorship papers in Morocco, Elliott outlines how women are cognizant of a 'certain amount of waiting for the promised 'outside' to materialise... waiting for one's conjugal life to become [...] normal' (Elliott, 2016: 6). Our respondents experienced a similar period of waiting to migrate and begin their married lives; only realizing in hindsight that they were actively misled by their husbands about visa processing times and migration laws. Taranvir, a middle-class Sikh woman residing in a town in Punjab, even had the support of her family in demanding her husband fulfil his duty to sponsor her; but was deceived in her husband's intentions.

*He asked me to leave my job, so I left it. I compromised and decided to spend time with his family. Just three days before I was supposed to leave, he said "I am HIV positive." So he asked me not to come as I will also get infected... Though he refused to send me his [medical] reports. Obviously, I didn't trust him. ... and then after a long wait my visa got cancelled. My in-laws also refused to talk to me. (Dimple, late 20s)*

*I insisted to go to the UK, but he said, "visa process is a lengthy one. Next time when I come, I will certainly take you with me." I had to leave my job and live with my sister-in-law and mother-in-law in a village. He used to tell me about the recession there, how it was difficult for him to continue his job, and say, "You stay there with my parents for one or two years, after that I will call you here permanently." (Raji, 30)*

Following their husbands' or in-laws' demands, and the patrivirilocal norm of a married woman living with the in-laws as her rightful residence – women would give up waged work to live with their in-laws, compromising on their professional ambitions and financial independence. They often migrating to rural areas where they had no prospects for further employment or support networks. Women thus faced isolation as well as financial precarity while waiting to migrate, leaving them vulnerable to emotional and physical violence from their in-laws.

*They used to abuse me badly, hit me, grab my hair when I was sleeping. The father-in-law had buri nazar [bad intentions] ... he would open the door and watch while I slept. Then a few months later they dropped me back at my parents' home. When my husband had come to India, we all went to talk about taking me to Australia... he openly told us he doesn't want to take me, he married me only to leave me with his parents. (Radhika, 24)*

*I [did] all the hard work of looking after cows and buffalos and household chores... And when their son called, they avoid[ed] me. Despite being a married woman I live the life of an Indian widow. (Rama, 24)*

A lower-class Hindu woman who lived in a rural area with her parents, Rama likened her situation as a 'never-migrant' abandoned woman to the degraded status attributed to a widowed woman as 'dangerous, inauspicious and a potential economic burden' (Mand, 2008: 290) within most Indian communities, bereft of the respectability and advantages associated with being married.

*They would abuse me and insult me... I would cook but I was only allowed to eat whatever was left after them. I would do all the work of the house. My*

*mother-in-law made me wake up at 3 am and work... They tortured me in so many ways. One night around midnight they turned me out of the house, they called my father to say take her away, we've thrown her out... and since then I'm at home.*

(Kiranpreet, 35)

When we asked Kiranpreet, a middle-class Sikh woman who belonged to a subordinate caste, if she had inquired before the marriage about migrating to the US, she replied, “No I never asked, I thought wherever he lives he will take me there like a husband should... Instead, he just asked for more gold and cash to apply for the visa.” When Kiranpreet’s family could not pay this exorbitant amount, her husband served her with an *ex parte* divorce.

This promise and deferral of a respectable patrivirilocal married life through migration kept the women in a liminal state, which facilitated abuse and violence. Without her husband, the woman had a tenuous status in her marital family, but for her natal family she rightfully belonged with her in-laws. Women’s movement between their natal homes and in-laws’ homes became controlled by their in-laws, and they struggled to maintain residence with their in-laws as part of their identity as married women. When women could not fulfil dowry demands, or demands for money for the migration process, husbands would threaten divorce. They also faced emotional and physical violence from their in-laws, most often by senior women in the household (Rew et al, 2013) who threatened to, or did, dispossess women of their residence rights and force them back to their natal homes. In the vein of ‘perpetual donors’, women’s families had no choice but to meet these financial demands to ensure women’s migration and safety in the marital home (Vatuk, 1975). In a few cases, like Radhika’s, the husband claimed he never intended to sponsor his wife’s migration; but that he only married the woman so she could live with his parents and provide free domestic and care labour. In-laws also expected their daughters-in-law to serve them



without question or protest, as befitting a young bride. However, being thrown out of the house and ‘returned’ to their parents in disgrace was a perpetual threat for women – in effect, causing them to be ‘displaced in place’ within their community and denied the prospect of migration.

*When I went to their house after marriage, my in-laws started taunting me, “we used to get matches from other rich families, but you didn't even give us a car.” From the UK, he would call me and insult me. Only if he was in a good mood he would say, “I will bring you here”. 6 years, he did this ... My in-laws had been threatening me all these years, saying “what can you possibly do to harm our son? Nothing... He is in the UK, he's a PR [permanent resident].” ... My husband would also taunt me, “can you come all the way here? Can you reach me? Show me if you can.” (Jatinder, 30)*

As hopeful would-be marriage migrants, the women tolerated abuse and dowry demands by husbands and in-laws as a temporary injustice, which would potentially abate when they joined their husbands abroad. However, the spousal sponsorship and visa application process became attached to marriage expectations and growing dowry demands from the husbands and their families who expected women to bear the costs of mobility (Anitha et al, 2018). Women’s immobilisation, due to their financial and/or institutional inability to pursue migration on their own, only compounded the violence they faced from their in-laws.

### Im/mobility in legal responses

A majority of our respondents hoped to restore their marriages through mediation facilitated by village governing bodies, police and/or women’s commissions, and resume living with their in-laws or migrate to join their husbands. In cases of extreme abuse, or where divorces had been finalized, women sought financial restitution from their husbands and in-laws and brought

charges of domestic violence under criminal laws such as section 498-A of the Indian Criminal Code. In somewhat successful cases, women could only get their marriage expenses and dowry restored, and/or get their in-laws fined and briefly imprisoned on charges of dowry harassment. Women and their lawyers also focused on controlling their husbands' mobility to compel their husbands' presence at legal or mediation proceedings. One such tool was getting the police to issue 'lookout circulars' that allowed immigration authorities to impound their husbands' passports at airport security checks. With this disruption, abandoned women hoped to force men to face their demands for reconciliation and/or justice. This was not always successful as men managed to bribe their way out and evade justice once outside India.

*In 2012, he came to India, and we filed a case for maintenance. He was arrested and his passport was also confiscated. But he spent money liberally as he is a rich man, he was released, got his passport back and went back to London. (Vaidehi, mid 20s)*

Vaidehi, a lower-class subordinated caste Hindu woman, said her family could not finance further legal action and dropped their case. Other women also reported exhausting their resources paying lawyers' fees, making time-consuming trips to courts and police stations for mediations or hearings, and ultimately decided to cease pursuing justice. Husbands also wielded the power of their citizenship and mobility rights, knowing they could finance their way out of the reach of the justice system in India.

*Finally, I asked him the reason why he did not accept me. He said, "What will you do? File a case against me?" I said, "Yes, I have already filed a case...if you accept me. I will withdraw it." Hearing this, he showed me his ticket for London,*

*leaving that same night. He said, “Do whatever you want. Prevent me from going, if you can.” I thought the advocate and the police will stop him. But despite my complaint under 498-A he left for London and his parents were set free on bail.*

(Unnati, 30)

Migrant victims of domestic violence in the UK whose immigration status is dependent on their husband and who are barred from access to public funds (the No Recourse to Public Funds rule) can apply for independent residence and welfare benefits to enable them to leave the abusive relationship. However, transnationally abandoned women could not access these provisions which required an in-country application from the UK, because such abandonment was not recognised as a form of domestic abuse in and of itself. In 2017, because of activism arising from our research, TMA was included in the definition of domestic abuse by the family justice system in England & Wales.

In 2022, a High Court judgement found that the exclusion of transnationally abandoned women from protections for migrant victims was discriminatory ('AM, R (On the Application Of) v Secretary of State for the Home Department', 2022). This ruling led to a new immigration route into the UK for those who had previously migrated on a spouse visa but then abandoned abroad. However, it would not apply to 'never-migrant' women who were married to men living in the UK but never got the chance to migrate to the UK. In sum, the immobilisation of transnationally abandoned wives who never left India excluded them from the legal protections available to spouses of men living and working in the UK.

In India, eight transnationally abandoned women filed a petition in the Supreme Court of India in 2017, alleging inaction and delays by the police in resolving their cases and demanding financial support and free legal aid from the government (Prakash, 2018). In 2019, the Ministry of

External Affairs claimed to have revoked 21 passports, suspended 21 passports and impounded 1 passport of non-resident Indian (NRI) husbands, in response to 5379 complaints of TMA between 2014-18 (MEA, 2019b).

A draft *The Registration of Marriage of Non-Resident Indian Bill* was proposed in the Rajya Sabha (the upper house of the Indian Parliament) in 2019 to address the issue of TMA. The Bill amended existing laws on passports and criminal code through measures like impounding passports of husbands if marriages are not legally registered within 30 days, and issuing summons online on a website if the NRI is unable to be tracked down, promising “accountability and offer[ing] more protection against exploitation of Indian women by their NRI spouses” (MEA, 2019a). Though the Bill is designed to act in concert with other laws, these do not include extradition treaties or, notably, the Protection of Women from Domestic Violence Act (PWDVA) 2005. The PWDVA uses an expansive definition of domestic violence and its perpetrators, including physical, sexual, verbal, emotional, and economic abuse against women by partners or other members of a family, and provides civil relief measures like restoring women’s residence in the matrimonial home and monetary compensations (Agnes and D’Mello, 2015). Desai et al (2022) argue that TMA could be addressed under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) as a form of ‘modern trafficking’ (23). However, this would only apply to women who face violence within a transnational marriage *after* having crossed borders to migrate; and would exclude ‘never-migrant’ women who are immobilised and abandoned within their own home country.

In juxtaposing these two legal responses, we see that the UK courts recognise transnationally abandoned women’s need to pursue legal remedies across borders and to access welfare services as a measure of addressing domestic violence and family justice. Conversely, the Indian response

does not consider domestic violence a relevant framework to address TMA and focuses on *immobilising perpetrators*, through impounding passports and lookout circulars. These immobilising measures were part of the 2017 petition by transnationally abandoned women; however, other demands for legal aid and speedy justice processes have not been met by the Indian government's response. We contend that TMA requires legal responses that address it within a gender-based violence framework, to address the complexity of women's experiences, especially that of never-migrant women who are immobilised and 'displaced in place'.

### Navigating im/mobility and reasserting blamelessness

Without the prospect of justice and facing social ostracism, we found that 'never-migrant'

abandoned women countered victim-blaming discourses by reasserting their innocence and their moral standing in various ways. Anjali, a dominant-caste, middle-class Hindu woman, lamented navigating police stations and courts to access the judicial system as an affront to her self-image as chaste and virtuous:

*We have to fight through all this on one's own. I have no relation with anyone outside home, I never used to cross the boundaries of my home but now I have to because I have to speak everywhere in the courts and police stations. I don't find it difficult now. (Anjali, 32)*

*People gossip, 'she is married', 'she keeps coming and going and talking to so many people', 'someone is her boyfriend'. But I haven't done any of that... I have become so strong... I used to be so afraid of the police. Now I make the police run around for my case, what else can I do! (Gurpreet, 30)*

Gurpreet, a middle-class, dominant caste Sikh woman, was one of the few respondents satisfied with the outcome of her case for compensation against her husband and in-laws, having received

considerable assistance from a local politician engaged in issues of TMA. For both Anjali and Gurpreet, gender norms around im/mobility reflected how their divorce and displacement brought shame and scrutiny; but their newfound and forced mobility as they sought justice and navigated life after abandonment also became a marker of their constrained agency.

Jasminder, a lower middle-class Punjabi Sikh woman whose case had been ongoing for over ten years, moved to an urban centre with her parents and her children to escape ostracism in her marital and natal villages and seek employment. In the city, she started a neighbourhood support group for single or divorced women who were seeking waged work and became involved in municipal politics. She hid her abandonment and divorce because she feared losing the group's respect and association; and focused on lobbying for supports like vocational training:

*More than myself I want to fight for other women, I want to open a shelter for women forced back in their [natal] houses. Parents don't say anything to us, but we feel [the shame] ... Together, we repel the bad gazes of men and society, and we make our own living. (Jasminder, 36)*

Jasminder attempted to maintain her respectability as she knew that divorced women faced stigma, harassment, and violence, and were widely characterised as 'burdens' in the natal homes. Though she feared being labelled as an abandoned woman, Jasminder worked to create new spaces where instead of "fighting on their own", women could gain financial independence through waged work, counter victim-blaming discourses and gain new avenues of mobility.

## Conclusion

This article has engaged with the processes that produce immobility in particular gendered subjects, in the context of patrivilocal marriage practices and socio-cultural marriage norms in India. Gendered geographies of power produce vulnerabilities in transnational marriages and a

significant aspect of the violence of TMA is the immobilisation of women, particularly those who do not receive visa sponsorship and do not migrate to join their husbands. By engaging with life-history narratives of ‘never-migrant’ women, we see the various dimensions of immobilisation emerge along bodily, social, familial, and institutional levels. The promise of migration in a transnational marriage through spousal sponsorship and visa applications becomes a pretext for the physical and financial exploitation of women and their families, by threatening women with the inability to migrate to join their husbands and begin their married life.

Abandonment and *ex parte* divorces across borders render women immobile and unable to access legal systems and their rights and bring associations of shame and stigma within their communities. By understanding im/mobility as an expression of power relations, we can see how the immobilisation which results from TMA – especially in the case of ‘never-migrant’ women – needs to be understood as a key facet of violence against women.

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## Conflict of Interest

The authors declare there is no conflict of interest.

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