

NATIONAL ADVOCACY GROUP ON
WOMEN ON TEMPORARY VISAS EXPERIENCING VIOLENCE

BLUEPRINT FOR REFORM

Removing barriers
to safety for
victims/survivors of
domestic and family
violence who are on
temporary visas



A woman's profile is visible on the left side of the page, wearing a red garment. The background is a blurred, warm-toned image of a person's face.

BLUEPRINT FOR REFORM

TEMPORARY VISA HOLDERS WHO EXPERIENCE DOMESTIC AND FAMILY VIOLENCE AND/OR SEXUAL VIOLENCE MUST HAVE APPROPRIATE AND IMMEDIATE ACCESS TO SAFETY AND JUSTICE.¹

This blueprint details how this can be achieved, based on expert knowledge drawn from the National Advocacy Group on Women on Temporary Visas Experiencing Violence.

The national advocacy group consists of over 50 state and national peak bodies, service providers and other organisations working to address violence against women across Australia.

In 2019 the national advocacy group produced the first edition of the [Blueprint for Reform](#), outlining an agenda for immediate policy and law reform to ensure that temporary visa holders who experience domestic, family and sexual violence have equal access to safety and security.

While one pilot program has been established since that time, the necessary overhaul of the migration, welfare, housing and funding models for specialist services has failed to occur.² Men's violence against women continues to be a national emergency, and significant research has continued to demonstrate the specificity and intensity of temporary migrant experiences of family and domestic violence.³

In July 2022 the national advocacy group updated the blueprint. We identified a path forward towards achieving better safety outcomes for all women and children in Australia. This blueprint provides an expert view on the next steps required to improve women's access to safety and justice. We encourage this to be considered and implemented alongside the new *National Action Plan to End Violence Against Women and Children*.

FOUR STEPS FOR REFORM

WE CALL ON THE AUSTRALIAN, STATE AND TERRITORY GOVERNMENTS TO
IMPLEMENT THE FOLLOWING FOUR STEPS.

01

Improve the migration system so that all women on temporary visas who experience domestic, family and sexual violence and their dependants can access protections, services and justice.

02

Expand eligibility and access to social security (including Medicare) for women on temporary visas who are experiencing domestic and family violence (DFV).

03

Expand eligibility and access to social and public housing for women on temporary visas who are experiencing DFV.

04

Ensure long-term and sustainable funding for specialist and legal services that support women on temporary visas who are experiencing or are at risk of domestic, family and sexual violence.

We detail in this blueprint the steps required and provide case studies to highlight the situations temporary visa holders who are victims/survivors of domestic, family and sexual violence experience that impact their safety in Australia.

Endorsed by the National Advocacy Group on Women on Temporary Visas Experiencing Violence who updated the Blueprint for Reform, October 2022.

RECOMMENDATIONS FOR REFORM

01. IMPROVE THE MIGRATION SYSTEM SO THAT ALL WOMEN ON TEMPORARY VISAS WHO EXPERIENCE SEXUAL, DOMESTIC AND FAMILY VIOLENCE AND THEIR DEPENDENTS CAN ACCESS PROTECTIONS, SERVICES AND JUSTICE.

WHAT IS PUTTING WOMEN AND THEIR CHILDREN AT RISK?

Despite ongoing advocacy, there continues to be significant gaps and inadequacies in Australia's migration legislation that create serious risks for harm to victims/survivors of domestic, family and sexual violence who hold temporary visas. These gaps and inadequacies include:

- Family violence provisions in migration regulations are only available to a very narrow cohort of victims/survivors of domestic, family and sexual violence. For example, they do not apply to those who are on temporary visas as dependents on the perpetrator's visa, those who are eligible for a partner visa but have not been sponsored by the perpetrator as a form of coercive control, or those who are unable to meet the conditions of their own study or work-related visa due to the violence. This leaves many victims/survivors without a clear option to seek safety and support while remaining lawful.
- Many victims/survivors of domestic, family and sexual violence face stigma, social isolation, discrimination and financial hardship in their home countries. Fear of being deported back to their home country and facing these issues often results in victims/survivors being reluctant to disclose violence perpetrated by their visa sponsor or the primary visa holder on whom their visa is dependent. Stigma and discrimination also result in some victims/survivors not disclosing the full extent and nature of the violence suffered.

- Certain temporary visa holders who suffer domestic, family and sexual violence are at risk of visa cancellation or visa refusal if they separate from a perpetrator, if they report the violence to police, or if they cannot meet the conditions of their own visas (for example, continue to study).
- Access to merits review of migration decisions at the Administrative Appeals Tribunal (AAT) is restricted for victims/survivors of domestic, family and sexual violence, due to
 - upfront fees of more than \$3000, and
 - short non-extendable deadlines to apply for review.
- For those who have applied for visas to which the family violence provisions apply, there continues to be significant gaps in coverage of these provisions and problems with the implementation of the provisions by departmental officers.
 - Under the family violence provisions, family violence perpetrated by family members other than a sponsoring partner is not recognised. This fails to recognise that living with extended family is the norm for certain cultural groups and it is sometimes the partner's family who are perpetrating violence against victims/survivors.
 - The department's practice is to assess whether a relationship was 'genuine' before, and separate to, considering family violence evidence, which does not account for the complex dynamics of domestic, family and sexual violence. Domestic, family and sexual violence can greatly impact the nature of the relationship and the types of evidence that may be available. This is particularly so in relation to the perpetrators of domestic, family and sexual violence who use financial and social abuse.
 - The kinds of evidence of family violence that are required under the Migration Regulations 1994 are restrictive and ignore differences between state/territory protection laws, resulting in significant difficulties for victims/survivors to obtain the necessary evidence for their claims.
 - The Independent Expert does not operate in a transparent and trauma-informed way.
- In the protection visa assessment process, evidence of domestic, family and sexual violence is often assessed arbitrarily and in ways that fail to recognise the complex dynamics of domestic, family and sexual violence:
 - Decision makers frequently fail to follow their own policy guidance on assessment of gender-based and domestic, family and sexual violence claims.
 - Judicially determined evidence from Australian courts is not treated as conclusive evidence of domestic, family and sexual violence that has occurred in Australia.
 - Decision makers assessing protection visas based on domestic, family and sexual violence claims frequently do not consider a foreign state's capacity to provide effective protection from domestic, family and sexual violence in practice.
- Significant processing delays of several years for protection and partner visa applications compound the stress and trauma of women at risk of or experiencing domestic, family and sexual violence.
- For people holding many types of temporary visas, the migration system does not provide a solution where there is a child born in Australia and the other parent (Australian resident or citizen) wants the child to live long-term in Australia. This can force women to stay with partners who are violent so that they are not forced to leave Australia without their children.
- Departmental policy does not specify trauma-informed practices and procedures in many visa processes that are related to domestic, family and sexual violence. Even where such practices are in policy, officers do not consistently follow it. The result is that dealings with the department are often re-traumatising for victims/survivors, and perpetrators can abuse departmental processes to continue the violence, including by sending unfounded allegations against the victim/survivor to the department.



NO VIABLE VISA OPTION

CASE STUDY

Ally* is a student visa holder and has been in Australia for six years. She has two young children who are Australian citizens and their father is an Australian citizen. Ally and the children's father have been in a relationship for several years. He has often promised to sponsor her on a partner visa to allow her to remain in Australia, but has used this promise to control Ally. He has often threatened to have her deported and separated from her children if she does not do what he demands. He has prevented Ally from attending her classes, from seeing friends or family and from finding work. He has put the children on the Family Law Watchlist, preventing Ally from taking the children out of Australia.

Ally wants to leave the relationship, but she has no viable visa options to remain in Australia with her children. She cannot rely on family violence provisions because she has not already made a partner visa application. She cannot apply for a parent visa because she needs an adult sponsor and the current queuing time for this visa is around 30 years. She is also at risk of her current student visa being cancelled due to non-compliance with her study requirements, related to domestic and family violence.

*Not her real name.

PROVIDING PROOF FOR GENUINE SPOUSAL RELATIONSHIP

CASE STUDY

Fatimah* is a partner visa applicant and is a victim/survivor of family violence. She has notified the Department of Home Affairs that her relationship with her husband has ended and of the family violence. Since notifying the department of this change, she has received three separate requests for additional evidence to prove that she was in a genuine spousal relationship. Fatimah has struggled to provide proof of various aspects of the relationship because her husband controlled the couple's finances, refused to put Fatimah's name on leases and utility bills, and isolated Fatimah from family and friends. He also broke her phone shortly before she fled the relationship, meaning she lost photos and messages from him.

*Not her real name.



HOW CAN WE IMPROVE WOMEN'S AND CHILDREN'S ACCESS TO SAFETY AND JUSTICE?

RECOMMENDATION 1.1

A NEW VISA FOR VICTIMS/SURVIVORS OF DOMESTIC, FAMILY AND SEXUAL VIOLENCE.

The Australian Government should introduce a new substantive temporary visa to protect victims/survivors of domestic, family and sexual violence.⁴ This temporary visa would provide protection to a variety of people, including those who:

- have their temporary visa cancelled as a result of the actions of the perpetrator,
- are unable to comply with the conditions of their temporary visa due to the domestic, family and sexual violence,
- are in Australia and hold a temporary visa, but cease to be a family member of the perpetrator, who may be the primary visa holder or sponsor,
- are offshore because they were threatened, coerced or deceived into leaving Australia by the perpetrator and/or the perpetrator's family,
- have ongoing family court matters related to children, and/or
- fail to provide the evidence to prove the spousal relation due to domestic, family and sexual violence.

Such a visa would be valid for a limited period of three years, with the possibility of extension, to allow time for victims/survivors to seek help and safety, and to address other matters, such as Family Court proceedings. There should be no cost to apply for the visa and there should be waivers for health and police check requirements, given such checks are often too expensive for victims/survivors. The visa should not have any restrictions on work or study, and should allow victims/survivors to access Medicare and social security support.

This temporary visa should also have a pathway to a permanent visa, to create safety and certainty for those who, for example, have significant ties to Australia or would face stigma, discrimination or other forms of hardship in their home country.

CASE STUDY

UNCERTAINTY OF VISA STATUS LIMITS UTILISATION OF SKILLS FOR AUSTRALIA

Inakshi* arrived on a visitor visa based on her husband's claim that this was a quicker way to get into Australia. He was extremely abusive, ultimately imprisoning her in their room in shared accommodation and forbidding her to talk to anyone. She was advised by an acquaintance to get an apprehended violence order from the police while her husband was away. By the time Inakshi managed to access free migration advice, her visitor visa had expired. Due to the circumstances in her home country, Inakshi was advised to apply for a protection visa. Inakshi has been waiting for over two years on a bridging visa, while she waits for her application to be progressed. She works as a cleaner, though she is a highly trained IT professional. She has work rights and qualifications, but employers are reluctant to hire her because she only holds a temporary bridging visa. She has no family or close friends nearby and feels isolated. She is severely depressed. The uncertainty around her visa application has itself become a source of anxiety.

*Not her real name.

RECOMMENDATION 1.2

AMENDMENTS TO FAMILY VIOLENCE PROVISIONS.

The Australian Government should amend the family violence provisions under the *Migration Regulations 1994* to:

- a. Expand access to the family violence provisions to include:
 - any person experiencing domestic, family and sexual violence on prospective marriage visas (subclass 300) who does not marry their sponsor prior to relationship breakdown, and their dependants,
 - any person experiencing domestic, family and sexual violence who has applied for a permanent visa onshore as a secondary applicant, and their dependants, and
 - any person experiencing domestic, family and sexual violence who has applied for a family visa onshore, who is awaiting a decision, and their dependants.
- b. Broaden the definition of family violence to include abuse and violence perpetrated by a partner and/or a relative of the partner or relative of the victim/survivor, and to cover conduct both in Australia and overseas.
- c. Broaden the definition of family violence to provide a non-exhaustive list of examples of family violence, including financial abuse, manipulation, threats to cancel a visa, and coercion.
- d. Revise and expand on the kinds of documents applicants can provide as evidence of family violence, including by acknowledging state-based limits on providing 'judicial evidence'; allowing other common sources of support, like counsellors, case workers and multicultural community centres, to provide evidence; and removing the requirement to have documents from two different types of professionals/organisations.
- e. Determine whether there is family violence prior to assessing for a 'de facto' or 'spouse' relationship. If a delegate of the department is satisfied that there has been family violence, the departmental policy should set out that the delegate should generally accept that the family violence occurred within a genuine spouse or de facto relationship without further and separate assessment of the relationship. In cases where the department does still require a separate assessment of whether the relationship was genuine, this assessment must be conducted in a trauma-informed manner and with regard to the context of family violence, given that forms of family

violence, including financial abuse and controlling behaviours, can limit the evidence that an applicant can provide.

- f. Expand the family violence provisions to allow for a waiver of the requirement for a marriage to be valid under the Migration Act 1958 where there is sufficient evidence that the person is a victim of forced marriage or was deceived about the ceremony, marital status or that the Australian partner has or had multiple partners. This evidence can be judicial or non-judicial.
- g. Conduct an internal review of the Independent Expert (IE) to identify the current practices of the IE process and those which may re-traumatise survivors of violence. If the review finds that the IE process may still be beneficial practice to applicants, then create transparent guidelines on how the IE's assessment should be conducted. These guidelines should ensure that interviews are conducted in a trauma-informed manner and that a lawyer/migration agent is permitted to attend with the applicant.
- h. Allow access to the family violence provisions even if the relationship has not yet ceased.

RECOMMENDATION 1.3

PERMANENT RESIDENCY PATHWAY FOR PARENTS OF AUSTRALIAN CHILDREN.

The Australian Government should introduce a permanent visa pathway for all people on temporary visas who have minor or dependent Australian citizen or permanent resident children.

RECOMMENDATION 1.4

APPLICATIONS FOR AN ADMINISTRATIVE APPEALS TRIBUNAL (AAT) APPEAL.

- a. In cases where domestic, family and sexual violence is a relevant issue, the AAT fee should only become payable if the AAT affirms the decision under review.

b. The *Migration Act 1958* should be amended to provide the AAT with a discretion to allow valid lodgement of an application for review beyond the prescribed time period on grounds of domestic, family and sexual violence.

c. The *Migration Act 1958* and *Migration Regulations 1994* should be amended to allow applicants for the partner (provisional) visa (subclass 309) and persons covered in the above recommendation 1.2(a) to apply for merits review themselves, rather than only allowing the visa sponsor to be able to lodge a valid application for review.

CASE STUDY

LIMITATIONS OF THE AAT

Ashia* was a new mother and was experiencing family violence and visa abuse perpetrated by her ex-partner, a New Zealand citizen. She had been under such significant stress during her relationship and around the recent birth of her baby that she failed to provide her completed police check to the department by the due date and her New Zealand family relationship visa application was refused. The AAT was also unable to hear her review application because she did not have enough money to pay the AAT application fee within the strict time limit.

*Not her real name.

RECOMMENDATION 1.5

PROTECTION DETERMINATION PROCESS.

The Department of Home Affairs needs to provide better policy guidance on trauma-informed practice to decision makers assessing protection claims that relate to family, domestic and sexual violence and ensure that guidelines on assessing claims are, in fact, followed by delegates.

- a. Where there is a judicial finding that domestic, family and/or sexual violence has occurred, such evidence should be treated as conclusive evidence that the violence occurred, without need to further interrogate the victim/survivor about these incidents. Where no evidence from a court is available, letters/statutory declarations provided by health professionals should be given substantial weight.
- b. When considering evidence of domestic, family and sexual violence, decision makers should be directed to consider whether the complex nature of the domestic, family and sexual violence experienced

by the victim/survivor or other circumstances made it difficult for the victim/survivor to submit comprehensive or judicially determined evidence of the domestic, family and sexual violence they suffered.

- c. All applicant claims should be considered at the initial assessment phase. All adult applicants should be offered an interview with a case officer on their own. The interviewing officer should be of the same sex as the applicant, as per existing departmental policy.
- d. Decision makers should be directed to give greater weight to foreign states' inability to provide effective protection from domestic, family and sexual violence in practice.
- e. Domestic, family and sexual violence should be recognised as an acceptable reason for delay in raising a protection claim.

- f. Time limits for responding to requests for information should be more readily extended and applicants should be offered more flexibility when requesting documents, given that such documents, like passports and identification, may be withheld by the perpetrator.
- g. People seeking asylum affected by domestic, family and sexual violence should be given visa processing priority.

RECOMMENDATION 1.6

DEPARTMENTAL POLICIES TO BE UPDATED TO PREVENT ONGOING VIOLENCE THROUGH SYSTEMS ABUSES BY PERPETRATORS.

The Department of Home Affairs should update policies to prevent abuse of systems by perpetrators.

- a. The policies in relation to processing visa applications and visa cancellations should specify that allegations by perpetrators of domestic, family and/or sexual violence be given little or no weight, and
- b. Such allegations should generally not be the basis to consider refusing a pending visa application or cancelling a visa that has been granted, and therefore such allegations should not be required to be put to the victim/survivor for comment.

CASE STUDY

SYSTEMS ABUSE

Thuy* holds a temporary partner visa. Thuy has since fled from her abusive partner and his family, and notified the department that she experienced family violence. She is currently living in a women's refuge with intensive support from her case managers, community legal services and mental health professionals. Thuy recently received a letter from the department called a 'Notice of Intention to Refuse', which contained allegations from her visa sponsor that she lied about their relationship and the family violence. The letter says the department may consider refusing her permanent partner visa because of these allegations. Since receiving the letter, Thuy has had suffered several panic attacks and severe anxiety, and is struggling with the memories of her past experiences, as she attempts to respond to the allegations.

*Not her real name.

RECOMMENDATION 1.7

DEPARTMENTAL SAFEGUARDS OF VISA APPLICANTS' PRIVACY AND SAFETY.

- a. The Department of Home Affairs should establish safeguards to ensure the visa applicant knows about a visa application in their name, knows how they can update their contact details, and knows whether they are legally represented and how they can change or remove their authorised recipient.
- b. The Australian Government should put measures in place to ensure that information shared between Centrelink/Medicare, police and other relevant government services with the Department of Home Affairs in relation to any disclosure of domestic, family and sexual violence by a woman on a temporary visa cannot be used to the detriment of the woman or any of her dependants, including cancellation of a visa, deportation or any other negative immigration-related consequences. Information sharing protocols must emphasise safety of women and their children.
- c. The department should provide effective and appropriate referrals for independent legal advice and social support when it receives disclosures of domestic, family and sexual violence. Information on referral pathways should be publicly available and updated based on information from providers within the domestic, family and sexual violence sector.

RECOMMENDATION 1.8

WAIVING THE REQUIREMENT OF A RESIDENTIAL ADDRESS TO LODGE A VALID VISA APPLICATION.

The Australian Government should create an exception to the departmental requirement that a residential address is required to lodge a valid visa application, where the applicant is in crisis or temporary accommodation or otherwise homeless. An email address or PO Box should be accepted as sufficient.





**02.
EXPAND
ELIGIBILITY
AND ACCESS TO
SOCIAL SECURITY
AND MEDICARE
FOR WOMEN
ON TEMPORARY
VISAS WHO ARE
EXPERIENCING
DOMESTIC, FAMILY
AND SEXUAL
VIOLENCE.**

**WHAT IS PUTTING WOMEN AND
THEIR CHILDREN AT RISK?**

Women on temporary visas are ineligible for many federal and state and territory government supports, such as housing and Centrelink, leaving many victims/survivors dependent on a perpetrator (partner or other family member) or with no income and limited pathways to re/establish independence. Limited or no income as well as immigration precarity may force women to remain with a partner who is abusive and violent. These same factors also make women more vulnerable to other forms of exploitation if they do leave the relationship. Current barriers in relation to service access eligibility include:

- The majority of women on temporary visas are not eligible to access social security payments through Centrelink and often also Medicare.
- Only a small number of temporary visa categories may be eligible to access special benefits.
- Women on temporary visas with Australian citizen children are being asked to obtain evidence of their children's Australian citizenship. This is a costly and time-consuming process, and often requires DNA testing.
- Women who are granted permanent residency through their application for family violence provisions are worried about the 4-year waiting period. They need to be granted an exemption from the newly arrived resident's waiting period and be eligible to access a regular payment as do other permanent residents or citizens.

- Residency rules also apply to access childcare subsidies meaning that most women on temporary visas are not eligible.
- Holders of the New Zealand special category visa, while being able to remain in Australia indefinitely, are not eligible for any social security apart from family tax benefit.
- Under the current pilot program, women on temporary visas have access to a payment of up to \$3,000 (the application is assessed and distributed via the Red Cross, and can be reapplied for after six months). While we welcome this initiative, the emergency payment should reflect the amount women who are permanent residents or citizens can access, which is \$5,000. Furthermore, this payment should be an additional resource and not be considered a replacement of social security payments.
- Access to the parenting payment for women who are sole parents should not have to await the decision of a family violence provision application. Immediate and ongoing funding support is required.
- Significant funding cuts to community legal centres including the restructure of funding administered through the Immigration Advice and Application Assistance Scheme has reduced access to free legal advice and representation for women on temporary visas experiencing violence and their dependants. Community legal centres are providing services to these women without dedicated funding to do so.
- The majority of temporary visas holders are considered international students for the purposes of accessing vocational and tertiary education. This is prohibitively expensive.
- Children who are not permanent residents or Australian citizens are generally regarded as international students. Women on temporary visa with no income are often unable to afford to pay the fees for their children to attend primary or secondary school.
- Free access to interpreting services remains an issue. Not all support organisations are eligible to access free translation and interpreting services and not all have sufficient costs built into their funding contracts to meet the demand. Access to interpreters in regional, rural and remote areas is even more challenging.



SEPARATING FROM JOINT PROTECTION VISA APPLICATION

CASE STUDY

Anita* is a protection visa applicant living with her abusive husband and their two young children. There have been multiple reports about the children to child protection authorities. Anita is worried that her children will be removed from her if she does not separate from her husband, but she has no money and nowhere to go. She has no access to social housing due to her visa status. Despite ongoing advocacy from a specialist family violence service, she is struggling to find crisis accommodation, as many refuges are not funded to take on people on temporary visas.

Anita has also expressed concern about separating from the perpetrator because she does not know what is happening with the protection visa application. Her husband has controlled the visa application process and prevented her from speaking to the lawyer he engaged. All she knows is that her husband was interviewed and she was not. She is scared to separate from the perpetrator because she does not know what will happen with her and her children's visas.

*Not her real name.

HOW CAN WE IMPROVE WOMEN'S AND CHILDREN'S ACCESS TO SAFETY AND JUSTICE?

RECOMMENDATION 2.1

EXPAND ELIGIBILITY AND ACCESS TO SOCIAL SECURITY AND RIGHTS.

The Australian Government should:

- a. Extend the list of temporary visa sub-classes that attract special benefit to ensure access for victims/survivors of domestic, family, and sexual violence.
- b. Revoke the newly arrived residents waiting period (NARWP) in respect of special benefit and family tax benefit. In the interim, as a matter of urgency, amend social security and family assistance legislation to exempt victims/survivors of domestic, family and sexual violence from the NARWP for these payments.
- c. Provide New Zealand citizens living in Australia with access to special benefit, with no NARWP.
- d. Provide full Medicare benefits for victims/survivors of domestic, family, and sexual violence who hold temporary visas.

CASE STUDY

NO VISA PATHWAY TO SAFETY AND INCOME FOR NEW ZEALAND CITIZENS

Natalie* is a New Zealand citizen but has been living in Australia for the last 15 years. Her partner is also from New Zealand and they have three children together. The children were all born in Australia but are not citizens due to their parents' temporary visa status. Natalie's partner is the family's sole income earner. He had become increasingly abusive over the years and Natalie has been in contact with family violence specialist services for many months. She has tried to leave multiple times but has had to return because she could not afford private accommodation for her and the children. She cannot work because she cannot afford to pay for childcare. Her case worker is trying to help Natalie safety plan and has referred her to free specialist migration and welfare rights advice. However, Natalie has been told that she and her children have no access to Centrelink as they are not permanent visa holders or Australian citizens. They have no viable pathway to apply for permanent visas in Australia.

*Not her real name.

RECOMMENDATION 2.2

IMPROVE ELIGIBILITY AND ACCESS TO FREE LEGAL ADVICE AND REPRESENTATION.

The Australian Government must:

- a. Ensure that all women on temporary visas or with a precarious visa status, and who are experiencing domestic, family and sexual violence, have access to free legal advice and representation on legal matters relating to migration support, family law, family violence provisions, and other legal issues.
- b. Build the capacity and increase ongoing funding of community legal centres to better understand the legal issues faced by women on temporary visas experiencing violence, in particular building migration law expertise.
- c. Require private migration agents to undertake training and capacity building on domestic, sexual and family violence.
- d. Ensure accessible, user-friendly complaints processes for clients who have been provided with possibly incorrect advice from private migration agents.

RECOMMENDATION 2.3

ELIGIBILITY AND ACCESS TO ALL TIERS OF EDUCATION.

The Australian Government must ensure that women on temporary visas experiencing domestic, family and sexual violence and their dependants are eligible to access all tiers of education from childcare services, to public schools, vocational training and tertiary education.

- a. The Australian Government should expand eligibility for childcare subsidy to all women on temporary visas experiencing domestic, family and sexual violence.
- b. State, territory and federal governments should work together to ensure that fees are not imposed for the schooling of women on temporary visas experiencing violence, or her children.



**03.
EXPAND
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PUBLIC HOUSING
FOR WOMEN
ON TEMPORARY
VISAS WHO ARE
EXPERIENCING
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**WHAT IS PUTTING WOMEN AND
THEIR CHILDREN AT RISK?**

Across Australia, access to safe housing is uneven, and women on temporary visas are often excluded from safe housing options. In all states, with the exception of South Australia, women on temporary visas are not eligible to access social and public housing. It is also important to note that some funding agreements and modes of operation of housing service providers prevent services from accommodating women who are not eligible to access Centrelink and are otherwise unable to contribute payments towards rent. Lack of access to safe housing puts women and their children at significant risk and requires immediate attention.

HOW CAN WE IMPROVE WOMEN'S AND CHILDREN'S ACCESS TO SAFETY AND JUSTICE?

RECOMMENDATION 3.1

EXPAND ACCESS TO PUBLIC AND SOCIAL HOUSING.

- a. State and territory governments should expand the eligibility and provide equal access without any migration restrictions (in line with the existing model in South Australia) to temporary accommodation, crisis accommodation, rental assistance, public housing and Safe at Home Programs, to ensure that women on temporary visas experiencing violence and their dependants can have a safe place to live and a safe home.
- b. State, territory and federal governments should work together to invest in affordable, longer-term accommodation, so that women on temporary visas can move out of crisis accommodation despite a lack of rental history.

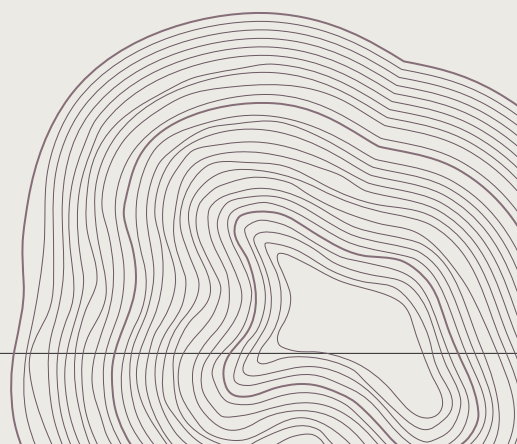




**04.
ENSURE LONG-TERM
AND SUSTAINABLE
FUNDING FOR
SPECIALIST AND
LEGAL SERVICES
THAT SUPPORT
WOMEN ON
TEMPORARY
VISAS WHO ARE
EXPERIENCING OR
ARE AT RISK OF
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VIOLENCE.**

**WHAT IS PUTTING WOMEN AND
THEIR CHILDREN AT RISK?**

Meeting the complex legal and support needs of women who hold temporary visas is a specialised area. It is essential that service provision and funding is maintained at an appropriate level to meet the demand, and that funding and efforts are targeted appropriately.





FEARS OF DEPORTATION

CASE STUDY

Isabela* had been living with her husband and his family since she arrived in Australia. Her in-laws were controlling and required Isabela to do all the housework. Her husband told her that she did not deserve to live in Australia and that she would be deported if she tried to talk to the police. Isabela wanted to escape but was worried about being deported. She had no idea about her visa status because her in-laws had controlled her migration matters. She used savings she had from her home country and paid for a private migration agent she found online. The agent confirmed she held a temporary partner visa but suggested that as there was no physical violence, she should just try to remain with her partner until she got her permanent partner visa.

Isabela later spoke to a friend who found a free community-based migration service with experience in family violence matters. This service was able to advise her about the family violence provisions and also link her with other family violence support services to help with counselling and safety planning. It took Isabela several months, with multiple appointments with the lawyer, case worker and counsellor, before she felt confident enough to separate from her husband.

*Not her real name.

HOW CAN WE IMPROVE WOMEN'S AND CHILDREN'S ACCESS TO SAFETY AND JUSTICE?

RECOMMENDATION 4.1

PROVIDE FAMILY VIOLENCE INFORMATION TO ALL VISA APPLICANTS.

The Australian Government should ensure that family violence information is provided to all visa applicants and sponsors - regardless of the visa subclass - in their first language both digitally and in person (for example, through health services and educational providers).

- a. This information should be provided in a variety of forms (for example as a credit card sized document with the passenger declaration card) in different languages, including pictures/visuals, and provided at different stages throughout a person's migration journey.

- b. Family violence information needs to be regularly reviewed for its content and quality of translation in collaboration with specialist women's and culturally competent services.

RECOMMENDATION 4.2

NATIONAL ROLL OUT OF FLEXIBLE SUPPORT PACKAGES.

The Australian Government should roll out flexible support packages nationally. Flexible support packages - a program by the Victorian government to provide a new individualised approach to respond to victims/survivors experiencing domestic, family and sexual violence - must be made available to all women experiencing domestic, family and sexual violence and their dependants irrespective of visa status. Flexible support packages must be allocated in addition to social security provided by Centrelink, and in addition to the one-off payment provided through Red Cross. The one-off payment through Red Cross is insufficient and provided at a lower rate for non-citizens.

RECOMMENDATION 4.3

INCREASE LONG TERM AND SUSTAINABLE FUNDING TO SPECIALIST ORGANISATIONS SUPPORTING WOMEN ON TEMPORARY VISAS WHO ARE EXPERIENCING DOMESTIC, FAMILY AND SEXUAL VIOLENCE.

The Australian Government and state and territory governments must ensure that women on temporary visas experiencing domestic, family and sexual violence and their dependants are given equal access, without any restrictions relating to migration status, to specialist organisations who are fully trained and resourced to provide support and meet women's accommodation, legal, counselling, health, case management and domestic, family and sexual violence education needs.

RECOMMENDATION 4.4

ACCESS TO FREE INTERPRETING AND TRANSLATING SERVICES.

- a. The Australian Government and state and territory governments should provide free access to telephone interpreting services to all services supporting women experiencing domestic, family and sexual violence.

- b. The Australian Government and state and territory governments should provide free-to-client National Accreditation Authority for Translators and Interpreters accredited interpreting and translating services, including allied health professionals such as counsellors and psychologists.

- c. All professional interpreters should be required to undertake family violence education training as part of their professional accreditation.

RECOMMENDATION 4.5

LONG TERM AND SUSTAINABLE FUNDING TO SPECIALIST LEGAL SERVICES SUPPORTING WOMEN ON TEMPORARY VISAS WHO ARE EXPERIENCING DOMESTIC, FAMILY AND SEXUAL VIOLENCE.

The Australian Government should provide comprehensive funding to specialist legal services advising and assisting women experiencing domestic, family and sexual violence. This funding should be provided to legal services that assist with immigration matters, and to services that assist with intersecting legal issues to ensure independent access to justice in all legal matters including in the areas of immigration and family law, child protection, criminal law and other civil law matters. This is to ensure that all women experiencing family violence have access to independent high quality legal advice and, where possible, full casework assistance.

RECOMMENDATION 4.6

MANDATORY TRAINING AND PROFESSIONAL DEVELOPMENT.

- a. The Australian Government and state and territory governments should ensure workers in all relevant agencies who come in contact with women on temporary visas who have experienced domestic, family and sexual violence - including the Department of Home Affairs, Department of Human Services (including Centrelink and Medicare), housing agencies, as well as non-government organisations - are subject to mandatory training and ongoing professional development provided directly by specialist family violence services, that includes:

- the nature and dynamics of domestic, family and sexual violence including complex forms of violence (dowry abuse, forced marriage, female genital mutilation or cutting, trafficking and servitude), financial abuse, reproductive coercion, coercive control and technology-based abuse,
- intersections between domestic, family and sexual violence, immigration issues and family law for women on temporary visas,
- marriage practices across different cultures,
- human trafficking and slavery indicators,
- how to respond and make referrals in a culturally safe and trauma-informed way with women on temporary visas experiencing domestic, family and sexual violence, and
- gender-based claims for protection.

b. Family violence training should be embedded in training for lawyers and other professionals, including social workers and migration agents, at the initial stages and also via continuing professional development.



REFERENCES

1. 'Temporary visas' includes both bridging visas and substantive temporary visas. New Zealand nationals who reside permanently in Australia but have no access to social security are treated as temporary visa holders for the purposes of this document due to their disadvantage.
2. The Temporary Visa Holder Experiencing Family Domestic Violence Pilot was announced via the 2021 Budget and was implemented in that same year. This has received three years of funding and provides women with a one-off emergency payment of up to \$3000 (distributed by Red Cross) and legal support.
3. See for example: M Segrave, R Wickes and C Keel, [Migrant and refugee women in Australia: The safety and security study](#), Monash University, 2021; AMES and Department of Social Services, [Violence against women in CALD communities: Understandings and actions to prevent violence against women in CALD communities](#). Canberra, 2015; J McCulloch, JM Maher, K Fitz-Gibbon, M Segrave and J Roffee, [Review of the Family Violence Risk Assessment and Risk Management Framework](#), Monash University, 2016; M Segrave, [Temporary migration & family violence: An analysis of victimisation, support and vulnerability](#), Monash University, 2017; M Segrave and K Burnett-Wakes, 'Addressing family violence through visa sponsor checks: a step in the right direction?', *Current Issues in Criminal Justice*, November 2017; C Vaughan, E Davis, A Murdolo, J Chen, L Murray, K Block, R Quiazon and D Warr, [Promoting community-led responses to violence against immigrant and refugee women in metropolitan and regional Australia: The ASPIRE Project \(State of Knowledge paper 7\)](#), Australia's National Research Organisation for Women's Safety, 2015; Victorian Royal Commission into Family Violence, [Summary and Recommendations](#), 2016.
4. This recommendation has been supported in the final report of the Senate inquiry into the practice of dowry and the incidence of dowry abuse in Australia (paragraph 5.31).
5. We note that the current requirements for assessing whether a relationship meets the 'spouse' or 'de facto' definitions under the *Migration Act 1958* and *Migration Regulations 1994* would benefit from a full review regarding their operation and impact.

ACKNOWLEDGEMENTS

ACKNOWLEDGEMENT OF COUNTRY

The National Advocacy Group on Women on Temporary Visas Experiencing Violence (the National Advocacy Group) would like to acknowledge and pay respects to all First Nations people, as the traditional and only custodians of this country we call Australia. We recognise First Nations peoples' culture, wisdom, and connection to this land and pay our respects to Elders, past, present and future. We recognise the loss of land and culture, acknowledging the consequences of dispossession and colonisation on First Nations peoples. We acknowledge that sovereignty over this land was never ceded. This land always was and always will be Aboriginal land.

ACKNOWLEDGEMENT OF VICTIMS/SURVIVORS

The National Advocacy Group takes this opportunity to acknowledge all victims/survivors of gender-based violence. We pay respects to those who did not survive and to their family members and friends.

NATIONAL ADVISORY GROUP ON WOMEN ON TEMPORARY VISAS EXPERIENCING VIOLENCE

In 2018 the National Advocacy Group was formed to respond to the national crisis of inaction on supporting women on temporary visas to live free from violence. The following organisations and individuals have been involved in the development of the Blueprint for Reform, and endorse the blueprint as a way forward to achieving appropriate and immediate access to safety and justice for women on temporary visas:

Anti-Slavery Australia
AustralAsian Centre for Human Rights and Health
Australian Muslim Women's Centre for Human Rights
Australian Women Against Violence Alliance (AWAVA)
Central Australian Women's Legal Service
Domestic Violence New South Wales
Domestic Violence NSW Service Management
Dr Ana Borges
Dr Stefani Vasil
Federation of Ethnic Communities Council
Federation of Community Legal Centres (Vic) Inc
Harmony Alliance
Immigration Advice and Rights Centre
inTouch Multicultural Centre Against Family Violence
Jesuit Refugee Service
Muslim Women Australia

North Queensland Women's Legal Service
Northern Community Legal Centre
Professor Manjula Datta O'Connor
Professor Marie Segrave
Refugee Legal
Safe Steps
Samantha O'Donnell
Settlement Services International
Tasmanian Refugee Legal Service
Top End Women's Legal Service
WESNET (Women's Services Network)
Women's Health Matters ACT
Women's Legal Centre ACT
Women's Legal Service Queensland
Women's Legal Service Tasmania
Women's Legal Service Victoria

