

Temporary visa holders make up a considerable portion of our clients at inTouch.<sup>1</sup> This includes women who are on spousal/partner visas, working visas, student visas and tourist/visitor visa holders. When temporary visa holders experience family violence in Australia, they face multiple and varying layers of disadvantage.

## What are the issues?

### Visa status as 'leverage and control'<sup>2</sup>

An inherent power imbalance exists when a woman on a temporary visa is being sponsored by her partner in Australia or is in a relationship with an Australian citizen/resident. This power imbalance is being used as a form of family violence for many of our clients.

### Barriers to accessing support services

Many women on temporary visas are ineligible for Centrelink payments, welfare services or housing support, and have to pay for hospital and other medical costs. Although some women may be able to fund these expenses privately, a considerable number of our clients face extreme economic disadvantage and poverty.

### Risks and barriers faced by women in regional and rural areas

inTouch clients who are on temporary visas and are living in regional and rural areas face significant hardship. Women who live in regional and rural areas experience additional barriers when disclosing family violence and seeking support. These barriers include social isolation, existing interpersonal relationships within small communities (eg. people knowing one another), and lack of cultural and language support.

### Barriers to accessing the special provisions relating to family violence<sup>3</sup>

The family violence provisions in the **Migration Regulations 1994 (Cth)** provide some women on temporary visas with the opportunity to continue their lives in Australia away from the abuse of their sponsor. These provisions are only available to particular partner visa holders, which means that women who are on other types of temporary visas do not have the same pathway to safety whilst remaining in Australia.

### Challenges of navigating the complex migration and legal systems

Many people who are new to Australia are unaware of their rights and what services they can access for support. Lack of knowledge of Australian systems makes women more vulnerable to having negative experiences with support services and migration and legal systems.

<sup>1</sup> In 2018-2019, almost half of inTouch clients were on temporary visas.

<sup>2</sup> Marie Segrave, *Temporary Migration and Family Violence: An Analysis of Victimisation, Vulnerability and Support* (Melbourne, VIC: School of Social Sciences, Monash University, 2017) 1.

<sup>3</sup> Migration Regulations 1994 (Cth) Division 1.5.

# WOMEN ON TEMPORARY VISAS EXPERIENCING FAMILY VIOLENCE

## POSITION PAPER SUMMARY March 2020

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you are experiencing family  
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## Our position and recommendations<sup>4</sup>

We believe that all women who experience family violence in Australia should have access to safety and support services, regardless of what type of visa they are on and without having to live in destitution.

1. All women on temporary visas who are experiencing family violence in Australia should have access to a bridging visa of up to three years, with working rights and access to support services, health services, and housing.<sup>5</sup> At the conclusion of the three-year period, the woman should have the right to apply for a different visa in Australia in accordance with her needs and eligibility.
2. The family violence provisions should be expanded to include offshore partner visa applicants. This will provide a pathway to safety for women even if they have lodged their partner visa application overseas and are in Australia on another visa type visiting their partner and in many cases, their Australian-born children.
3. The family violence provisions should be expanded to include extended family members as perpetrators of family violence.
4. The requirements/elements of proof for the family violence provisions should better consider the complex forms of family violence that women from migrant and refugee communities can face, such as forced marriage, dowry abuse, servitude, and trafficking.
5. Visa and residency processing times should be shortened to provide victim-survivors with stability, and help them move on to make plans for their future, which is a crucial part of recovering from family violence.
6. Women on temporary visas who are experiencing family violence should have better access to health and other support services including social security rights, housing, free legal assistance, and urgent supports such as counselling and health care.<sup>6</sup>
7. As government programs continue to encourage migrants to move to regional and rural communities, it is critical that family violence support services are expanded and tailored for migrant and refugee women living in these areas. Exemptions should be in place that allow women to relocate outside of a region if there has been family violence.
8. Support and information offered in different languages can make a huge impact to the outcomes for women who are seeking support. Offering and expanding programs that are culturally safe and responsive, and offered in different languages, would increase the reach and effectiveness of support services.

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<sup>4</sup> inTouch endorses the National Advocacy Group on Women on Temporary Visas Experiencing Violence publication 'Blueprint for Reform: Removing barriers to safety for victim/survivors of domestic and family violence who are on temporary visas.' This document outlines a number of specific initiatives that can help to improve government policy and assistance for women on temporary visas who experience family violence.

<sup>5</sup> The National Advocacy Group on Women on Temporary Visas Experiencing Violence also makes a recommendation for the introduction of a new visa of up to three-years for those experiencing family violence. See National Advocacy Group on Women on Temporary Visas Experiencing Violence (2019), Blueprint for Reform: Removing barriers to safety for victim/survivors of domestic and family violence who are on temporary visas.

<sup>6</sup> National Advocacy Group on Women on Temporary Visas Experiencing Violence (2019), Blueprint for Reform: Removing barriers to safety for victim/survivors of domestic and family violence who are on temporary visas.