



5 March 2020

Submission to the Select Committee on Temporary Migration

inTouch Multicultural Centre Against Family Violence (inTouch) welcomes the opportunity to provide a submission to the Select Committee on Temporary Migration. In the 2018-19 financial year, the Australian migration program granted almost nine million temporary visas to eligible people to come to Australia. These included visas for visitors, students, crew and transit workers, working holiday makers, temporary residents for skilled work and their dependents, and others.¹ As noted in the Senate during the appointment of the Select Committee for this Inquiry, Australia has the second largest migrant workforce in the world.²

As a specialist family violence service, our submission seeks to highlight some of the issues that women who are on temporary visas face. The migration status of women who are on temporary visas adds a layer of complexity to her relationship with the perpetrator of violence, and can limit the types of support services that are available to her. This results in a prolonged and unnecessarily complicated experience, restricting the ability to move on from family violence. These issues can be further compounded for women who live in rural and regional areas. As will be discussed, forced marriage, human trafficking, forced labour and servitude can also be a reality for many of the women that we work with.

In this submission, we outline a number of issues and experiences of migrant and refugee women in response specifically to terms of reference c and e. We assert a number of recommendations that we believe would better identify and assist clients who have been victimised due to their migration status.

About inTouch

inTouch provides integrated, culturally appropriate services to migrant and refugee communities. Over the past 35 years, we have addressed the specific needs of communities and helped over 18,000 women experiencing family violence. In the 2018–19 financial year, inTouch provided services to 1430 women from 101 different countries, and over 1350 of their children.

We have become a critical piece in Victoria's family violence response system. In 2016, the Royal Commission into Family Violence in Victoria recommended that the government fund inTouch to better support the system in meeting the needs of people from refugee and migrant backgrounds experiencing family violence. As a leading expert with these communities, the reach and impact of inTouch's work has significantly increased.

inTouch works across the family violence continuum, from prevention and early intervention, to crisis intervention, post-crisis support and recovery. Our services and programs include:

¹ Department of Home Affairs, Australian Migration Statistics 2018-2019 (Canberra: Commonwealth of Australia 2019).

² Parliament of Commonwealth of Australia, 46th Parliament Senate Journals, No. 35, Canberra, 5 December 2019, 1129.



- An integrated, culturally responsive model based on inLanguage, inCulture case management. Our 21 case managers are highly diverse, offering direct client services in over 25 languages. They have a unique understanding of a client's lived migration experience, cultural influences, and the barriers faced when trying to seek help.
- An in-house accredited community legal centre, the only one of its kind in a specialist family violence service, which provides legal advice, court advocacy and immigration support to inTouch clients.
- Capacity building of specialist and non-specialist family violence providers, and community organisations to better deliver support to refugee and migrant women experiencing family violence. This includes a public training calendar.
- An early intervention program, Motivation for Change, working directly with men from culturally and linguistically diverse communities who use violence towards their families.

A significant percentage of inTouch clients are temporary visa holders who are experiencing family violence in Australia. Our submission highlights the complex issues victim-survivors face as a result of their temporary visa status, including the effects of their temporary visa status on their experiences of family violence, exploitation and servitude in both the family setting and in the workplace, and the unique barriers these women face when accessing support services.

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

inTouch provides assistance to women who are victim-survivors of family violence. The overwhelming majority of our clients have experienced family violence perpetrated by their male partner and/or other family members. The issues that we have identified and the recommendations that we make in this document are based on the experiences of these women and their children.

About our clients

inTouch is a state-wide service providing case management and legal services to clients across Victoria. Although most of our clients reside in metropolitan municipalities and councils, in 2018-2019 five percent of our clients were located in rural and regional locations.

Almost half of our clients were aged between 25 and 34 years. Over 70 percent of the clients we assisted in 2018-19 had arrived in Australia from 2010 onwards, and 30 percent of our clients arrived in Australia in the past five years.

Figure 1. inTouch client age groups

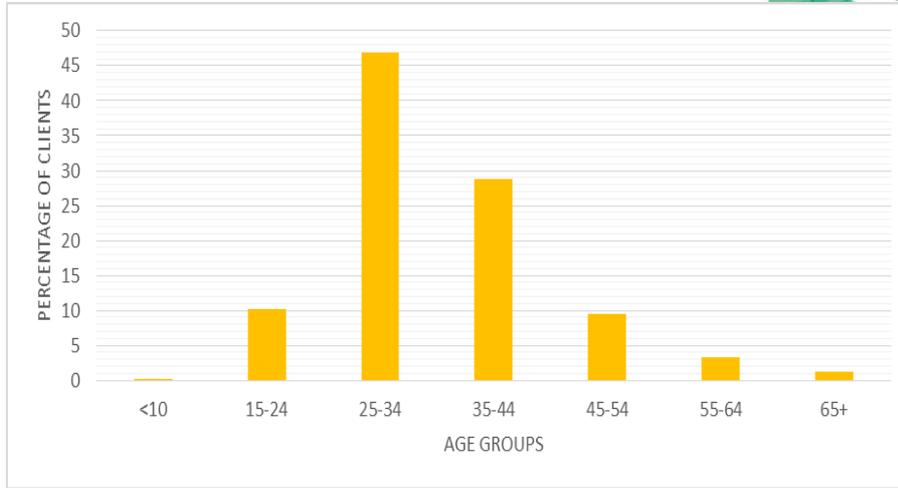
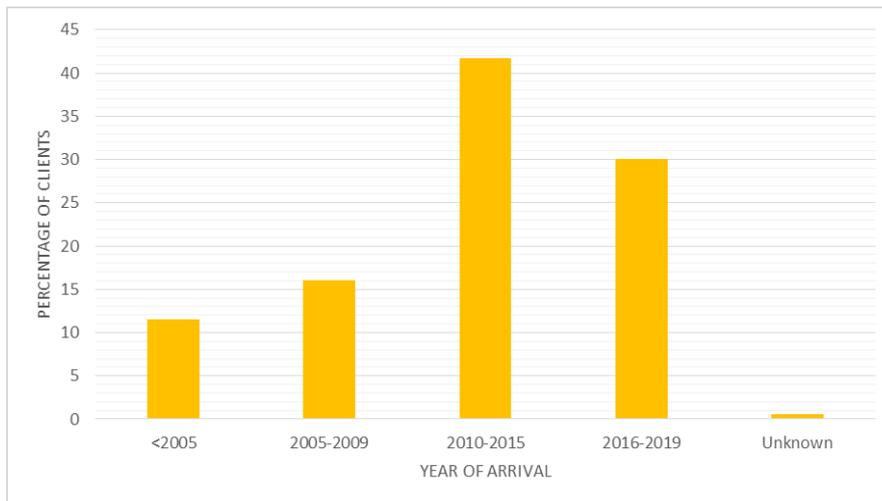


Figure 2. Year of arrival



We estimate that approximately half of our clients are temporary visa holders or temporary residents. Clients who are temporary visa holders or temporary residents include those who are on spousal or partner visas, working visa holders, student visas, tourist or visitor visas, and bridging visas.

Our statistics show that 36 percent of our clients receive no income at the time of presenting at our service. Only 25 percent of our clients have income from paid work, and approximately 29 percent of our clients receive some sort of a government allowance or payments (half of which receive parenting payments such as Family Tax Benefits). Only 10 percent of our clients are receiving Newstart allowance at the time of presenting at our service.



Our responses to the terms of reference

c. policy responses to challenges posed by temporary migration

Women on temporary visas who experience family violence face multiple and varying layers of disadvantage.

Temporary migration status as “additional leverage for violence and control”³

Migration status “creates additional leverage for violence and control” alongside the “acknowledged levers of financial, emotional, technological, physical and sexual abuse that occur across situations of family violence.”⁴ An inherent power imbalance exists when a woman is being sponsored by her partner in Australia or is in a relationship with an Australian citizen or resident. This power imbalance is being used by men as a form of family violence. For example, a woman’s Australian citizen or permanent resident partner can threaten to retract their sponsorship or their offer to sponsor the woman if she discloses or reports the violence in the relationship. In situations where a woman is migrating with her partner who is being sponsored for employment or educational purposes, the woman’s migration and financial status depends entirely on her partner.

Further complexities can arise for women who are on temporary visas and have Australian-born children. The child/children can be used in addition to her migration status as leverage by the perpetrator of violence. For example, a woman may be threatened to be deported without her child/children or threatened to have her sponsorship withdrawn, if she discloses the family violence. Out of fear of having to leave their children behind, many women remain in relationships with an abusive partner.

Barriers to accessing social security, housing, and other support services

Visa status determines what health services, community services, working rights, and social security people are eligible for. Many women who are on temporary visas that are experiencing family violence are restricted in the support services they can access. Many of our clients who are on temporary visas are ineligible for Centrelink payments and have to pay for hospital and other medical costs. If the woman requires housing support, there are limited options for her outside of immediate crisis housing. Due to the limited space, refuges may be reluctant to accept referrals for a woman on a temporary visa knowing she may have an extended stay there due to the lack of stable housing options for her to go to. Furthermore, women who aren’t eligible for Centrelink payments including Special Benefits, are ineligible for many housing services.

³ Marie Segrave, Temporary Migration and Family Violence: An Analysis of Victimisation, Vulnerability and Support (Melbourne, VIC: School of Social Sciences, Monash University, 2017) 1.

⁴ Marie Segrave, Temporary Migration and Family Violence: An Analysis of Victimisation, Vulnerability and Support (Melbourne, VIC: School of Social Sciences, Monash University, 2017) 1.



Although some women may be able to fund these supports privately, a considerable number of our clients face extreme economic disadvantage and poverty. In 2018–19, 36 percent of our clients had zero income. Anecdotal information provided by our case managers indicate that the vast majority of those who present to our service with zero income are women on temporary visas.

The victim-survivor's restricted access to support services and precarious financial situation is a major barrier to leaving an abusive relationship. Further problems and complexities arise when there are children involved. When a victim-survivor is on little or no income, she often feels compelled to stay with her abusive partner in order to meet the financial and day-to-day needs of her children, including public school tuition fees that may not be subsidised due to her visa status.⁵

Women on temporary visas in regional and rural areas

Research shows that women who are living in regional and rural areas are more likely to experience family violence than women who live in urban areas.⁶ Furthermore, victim-survivors who live in regional and rural areas experience additional barriers to disclosing family violence and seeking support. These barriers include social isolation, existing interpersonal relationships in small communities (eg. people knowing one another), and lack of cultural and language support.

inTouch clients who are on temporary visas and are living in regional and rural areas face significant hardship. Government migration policies have been directing migrants to settle in regional and rural areas through various visa streams. Women who move to Australia on these visa streams either as employees or partners of employees, are restricted in terms of where they can live, study and work. Based on the conditions of their visa they must remain within a particular region. Being in a regional and rural area makes support services difficult to reach. These barriers, together with the lack of cultural and language support, cause immense social isolation and is exposing women and their children to significant risks to their safety by making it more difficult to leave and to establish ongoing safety and security if they do leave the relationship.

Our recommendations

- 1. A bridging visa be made available to those who are on temporary visas that are experiencing family violence in Australia.**
- 2. Social security payments should be available to those on temporary visas who are experiencing family violence in Australia.**
- 3. Better funding and resourcing of housing services for victim-survivors of family violence, including those on temporary visas.**
- 4. Better cultural competency and responsiveness across support services and agencies.**

⁵ National Advocacy Group on Women on Temporary Visas Experiencing Violence, Blueprint for Reform: Removing barriers to safety for victim/survivors of domestic and family violence who are on temporary visas (Australia, 2019).

⁶ Monica Campo and Sarah Tayton, 'Domestic and family violence in regional, rural and remote communities: An overview of key issues', (Melbourne: Australian Institute of Family Studies, 2015).



e. the impact of wage theft, breaches of workplace rights and conditions, modern slavery and human trafficking on temporary migrants

As documented by the Australian Institute of Criminology (AIC) in 2019, the exact numbers of victims of modern slavery can only be estimated, due to low disclosure, reporting, and a lack of understanding in the community.⁷ The AIC ran a study and found that the estimated number of modern slavery victims in Australia “over a two-year period from 2015-16 to 2016-17” was between 1342 and 1897.⁸ It is further estimated that for every victim of modern slavery in Australia that is detected, there are four other cases that have not been detected.⁹

Our service assists clients who have become victims of certain forms of modern slavery, including those who have become victims of forced marriage, servitude, and forced labour. As identified by Marie Segrave in her report *Temporary Migration and Family Violence: An Analysis of Victimisation, Vulnerability and Support*¹⁰, “the overlap between family violence and trafficking – or slavery-related offences has only recently come to national attention”.¹¹ This next section of our submission outlines the ways in which our clients have experienced these issues and will outline our recommendations that would better identify and address modern slavery in Australia.

Forced marriage and human trafficking

Forced marriage and human trafficking often overlap for our clients. Forced marriage is defined in section 270.7A of the Criminal Code Act 1995 (Cth):

1. A marriage is a forced marriage if one party to the marriage (the victim) entered into the marriage without freely and fully consenting:
 - a. because of the use of coercion, threat or deception; or
 - b. because the party was incapable of understanding the nature and effect of the marriage ceremony.

Many of our clients who have experienced forced marriage have been deceived or coerced into the marriage and then brought to Australia. One woman was lied to about who she was marrying. Another woman was coerced and forced to marry by her family who had received a substantial dowry by her husband’s family. These women were then brought to Australia by the perpetrators, and were kept in servitude, forced to serve her husband and his family with all domestic duties.

⁷ Jennifer Burn, ‘Human Trafficking and slavery still happen in Australia. This comic explains how.’ *The Conversation* (2019) <<https://theconversation.com/human-trafficking-and-slavery-still-happen-in-australia-this-comic-explains-how-112294>> accessed 01 March 2020.

⁸ Australian Institute of Criminology, *Statistical Bulletin 16: Estimating the dark figure of human trafficking and slavery victimisation in Australia* (Canberra, Australian Institute of Criminology, 2019) 6.

⁹ Australian Institute of Criminology, *Statistical Bulletin 16: Estimating the dark figure of human trafficking and slavery victimisation in Australia* (Canberra, Australian Institute of Criminology, 2019) 6.

¹⁰ Marie Segrave, *Temporary Migration and Family Violence: An Analysis of Victimisation, Vulnerability and Support* (Melbourne, VIC: School of Social Sciences, Monash University, 2017) 60.

¹¹ Marie Segrave, *Temporary Migration and Family Violence: An Analysis of Victimisation, Vulnerability and Support* (Melbourne, VIC: School of Social Sciences, Monash University, 2017) 60.



Alongside such cases, inTouch has provided assistance to clients who have been deceptively or forcibly removed from Australia and 'sent back' to their home country. The perpetrators are usually the men in the relationship or the man's extended family, who decide they no longer want to sponsor the woman, or don't want to meet their sponsorship obligations such as tending to her health care needs.¹² As noted by Segrave, what is evident in these cases "is the utilisation (or attempt to) of the migration system as one means through which to further exercise control and abuse."¹³

CASE STUDY

Our client was coerced by her family to marry an Australian man. The man paid a dowry to her family and sponsored the woman to come to Australia. When she arrived, she learnt that the man was more than twice her age, and had significant psychiatric issues as well as drug and alcohol dependency. The man's family had wanted the marriage for the man so that he had somebody to look after him. Our client was forced to serve the man and his family with domestic duties as well as with his personal care. She was also sexually assaulted by the man.

CASE STUDY

Our client married an Australian man and moved to Australia to live with him. She was on a temporary spousal visa while she lived with him. They had one child together who was born in Australia. The man was very violent and caused her hospitalisation multiple times. If she disclosed the family violence, he threatened to cancel his sponsorship and deport her without her child. He controlled all their finances and limited her interactions with others.

One day, the perpetrator offered our client a family holiday back to her home country to see her parents. He told her that she would need to fly back first, and he would follow with their child once he had made arrangements for their child's passport.

Upon arriving in her home country, our client realised that her husband had only purchased a one-way ticket for her. He didn't join her and he kept their child in Australia. He also cancelled his sponsorship application.

Our client remained in her home country for one-year until she could save the money and arrange for a new visa to come back to Australia.

Forced labour and servitude

Servitude is defined in section 270.4 of the Criminal Code Act 1995 (Cth) as when a victim provides labour or services because of the use of "coercion, threat or deception", is unable to

¹² Marie Segrave, *Temporary Migration and Family Violence: An Analysis of Victimisation, Vulnerability and Support* (Melbourne, VIC: School of Social Sciences, Monash University, 2017) 60.

¹³ Marie Segrave, *Temporary Migration and Family Violence: An Analysis of Victimisation, Vulnerability and Support* (Melbourne, VIC: School of Social Sciences, Monash University, 2017) 61.



freely leave those duties, and is “significantly deprived of personal freedom” in other aspects of his or her life.¹⁴ Forced labour is defined similarly in the legislation.

inTouch has provided services to many women who have also become victims of servitude and forced labour. These clients have either been forced into domestic servitude for their husband and his extended family, or have been forced to work in the family business for no payment and for long periods of time. These clients are often abused and assaulted and isolated from the outside world. Some of these clients were also victims of forced marriage, sponsored to come to Australia on a partner visa for the purposes of exploitation in domestic servitude and forced labour.

It can take these clients a considerable amount of time to find the opportunity to seek assistance. Many clients aren't aware of their rights, who they can seek help from, and what support services are available to them. In our experience, the perpetrators use the woman's lack of knowledge of Australian systems to generate fear in her, make threats, and keep her isolated.

CASE STUDY

Our client comes from south-east Asia. She married an Australian citizen and is in Australia on a partner visa. Her husband has taken her passport and money away. Our client is expected to wake up at 5am every morning to cook and clean for her husband and his family. Her husband and his family beat her and threaten to harm her family in her home country if she does not abide by their instructions. When she is not undertaking domestic work, she is expected to be in her room. She is only allowed to eat food scraps and leftovers and is not allowed to leave the house unaccompanied.

Our recommendations

5. Recipients of all types of visas be made directly aware of their rights and entitlements multiple times within the first five years of their migration to Australia. This includes at visa application point, when their visa is granted, at point of arrival, as well as within six months and twelve months of migration to Australia.
6. Thorough, detailed and nationally consistent risk assessments that can identify modern-slavery offences.
7. Increase the skills of migration agents, lawyers and departmental staff about risk factors associated with forced marriage, human trafficking, and servitude.
8. Expansion of inLanguage, inCulture support for women on temporary visas across Australia.
9. Readily available information on migration and family law in Easy English and community languages.

Conclusion

inTouch provides assistance to migrant and refugee women who have experienced family violence. Almost half of our clients in a year are temporary visa holders. Women who are on temporary visas can be vulnerable to particular types of family violence due to the power

¹⁴ Criminal Code Act 1995 (Cth) section 270.4

imbalance that exists in her relationship with her sponsor. Furthermore, these women face significant barriers to accessing support services, social security, and housing support when they do experience family violence in Australia. These issues are further compounded and complex for those who are in rural and regional areas.

Women on temporary visas can also become victims of modern-slavery offences such as forced marriage, human trafficking, servitude, and forced labour. These clients find themselves in situations of extreme disempowerment, isolation, and abuse. Their temporary visa status can be limiting in terms of the assistance they can access. Many of our clients who were victims of these forms of abuse and exploitation, were not aware of who they could contact or where they could go for help.

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