



Immigration: Resource for working with women on temporary visas

This resource has been designed for practitioners and is part of a series on best practice when working with women from migrant and refugee backgrounds who are victim-survivors of family violence. It provides summary information about visa types and immigration processes to assist workers to support clients on temporary visas.

When working with a client on a temporary visa, urgently refer them for professional advice and assistance from a Migration Agent or Immigration Lawyer. Refer them for professional immigration advice as early as possible.

It is critical to know which visa your client is on as this will determine which support services and referral pathways are available to them. The laws around visa status and eligibilities change regularly so please refer your client for the most up-to-date information. A Migration Agent or Immigration Lawyer will explain a client's visa options and eligibility for services.

Questions to ask your client:

1. What is your immigration status?
2. What type of visa are you on, if any?
3. What is the visa status of any children or other dependents?
4. Do you have access to your documents and those of your children (passport, visa, marriage certificate)?
5. Do you receive correspondence from the Department of Home Affairs about your visa application?
6. If so, have you received any recent correspondence (28 days to respond)?
7. Do you know if the Department of Home Affairs has been informed about your separation from your partner?

Clients may be unaware of what visa they are in Australia on. The Australian Government's Visa Entitlement Verification Online (VEVO) allows visa holders to check visa details and conditions. VEVO provides details relating to current in-effect visas including:

- > Which visa
- > Expiry date
- > How long you can stay
- > Conditions (what you can and can't do).

To use VEVO clients will need their passport and other details: <https://immi.homeaffairs.gov.au/visas/already-have-a-visa/check-visa-details-and-conditions>.

Access to Australian Government income and support

Most women on temporary visas are ineligible for social security payments through Centrelink or Medicare. Only a small number of temporary visa categories may be eligible to access the Special Benefit.

A key tool to understanding the multitude of visa types and eligibility for Centrelink Services is the Australian Government's Guide to Social Policy Law, Social Security Guide, Section 9.2 Visa subclasses & payment eligibility for visas issued after 1/9/94: <https://guides.dss.gov.au/social-security-guide/9/2>.

It is critical for refuge workers to:

- > Identify that a client is on a temporary visa
- > Understand the barriers and disadvantages they experience because of this
- > Immediately refer them for immigration support
- > Explore options for other supports with the client.

There are five streams of temporary visa types

Visa Stream	Description	Access to support
Family	This includes partner visas, prospective marriage visas and visas for family members such as parents, carers and children. The person is sponsored by an Australian citizen, permanent resident, or eligible New Zealand citizen.	Access to support depends on your visa type, so check the Australian Government's Social Security Guide at https://guides.dss.gov.au/social-security-guide/9/2 . Holders of partner visas granted, applied for, or those who are eligible to apply and experienced family violence during their relationship, can access the Family Violence Provisions in the Migration Regulations. It is important to gain professional immigration advice immediately.
Visitor/ Tourist	Clients on these visas are often here to visit their partner. Sometimes they have Australian-born children together.	Visitors are ineligible for Centrelink payments and Medicare and they do not have working rights. Holders of visitor visas are not eligible for Family Violence Provisions in the Migration Regulations. Please refer visitor visa holders to professionals for immigration advice.
Student	These include full-time student, guardian student and postgraduate visas.	Students are ineligible for Centrelink payments and Medicare and can only work limited hours. It is important clients staying in refuge continue to attend their classes so they don't breach the conditions of their visa. Holders of student visas are not eligible for Family Violence Provisions in the Migration Regulations. Please refer student visa holders to professionals for immigration advice.
Work	Includes temporary and permanent skilled visas. These streams can include people who are in Australia as skilled migrants, or as a dependent on their partner who is the skilled migrant.	These visa holders have been sponsored by an Australian employer or arrived independently. Holders of skilled visas are not eligible for Family Violence Provisions in the Migration Regulations. Please refer work visa holders to professionals for immigration advice.
Bridging	<p>Bridging visas are granted to applicants to remain in Australia lawfully while waiting for the decision on their substantive visa applications.</p> <p>Bridging visa A (BVA) – Subclass 010. Bridging visa B (BVB) – Subclass 020. Bridging visa C (BVC) – Subclass 030. Bridging visa E (BVE) – Subclass 050 and 051.</p>	Bridging visa holders are often in a precarious situation regarding what they can access. Only BVA and BVB holders can depart and return to Australia. BVC and BVE usually come without work rights, but holders of these visas can apply for work rights. Please immediately refer bridging visa holders to professionals for immigration advice.

Holders of **Humanitarian/ Refugee/ Protection visas** granted either offshore or onshore are Permanent Residents and eligible for all entitlements. Holders of Temporary Protection Visas or those who have applied for Protection Visas cannot access the Family Violence Provisions in the Migration Regulations. Please refer these clients to professionals for immigration advice and assistance.

Family Violence Provisions (FVPs)

There are special Family Violence Provisions in the Migration Regulations that offer a pathway to safety for some temporary visa holders experiencing family violence.

Clients may be eligible to apply if they:

- > are holders of a temporary partner visa, **OR** have applied for a Combined Partner visa or are eligible to apply, **AND**
- > have experienced family violence perpetrated by their sponsor during their relationship, **AND**
- > their relationship subsequently broke down.

This will allow them to continue with their applications for a Permanent Partner visa without a sponsor, claiming family violence.

Eligibility

In most circumstances your client must be the spouse (married) or de facto partner of an:

- > Australian citizen
- > Australian permanent resident or
- > Eligible New Zealand citizen.

If your client has been sponsored by the above sponsors and has applied for or holds one of the following visas, they may be eligible for Family Violence Provisions:

- > Partner visa 820-801 – applied for or granted onshore (within Australia)
- > Partner visa 309-100 – applied for or granted offshore (outside Australia) or applied for or granted while in Australia under a COVID-19 visa concession: <https://www.homeaffairs.gov.au/covid19/visa-information/visa-concessions>
- > Prospective Marriage visa 300 – applied for offshore (outside Australia). Must have entered Australia and married their sponsor within the nine-month deadline. If these clients are victim-survivors of family violence, they can apply for a Partner visa alone without the sponsor within the 9-month period and access Family Violence Provisions.

If a client might be eligible to apply for Family Violence Provisions, urgently refer them to a Migration Agent or Immigration Lawyer for advice and assistance.

Other issues to consider:

- > Connect clients with other legal support services such as Community Legal Centres for Family Violence Intervention Order and family law support
- > Clients may be eligible to apply for other types of temporary or permanent visas, if they meet those visa requirements
- > Please refer clients with immigration issues to specialist services for further advice and assistance.

You can find information on the Department of Home Affairs' (the Department) position and response to family violence online. The Australian Government has zero tolerance for domestic and family violence and will support victim-survivors to regularise their visa status while they remain in Australia. It is important to respond to any correspondence from the Department as soon as possible and to inform the Department of a change in relationship status due to family violence. For more information: <https://immi.homeaffairs.gov.au/visas/domestic-family-violence-and-your-visa>.

Refer to inTouch for co-case management

- > Phone our intake team on **1800 755 988** to discuss your client's needs
- > Complete our online [client referral form](#) at www.intouch.org.au/contact-us
- > The relevant MARAM assessment and client consent form must be attached with the referral
- > One of our intake workers will contact you to discuss how we can work together to support the client. After allocation, the case manager will contact you, the referring agency, before contacting the client. The client will then be contacted by phone, using an interpreter if needed.

Request an inTouch secondary consultation for immigration issues

- > Phone our intake team on **1800 755 988**
- > Our intake team will record your request and a Migration Agent will contact you within five working days.

Directory of Services for immigration advice and assistance

Organisation	Catchment	Specialisation	Contact
inTouch Multicultural Centre Against Family Violence	State-wide service	General immigration advice and referral. Immigration assistance for clients eligible to access the Family Violence Provisions. Only inTouch case management clients can access the inTouch Legal Centre.	1800 755 988 Complete our online client referral form at www.intouch.org.au/contact-us
Northern Community Legal Centre	Hume and Moreland LGAs and Mitchell Shire	Immigration advice, referral and assistance for clients in their catchment area.	(03) 9310 4376 https://www.northernclc.org.au/
Women's Legal Service Victoria	State-wide service	Only clients who have both family law and immigration matters.	(03) 8622 0600/ 1800 133 302 https://www.womenslegal.org.au/
Refugee Legal	State-wide service	Specialising in protection visa claims.	(03) 9413 0100 https://refugeelegal.org.au/
Asylum Seeker Resource Centre	State-wide service	Specialising in protection visa claims.	(03) 9326 6066 https://asrc.org.au/
The Migrant Information Centre (Eastern Melbourne) (MIC)	The Eastern Region of Melbourne	MIC has two qualified Migration Agents who can assist newly arrived refugees in the eastern suburbs of Melbourne to sponsor their family members to come to Australia as temporary or permanent migrants.	(03) 9285 4888 https://miceastmelb.com.au/
Private Migration Agents	State-wide		For accredited migration agents, please see Office of the Migration Agents Registration Authority: https://www.mara.gov.au/