

MISIDENTIFICATION OF THE PREDOMINANT AGGRESSOR PRACTICE TIPS FOR WORKING WITH MIGRANT AND REFUGEE COMMUNITIES

BACKGROUND

Misidentification occurs when a victim-survivor of family violence is misidentified by systems such as police or courts as the perpetrator (predominant aggressor), often due to incident-focused responses, systemic racism, trauma misinterpretation or perpetrator manipulation of systems. First Peoples, children and young people, people from migrant and refugee backgrounds, LGBTQIA+ people, and other systemically marginalised groups are more likely to be subjected to misidentification. Women from migrant and refugee communities face heightened risk due to systemic bias, visa-related power imbalances, and limited cultural and linguistic safety within service and justice responses.

WHY MISIDENTIFICATION HAPPENS

Misidentification often occurs through a combination of system failures and deliberate perpetrator tactics that lead to inaccurate identification of the person most in need of protection.

System and practice factors:

- Incident-based assessments that overlook patterns of coercive control and fail to correctly identify resistive or defensive actions
- Racialised stereotypes and misinterpretation of trauma responses as aggression
- System failures to provide culturally and linguistically safe responses, including failure to use qualified interpreters
- Limited consideration of migration stressors, visa-related power imbalances, and structural inequality

Perpetrator tactics (systems abuse):

- Presenting as calm, credible, and cooperative while the victim-survivor appears distressed
- Manipulating narratives, evidence, or communication with police or services
- Isolating the victim-survivor from support services or interpreters

IMPACT OF MISIDENTIFICATION

Individual level:

- Misidentification can result in wrongful IVOs, criminal charges, separation from children, homelessness, employment barriers or restrictions (especially for roles requiring Working with Children Checks or other clearances), and financial hardship.
- For people on temporary visas or without Australian citizenship, misidentification can have long-term immigration consequences, including visa refusal, cancellation, or barriers to permanent residency or citizenship.
- Misidentification compounds trauma, increases isolation, and often results in reduced access to, or exclusion from, appropriate family violence support services, leaving victim-survivors without the supports they need when seeking safety and protection.

System level:

- Misidentification reinforces perpetrator control and contributes to responses that fail to accurately identify risk and the person most in need of protection.

PRACTICE TIPS

- Use accredited interpreters rather than family or community members
- Apply trauma and violence-informed and culturally safe practice
- Focus on patterns, fear, and power, not just the most recent incident
- Ask directly about:
 - Who makes the person feel unsafe or fearful in the relationship
 - Patterns of ongoing control, threats, monitoring or isolation
 - Actions taken by the client to protect themselves or their children, and how these have been interpreted by others
- Use the MARAM predominant aggressor guidance and tool to centre the person most in need of protection

PRACTICE PROMPTS WHEN MISIDENTIFICATION MAY BE A CONCERN

Communication and interpretation

- Was an accredited interpreter used during police attendance, interviews, or court processes?
- Were there any communication concerns that may have affected how events were understood or recorded (e.g. neurodivergence, cultural communication norms, trauma, etc)

Migration and visa-related power dynamics

- Is the client on a temporary visa?
- Are there potential migration concerns (e.g. visa conditions) that may increase power imbalance or risk?

Police narrative and broader context

- Does the police narrative (L17) reflect the broader history and pattern of the relationship?
- Are there omissions or inconsistencies where the narrative focuses only on a single incident?
- Is there evidence of ongoing patterns of control, or previous attempts by the client to seek help or protection?

(These prompts are not a legal assessment. They can support practitioners to recognise potential misidentification and seek specialist consultation where needed)

LIVED EXPERIENCE INSIGHT:

“Practitioners need to recognise that victims face emotional exhaustion, limited resources, and overwhelming administrative burdens while constantly having to prove their victim status across multiple systems.”

– NOOR Survivor Advocate

WHEN MISIDENTIFICATION IS SUSPECTED, PRACTITIONERS SHOULD:

- Document concerns clearly in case notes
- Seek [rectification](#) through police or courts where appropriate
 - FV services: contact Victoria Police’s [Family Violence Liaison Officers](#) (FVLOs)
 - Legal services: contact Victoria Police’s Family Violence Court Liaison Officers (FVCLOs) or police prosecutor via the relevant [Police Prosecutions Unit](#).
- Consult specialist services early, particularly where the misidentified client is on a visa or where child protection is involved. Refer clients for legal advice where appropriate.
- For further support or secondary consultation regarding migrant and refugee victim-survivors experiencing family violence who are at risk of misidentification, practitioners can contact [InTouch Multicultural Centre Against Family Violence](#).

REFERENCES

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