

BLUEPRINT FOR REFORM:

**Removing Barriers to Safety for
Victims/Survivors of Domestic
and Family Violence who are on
Temporary Visas**

Violence against women is a grave violation of human rights. The National Plan to Reduce Violence Against Women and their Children envisions an Australia free from all forms of violence and abuse against women and their children.

On the international stage, Australia is leading the way in efforts to implement the Convention on the Elimination of All Forms of Discrimination Against Women, the Women, Peace and Security Agenda and the 2030 Agenda for Sustainable Development and uphold human rights bodies such as the Human Rights Council and the United Nations Commission on the Status of Women.

Victims/survivors should be empowered to make decisions which promote their safety, well-being and recovery through access to specialist services including housing, health, legal, social security, education and stable visa status. Victims/survivors and their dependants should have a right to determine their place of residence without impediment from the perpetrator.

In 2018 the National Advocacy Group on Women on Temporary Visas Experiencing Violence produced a *Path to Nowhere report*¹ that examined the issues for women on temporary visas experiencing domestic, family and sexual violence and their dependants. Report findings highlighted a national crisis, affirmed by evidence and reviews nationally,² which requires immediate law and policy reform by the Australian and State and Territory governments.

Women and their children have the right to be safe from all forms of violence in Australia, regardless of their visa status. This Blueprint sets out necessary reforms to achieve safety for all women.

To improve women's and children's access to safety and justice, we call on the Commonwealth, State and Territory governments to implement the following three steps:



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.



Ensure eligibility and access to services and government support are based on women's needs for safety and recovery, regardless of their migration status.



Ensure that women on temporary visas who have experienced domestic, family and sexual violence and their dependants have immediate and full access to safety, protection, justice and fully funded specialist support with demonstrated gender expertise and cultural competency.

The Blueprint has been developed and endorsed by the National Advocacy Group on Women on Temporary Visas Experiencing Violence, that consists of over 50 state and national peak bodies, service providers and other organisations working to address violence against women across Australia.

The group functions to collectively advocate for policy and law changes to support women on temporary visas experiencing violence and their children to be safe.

Suggested citation: National Advocacy Group on Women on Temporary Visas Experiencing Violence (2019) Blueprint for Reform: Removing Barriers to Safety for Victims/Survivors of Domestic and Family Violence who are on Temporary Visas.

STEP 1

Improve the migration system so that all women⁷ on temporary visas who experience domestic, family⁸ and sexual violence and their dependants can access protections, services and justice.

WHAT IS PUTTING WOMEN AND THEIR CHILDREN AT RISK?

- Currently, there are 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.³ Some of these gaps and inadequacies include:
- The Family Violence Provisions⁴ are available to a very narrow cohort of victims/survivors of domestic, family and sexual violence. New legislation⁵ will further restrict access to these provisions unless appropriate exemptions are included to assist victims/survivors of domestic, family and sexual violence who are already in Australia;
- 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 or report the violence to police;
- Access to merits review of migrations decisions at the Administrative Appeals Tribunal (AAT) is restricted for victims/survivors of domestic, family and sexual violence:
 - a. due to upfront fees of more than \$1700;
 - b. due to short non-extendable deadlines to apply for review;
- For the purpose of the Family Violence Provisions, violence that is perpetrated by family members other than a sponsoring partner is not being recognised. This fails to recognise that living with extended family is the norm for certain cultural groups and it is often the partner's family who are perpetrating violence against victims/survivors;
- For the purpose of the Family Violence Provisions, the Departmental practice of first assessing for genuine relationship 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 using financial and social abuse.
- In the Protection Visa assessment process, evidence of domestic, family and sexual violence is often assessed arbitrarily and in way that fails to recognise the complex dynamics of domestic, family and sexual violence:
 - a. decision makers frequently fail to follow their own policy guidance⁶ on assessment of gender based and domestic, family and sexual violence claims;
 - b. judicially determined evidence from Australian courts is not treated as conclusive evidence of domestic, family and sexual violence that has occurred in Australia;
 - c. decision makers assessing Protection Visas based on domestic, family and sexual violence claims frequently do not consider a Foreign States' 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 or 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 a partner who is violent so that she is not forced to leave Australia without her child;
- Perpetrators of domestic, family and sexual violence as well as state agencies such as Family Courts hold power and control to determine a place of residence for victims/survivors and their dependants which puts their safety and wellbeing at risk.

- The requirement that the relationship must have ceased before a victim/survivor of domestic, family and sexual violence can use the Family Violence Provisions is problematic. Declaring an end to the relationship is risky and the perpetrator may escalate their use of violence to re-assert power and control. Leaving the home is often impossible due to lack of access to support services, income and housing. If homelessness is the only other option, women may prefer to provide evidence of domestic, family and sexual violence and be assessed for a permanent visa on that basis, while still living with the perpetrator.
- The move to online visa applications and online communication can make it easier for an abusive or controlling Australian partner to control their partner's entire visa process and all correspondence:
 - a. In instances when relationships break down due to domestic, family and sexual violence and where a sponsor receives all Departmental communication on behalf of a visa applicant, their Immi account is not de-linked automatically from a victim/survivor. This gives perpetrator access to all private details and puts a victim/survivor at further risk of violence.
 - b. When a new 956 form (appointment of migration agent) is lodged, a previous migration agent who was most likely hired by the sponsor is not automatically removed from the Immi account.

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

RECOMMENDATION 1.1. Amendments to Family Violence Provisions

That the Australian Government amends the Family Violence Provisions in the Migrations Regulations 1994 to:

- a. Expand access to the Family Violence Provisions to enable women and their dependants to apply for permanent residency 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;
 - Any person experiencing domestic, family and sexual violence who has applied for a family visa onshore, who is awaiting a decision, and their dependants.⁹
- b. Determine whether there is domestic, domestic, family and sexual violence and sexual prior to assessing for a 'genuine relationship' and ensure the evidence required can reasonably be provided in the context of a relationship with a partner who is abusive.
- c. Expand the Family Violence Provisions to allow for a waiver of the requirement for a marriage to be valid under the Migration Act 1958 or proof of 'genuine relationship' 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. Good practice of the assessment for a 'genuine relationship' would include:
 - Consideration and recognition of the impact of financial abuse including dowry abuse, as part of assessing the financial aspects of a relationship.
 - Consideration and recognition of the role of deception and coercion by the perpetrator of violence in influencing a woman's decision to enter and remain in a relationship.
 - Lawyer/migration agent would be permitted to attend an interview with an independent expert.
- d. Broaden the definition of domestic, family and sexual violence to include abuse and violence perpetrated by a partner and/or a relative of the partner or the victim/survivor whether in Australia or a Foreign State.
- e. Allow access to the Family Violence Provisions even if the relationship has not yet ceased.

RECOMMENDATION 1.2.¹⁰ A new temporary visa for victims/survivors of domestic, family and sexual violence

A new subclass of temporary visa be introduced to protect victims/survivors of domestic, family and sexual violence who:

- have their temporary visa cancelled as a result of the actions of the perpetrator; or

- are unable to comply with the conditions of their temporary visa due to the domestic, family and sexual violence; or
- are in Australia and hold a temporary visa, but cease to be a family member of the perpetrator; or
- are offshore because they were threatened, coerced or deceived into leaving Australia by the perpetrator and/or the perpetrator's family, or
- have ongoing family court matters related to children.

Such a visa would provide for a limited period (three years) to allow time for Family Court and other matters to be addressed and to reduce the administrative burden. In this time the victim/survivor could be supported to make the necessary arrangements for their own and their family's protection and security. The visa would not entitle the holder to a permanent visa, but would permit them to apply for any further visa for which they were eligible. It should include for the holder work, study, Medicare and social security rights. This visa should be able to be extended for a further period if there are ongoing matters in the Family Court related to children. Any final orders issued under the Family Court jurisdiction in relation to a child's residency in Australia should provide a permanent residency pathway.

RECOMMENDATION 1.3. Permanent residency pathway where a Family Law court regarding children order is in place

That the Australian Government introduces a permanent visa pathway for all people on temporary visas whose Australian citizen or permanent resident children are unable to leave Australia due to a final order under the family law jurisdiction.

RECOMMENDATION 1.4. Applications for an 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 (that is, refuses the visa).
- b. Amend the Migration Act 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.

RECOMMENDATION 1.5. Recognition of the stigma of domestic, family and sexual violence and separation

That the Australian Government, in deciding an application under the Family Violence Provisions, recognises the impact of stigma on the safety and wellbeing of a woman if they are returning to a country that stigmatises victims/survivors or those who are separated.¹¹

RECOMMENDATION 1.6. People seeking asylum affected by domestic, family and sexual violence

- a. People seeking asylum affected by domestic, family and sexual violence to be given visa processing priority.
- b. 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.

RECOMMENDATION 1.7. Protection determination process

- a. In relation to the protection determination process, judicially determined evidence from an Australian court where it exists should be treated as conclusive evidence of domestic, family and sexual violence that has occurred in Australia.
- b. In relation to the protection determination process, 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.

RECOMMENDATION 1.8. Departmental safeguards of visa applicants' privacy

- 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 Department of Home Affairs should immediately de-link any linked Immi accounts and automatically remove any permission for the sponsor to receive communication on behalf of the applicant when the Department is notified about relationship breakdown, domestic, family and sexual violence is alleged and/or an application for the Family Violence Provisions is made.
- c. When a new 956 form is lodged, the Department of Home Affairs should automatically remove any access and communications permissions received by the previous migration agent.
- d. The Department of Home Affairs should ensure that the privacy of the applicant including but not limited to personal details, address, domestic, family and sexual violence and/or protection claims is protected from any unauthorised access by the alleged perpetrator or their migration agent through a timely removal of any previously granted permissions to receive all communication on behalf of a visa applicant.
- e. That the Australian Government puts 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 temporary visas 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.¹²

RECOMMENDATION 1.9. Waiving the requirement of a residential address to lodge a valid visa application

That the Australian Government creates 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.

STEP 2

Ensure eligibility and access to services and government support is based on women's needs for safety and recovery, regardless of their migration status.

WHAT IS PUTTING WOMEN AND THEIR CHILDREN AT RISK?

Women on temporary visas are ineligible for many 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 with 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. Current barriers in relation to services eligibility include:

- The majority of women on temporary visas are not eligible to access social security payments through Centrelink as well as Medicare in some instances;
- Only a small number of temporary visa categories may be eligible to access Special Benefit;
- Women who are granted permanent residency through their application for Family Violence Provisions are subject to a 4-year waiting period under the newly arrived resident's waiting period (NARWP);
- Residency rules also apply to access childcare subsidy meaning that most of 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;

- Women who experienced domestic, family and sexual violence and were successful with their application for Family Violence Provisions i.e. obtained their own permanent residency, are only eligible to access parenting payment when they have become a solo parent after the visa grant;
- In all states with an exception of South Australia, women on temporary visas are not eligible to access social and public housing;
- Some funding agreements and modes of operation of housing service providers prevent them from accommodating women who are not eligible to access Centrelink and are otherwise unable to contribute payments towards rent;
- Significant funding cuts to community legal centres including the restructure of funding administered through Immigration Advice and Application Assistance Scheme (IAAAS) has significantly limited 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;
- 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 (TIS) and not all have sufficient costs built in their funding contracts to meet the demand. Access to interpreters in regional, rural and remote areas is even more challenging.

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

RECOMMENDATION 2.1. Eligibility and access to social security rights

- a. That the Australian Government exempts women who have experienced domestic, family and sexual violence and have been granted permanent residency from Centrelink's newly arrived resident's waiting period (NARWP). This would be similar to existing waiting period exemptions that are in place for people recognised as refugees.
- b. That the Australian Government exempts women on temporary visas and women seeking asylum who have experienced domestic, family and sexual violence from meeting residency requirements so that they can fully access Centrelink and Medicare while their visa is being processed.
- c. That the Australian Government expands eligibility for Special Benefit to include people who are on all types of temporary visas and have experienced domestic, family and sexual violence. The rates of Special Benefit should be increased to make it liveable.
- d. Women on temporary visas experiencing domestic, family and sexual violence who are subject to the new proposed temporary visa (see Recommendation 1.2.) should have full and immediate access to Centrelink and Medicare.

RECOMMENDATION 2.2. Eligibility to access to social and public housing

That State and Territory governments expand the eligibility for and provide equal access without any migration restrictions (in line with an existing model in South Australia¹³) 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.

RECOMMENDATION 2.3. Eligibility and access to free legal advice and representation

That the Australian government ensures that women utilising Family Violence Provisions, women applying for protection on domestic, family and sexual violence grounds and other women on temporary visas affected by domestic, family and sexual violence have access to free legal advice and representation.

RECOMMENDATION 2.4. Eligibility and access to all tiers of education

That the Australian government ensures 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 schools, vocational training and tertiary education.

- a. That the Australian Government expands eligibility for childcare subsidy to all women on temporary visas experiencing domestic, family and sexual violence.

RECOMMENDATION 2.5. Eligibility and access to free interpreting services

That the Australian Government and State and Territory governments ensure immediate and ongoing free-to-client NAATI accredited access to quality interpreting and translating services for all people experiencing domestic, family and sexual violence and their dependants who require it.

STEP 3

Ensure that women on temporary visas who have experienced domestic, family and sexual violence and their dependants have immediate and full access to safety, protection, justice and fully funded specialist support with demonstrated gender expertise and cultural competency.¹⁴

WHAT IS PUTTING WOMEN AND THEIR CHILDREN AT RISK?

The rights of victims/survivors of domestic, family and sexual violence to access a range of needed support services at the points of crisis is fundamental for their protection, safety and their recovery. Currently, women on temporary visas experiencing domestic, family and sexual violence and their dependants are restricted from accessing services and support.

- Given the digitalisation of visa application processes, the Family Safety Pack is sent electronically to the nominated recipient of all Departmental communications. This means that in most cases, the Family Safety Pack is sent to the sponsor. Women who are reallocating to Australia are not aware about services they can access;
- The majority of specialist services is underfunded and this limits their capacity to provide substantial and ongoing support to women on temporary visas experiencing domestic, family and sexual violence and their dependants;
- With major funding cuts for community legal centres, most of them cannot provide full legal advice and representation and have to limit their work to providing legal information only. This means women on temporary visas experiencing domestic, family and sexual violence are forced to navigate complex legal systems on their own and significantly reduces their access to justice;
- Matters involving temporary migration status, domestic, family and sexual violence as well as cultural considerations are complex and require decision-makers to be appropriately trained in order to ensure the safety of people affected.

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

RECOMMENDATION 3.1.¹⁵ Provision of the Family Safety Pack to all visa applicants

That the Australian Government ensure that the Family Safety Pack¹⁶ 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, educational providers).

- a. The Family Safety Pack needs to be regularly reviewed for its content and quality of translation in collaboration with specialist women's and culturally competent services.



RECOMMENDATION 3.2. National roll out of Flexible Support Packages

That the Australian Government rolls out Flexible Support Packages¹⁷ nationally. Flexible Support Packages must be made available to all women experiencing domestic, family and sexual violence and their dependants. Flexible Support Packages must be allocated in addition to the social security provided by Centrelink.

RECOMMENDATION 3.3. Long term and sustainable funding to specialist organisations supporting women on temporary visas who are experiencing domestic, family and sexual violence

That the Australian Government and State and Territory governments 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 3.4. Funding for specialist organisations to provide free interpreting and translating services

That the Australian Government and State and Territory governments provide additional funding to all services supporting women on temporary visas experiencing domestic, family and sexual violence to provide free-to-client NAATI accredited interpreting and translating services, including Allied Health Professionals such as counsellors and psychologists.

RECOMMENDATION 3.5. Long term and sustainable funding to specialist legal services supporting women on temporary visas who are experiencing domestic, family and sexual violence

That the Australian Government provides comprehensive funding to Legal Aid and community legal centres with specialist immigration and gender expertise to advise and represent women utilising the Family Violence Provisions, women applying for protection on domestic, family and sexual violence grounds and other women on temporary visas affected by domestic, family and sexual violence to ensure access to justice in all legal matters including in the areas of immigration and family law and other civil law matters.

RECOMMENDATION 3.6. Mandatory training and professional development

That the Australian Government and State and Territory governments 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 that includes:

- 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, 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.

The Blueprint has been endorsed by the following organisations:

National

- Anti-Slavery Australia
- Australasian Centre for Human Rights and Health
- Australian Women Against Violence Alliance (AWAVA)
- Federation of Ethnic Communities Council of Australia (FECCA)
- Harmony Alliance - Migrant and Refugee Women for Change
- Jesuit Refugee Service (JRS)
- National Aboriginal and Torres Strait Islander Women's Alliance (NATSIWA)
- National Social Security Rights Network
- Salvation Army
- The Women's Services Network (WESNET)
- Women's Legal Service Australia

Australian Capital Territory

- Domestic Violence Crisis Service (DVCS)
- Women's Centre for Health Matters
- Women's Legal Service ACT
- YWCA Canberra

New South Wales

- Catholic Care
- Domestic Violence NSW (DVNSW)
- Homelessness NSW
- Immigrant Women SpeakOut
- Immigration Advice and Rights Centre
- Northern Settlement Services Limited
- Settlement Services International (SSI)
- Women's and Girls' Emergency Centre (WAGEC)
- Women's Community Shelters
- Women's Legal Service NSW
- Women's Safety NSW

Northern Territory

- Melaleuca Refugee Centre
- Anglicare NT
- Katherine Women's Legal Service
- The Northern Territory Council of Social Service
- Ruby Gaea NT
- Women's Safety Services of Central Australia

Queensland

- Queensland Centre for Domestic and Family Violence Research
- Sera Women's Shelter Townsville
- Women's Legal Service QLD

South Australia

- Women's Legal Service SA
- Women's Safety Services SA

Tasmania

- Engender Equality
- Warrabee Women's Shelter Tasmania
- Women's Essential Service Providers Tasmania

Victoria

- Multicultural Centre for Women's Health
- Domestic Violence VIC (DVIC)
- inTouch - Multicultural Centre Against Family Violence
- Monash University Gender and Family Violence Prevention Centre
- Project Respect
- Refugee Legal
- safe steps
- Social Security Rights VIC
- WEst Justice
- Women's Legal Service VIC

Western Australia

- Women's Council for Domestic and Family Violence Services WA

References:

- 1 National Advocacy Group on Women on Temporary Visas Experiencing Violence (2018) Path to Nowhere: Women on Temporary Visas Experiencing Violence and Their Children.
- 2 For example: AMES (2015) Violence against women in CALD communities: Understandings and actions to prevent violence against women in CALD communities. Canberra: AMES and Department of Social Services; McCulloch, J., Maher, JM., Fitz-Gibbon, K., Segrave, M & Roffee, J (2016) Review of the Family Violence Risk Assessment and Risk Management Framework (CRAF). Prepared for the Department of Health and Human Services by the School of Social Sciences, Focus Program on Gender and Family Violence: New Frameworks in Prevention, Monash University. Melbourne: Monash University; Segrave, M (2017) Temporary migration & family violence: An analysis of victimisation, support and vulnerability. Melbourne: Monash University; Segrave, M & Burnett-Wakes, K (2017: in press) 'Addressing family violence through visa sponsor checks: a step in the right direction?' Current Issues in Criminal Justice November 2017; Vaughan, C., Davis, E., Murdolo, A., Chen J, Murray, L., Block, K., & Warr, D. (2015) Promoting community-led responses to violence against immigrant and refugee women in metropolitan and regional Australia: The ASPIRE Project (State of Knowledge paper 7). Sydney: Australia's National Research Organisation for Women's Safety; Vaughan, C., Davis, E., Murdolo, A., Chen, J., Murray, L., Quiazon, R., Block, R., & Warr, D. (2016) Promoting Community-Led Responses to Violence Against Immigration and Refugee Women in Metropolitan and Regional Australia. The ASPIRE Project: Research Report (ANROWS Horizon 07/2016). Sydney: Australia's National Research Organisation for Women's Safety; VRCFV [Victorian Royal Commission into Family Violence] (2016) Summary and Recommendations. State of Victoria Parliament Paper No. 132.
- 3 "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.
- 4 Family Violence Provisions refers to the special arrangements for family violence contained in Division 1.5 of the Migration Regulations 1994
- 5 Migration Amendment (Family Violence and Other Measures) Act 2018
- 6 Department of Home Affairs Procedures advice manual (PAM3) and Administrative Appeals Tribunal Migration and Refugee Division Guidelines on Gender
- 7 We are referring to domestic, family and sexual violence as a gendered crime in which women are the majority of victim/survivors and men are the majority of perpetrators. For the purposes of this document we are focusing on women predominantly as being at risk and vulnerable within the system, yet at the same time recognising that men can be victims too. We consider LGBTIQ people who are experiencing violence in their relationships should be able to access Family Violence Provisions.
- 8 The term 'family violence' refers to the United Nations Declaration on the Elimination of Violence against Women definition of any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life. The term 'family violence' covers such manifestations of violence as complex forms of violence (dowry abuse, forced marriage, female genital mutilation or cutting, trafficking and servitude), financial abuse, reproductive coercion, and technology-based abuse.
- 9 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 5.67) and Victorian Royal Commission into Family Violence (recommendation 162).
- 10 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)
- 11 This recommendation draws on the New Zealand Victims of Domestic Violence Policy that enables partners of New Zealand citizens or residents to seek residence on the basis of a relationship that has ended because of domestic violence. This policy applies to people who cannot return home because of the impacts of stigma, or because they would have no means of independent financial support from employment or other means: <https://www.immigration.govt.nz/documents/media/victims-of-domestic-violence-factsheet.pdf> and <https://communitylaw.org.nz/community-law-manual/chapter-28-immigration/family-violence-vulnerable-migrants-and-other-special-visa-policies/>
- 12 Domestic and family violence protection orders in Australia: An investigation of information sharing and enforcement: State of knowledge paper / Annabel Taylor, Nada Ibrahim, Shellee Wakefield, Katrina Finn. Sydney: ANROWS, c2015
- 13 There is no requirement to meet any visa requirements in South Australia in order to access public housing <https://www.sa.gov.au/topics/housing/public-and-community-housing/register-for-public-and-community-housing/registering-for-public-housing>
- 14 This includes housing, health services (including mental health and allied health professionals), legal services, social security, education and any other services that women on temporary visas experiencing domestic, family and sexual violence and their dependants may access.
- 15 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 (Recommendation 10, paragraph 6.63).
- 16 Family Safety Pack" refers to information provided by the Australian Government to visa applicants on Australia's laws regarding domestic and family violence, sexual assault and forced marriage, and a woman's right to be safe.
- 17 Family Violence Flexible Support Packages are a program by the Victorian government to provide a new individualised approach to respond to victim/survivors experiencing domestic, family and sexual violence. Individualised packages of up to \$10,000 are available, with an average cost of \$3,000. <https://providers.dhhs.vic.gov.au/family-violence-flexible-support-packages-program-requirements-word>

