

In Australia, domestic and family violence is a crime. If you are in an abusive relationship, you do not have to remain in your relationship to stay in Australia.

You and your family's safety are the most important matters – seeking help for domestic and family violence will not get your visa cancelled.

## What is domestic and family violence?

Domestic and family violence means conduct or threats towards you, a family member (including children), and/or your property that causes you to reasonably fear for your safety.

In the Northern Territory (NT), domestic and family violence is defined as:

- **Conduct causing harm**, such as emotional, psychological or physical harm, or sexual assault;
- **Damaging property**, including causing injury or death to an animal;
- **Intimidation**, including causing you to fear that violence will be committed against you, your family, and/or your property;
- **Harassment**, including regular and unwanted contact in person or through technology such as phone, email, and social media;
- **Stalking**, including deliberately following or watching you on at least two (2) occasions with the intention of causing you harm or to fear harm;
- **Coercive control**, including controlling or monitoring what you do, isolating you from family and other supports, and/or degrading or punishing you;
- **Economic abuse**, such as hiding or controlling money; or
- **Attempting or threatening** to commit any of the above violence.

## Key terms

- **Department:** Department of Home Affairs
- **Minister:** Minister for Immigration, Citizenship and Multicultural Affairs
- **Primary visa holder:** the person who fulfils the primary visa criteria
- **Secondary visa holder:** the family members (partner or children) of the primary visa holder
- **Sponsor:** an Australian citizen, Australian permanent resident, eligible New Zealand citizen, or organisation that supports a person's visa application
- **Visa:** a form of permission for a non-citizen to enter, travel or remain in Australia

## What happens to my visa if I leave my partner?

What happens to your visa if your relationship ends and there has been domestic and family violence will depend upon:

1. What type of visa you have; and
2. If you are the primary or secondary visa holder.

## The Family Violence Provisions

The Family Violence Provisions are special rules which allow you to still get your visa even if you have separated from your partner who is the primary visa applicant or visa sponsor, when there has been domestic and family violence. If you are eligible for the Family Violence Provisions, you may be able to use them to obtain your permanent residency.

The Family Violence Provisions applies to lots of different visas, including some Skilled Visas, Family Visas and Partner Visas.

To be eligible for the Family Violence Provisions, you must satisfy the following criteria:

1. You have a current application for a visa which the Family Violence Provisions applies;
2. You have been in Australia after your visa application was lodged;
3. Your partner must be either:
  - a) For Partner Visa applications, your Australian sponsor; or
  - b) For non-Partner Visa applications, the primary visa applicant who you are dependent upon;
4. Your relationship with your partner has ended; and
5. You or your dependent family members must have experienced domestic and family violence from your partner.

You need to have evidence of the domestic and family violence. There are very strict rules about what types of evidence you must provide and what is acceptable.

## If you are a primary visa holder – what's next?

If your partner is dependent on your visa and your relationship ends, you can ask the Department to remove your partner from your visa. If your partner is removed from your visa then they must either:

- Apply for their own visa; or
- Leave Australia.

## If you are a secondary visa holder – what's next?

If the Department finds out you have separated from your partner whose visa you are dependent upon, the Department will let you keep your visa if you show them there has been domestic and family violence. But you will have to apply for your own visa (if eligible) to stay in Australia after your current visa expires, or you may be able to use the Family Violence Provisions to get your visa.

**The Department does not want people to stay in abusive or violent relationships just so they can keep their visa.**

## Mandatory reporting laws

In the NT, mandatory reporting laws mean that all adults **must** report domestic and family violence to the NT Police or Department of Children and Families (DCF) in certain situations. This includes where you disclose information about domestic and family violence during an appointment to someone like a lawyer, doctor, or social worker. For adults, the NT Police or DCF will not be involved without your consent unless there is a serious threat to your life or an immediate risk of harm.

However, mandatory reporting is different when children are involved; in the NT, there are special mandatory reporting laws for the protection of children. These laws mean that anyone who believes that a child is being or has been harmed or abused **must** report their concerns to the NT Police or DCF.

## My relationship has ended – do I have to tell the Department?

If you have a visa application that is still being processed, you **must** tell the Department that there has been a change in your relationship status, including your relationship ending.

If you already have a visa and you do not have any ongoing applications, you do not have to tell the Department about your relationship ending.

However, if you start a new visa application, you will have to tell the Department about your relationship status.

You can tell the Department about your relationship status by:

- Completing Form 1022 – 'Notification of changes in circumstances', which can be accessed through your ImmiAccount or the Department website;
- Contacting your processing officer directly; or
- Phoning the Department's Global Service Centre on 131 881.

If your relationship has ended, you should seek advice and help from a migration lawyer or agent as soon as possible.

## What if my partner tries to cancel my visa?

Only the Minister or a delegated officer has the power to refuse or cancel a person's visa. **Your partner cannot cancel your visa.**

If your partner tells the Department that your relationship has ended, the Department will ask you for comments before cancelling your visa. When you speak with the Department, you and/or your representative will be able to explain that the relationship has ended due to domestic and family violence.

## I have a visa and am experiencing domestic and family violence – what should I do?

If you are on a visa and are experiencing or have experienced domestic and family violence, you should seek help immediately. Telling people about your experiences **will not** get your visa cancelled; this includes seeking help from NT Police, medical professionals, lawyers, or social supports.

You should urgently speak to a migration agent or migration lawyer about your visa as quickly as possible.

For more information on how to protect yourself and your family, you can access TEWLS' Domestic Violence Order (DVO) fact sheet on the TEWLS website or collect a copy from the TEWLS office.

## Top End Support Services

**Call 000 if you are in immediate danger**

### Police:

**NT Police** – 131 444

### Legal:

**Top End Women's Legal Service (TEWLS)** – (08) 8982 3000

### Counselling:

**1800 RESPECT** – 1800 737 732

### Interpreting:

**Translating and Interpreting Service (TIS National)** – 131 450

### Shelters and crisis support services:

**Catherine Booth House – Singles** – (08) 8981 5928

**Catherine Booth House – Families** – (08) 8981 5928

**Darwin Aboriginal Islander Women's Shelter (DAIWS)** – (08) 8945 2284

**Dawn House Women's Shelter** – (08) 8945 1388

**YWCA Australia (Palmerston)** – (08) 8932 9155

**Do you need legal advice or assistance? You can contact TEWLS for a free appointment.**

Ph: **1800 234 441** (free call) or **(08) 8982 3000** | E: [admin@tewls.org.au](mailto:admin@tewls.org.au)  
W: [www.tewls.org.au](http://www.tewls.org.au) | A: **17 Lindsay Street, Darwin NT 0800**

