



4 September 2018

The Hon David Coleman MP
Minister for Immigration, Citizenship and Multicultural Affairs
Parliament House
CANBERRA ACT 2600

And by email
dlo.immi@homeaffairs.gov.au

Dear Minister

- 1) **Changes to IAAAS - Need for legal assistance for non-citizen women suffering domestic violence**
- 2) **Issue of non-citizen women suffering domestic violence and separation from their Australian children**

The Darwin Domestic and Family Violence Network ("the network") is comprised of government and non-government agencies involved in providing services relating to domestic and family violence ("DFV") in the Darwin area.

The network writes to seek your urgent consideration of the situation of women who marry or partner with Australian men and find themselves victims of family violence, without permanent residency and at risk of removal from Australia. This issue is particularly acute where the woman is the mother of children born to her Australian partner.

Network members are involved in attempting to assist women in these situations, most particularly women's refuges (Dawn House Women's Shelter and the YWCA Domestic and Family Violence Centre) and legal services (Domestic Violence Legal Service and Top End Womens Legal Service) and Anglicare's Refugee and Migrant Settlement Services (RAMSS).

Background - Common experience of non-citizen mothers of Australian children

By way of background, as in the rest of Australia, the Northern Territory is home to women from South-East Asia and other countries married or in relationships with Australian men.

These women may be on partner visa, or other visas such as bridging visas, tourist, student and 457. A small number may not have any current visa.

Many women who our member organizations assist report similar experiences:

- That they met their partner online or in their home country and were promised a new life in Australia.
- On arrival, many find their new husband or partner is on the Disability Support Pension, or otherwise of extremely limited means and as such that they themselves are required to work to

support both themselves and their partner and to repay their partner for the cost of the partner visa.

- Almost all women seeking assistance in these matters are extremely financially disadvantaged and unable to afford migration agent fees.
- Some women arrive with a child/ren of the relationship born overseas, and/or go on to have children with these Australian spouses and these children are Australian citizens.
- In the cohort of women seen by network services, reports are common of women being threatened with deportation to their home country if they do not comply with partner's wishes (for example, for sexual services) and/or if they report violence or abuse to Police or other agencies.
- Women are told by their partners that they have no rights, that no-one in authority will believe them, that if the woman reports violence or threats her partner will tell authorities she is mentally ill or that she has broken the law and should be arrested.
- Where there are children of the relationship, the added and most pernicious threat is of the woman being deported and never seeing her child/ren again. This threat is particularly heinous where the mother is not on a partner visa and her immigration status is at risk if there is any contact with authorities.
- Members have contact with women who do not have valid visas who are the mothers of Australian children who live in abject fear, too frightened to seek protection or assistance due to fear of deportation and as such separation from their children.
- These women are highly vulnerable to ongoing violence and abuse and ultimately deportation and separation from their children.
- The children of these women are at risk of the harms that come from exposure to repeated domestic violence, to separation from their mother, and to being left in the care of an unsuitable father or going into the care of government children's services.

1) Changes to IAAAS - Need to reinstate legal assistance for non-citizen women suffering domestic violence

Up until June 2018 eligible victims of domestic violence in relationships or exiting relationships affected by domestic violence were able to access the Immigration Advice and Application Assistance Scheme ("IAAAS") for advice and to assist with continuing their partner visa application or, if they were not on a partner visa, to explore other avenues to regularise their status in Australia.

For victims in the NT, the IAAAS service was available through Playfair Visa and Migration Services, most often in the person of Ms Vanessa Burn. The IAAAS service was highly accessible to victims via our services. We were usually able to get in contact at short notice with Ms Burn so that our clients could obtain immediate advice about their visa situation. At an initial contact with Ms Burn, many women would be in state of complete terror believing that their partner had the power to have

them deported through a single report to the Department of Home Affairs. It was invaluable to have access to immediate advice to allay their fears and allow them to make plans to escape the violence and threats they suffered.

We understand that advice and assistance to victims of domestic violence is no longer available unless they have entered Australia lawfully, are seeking protection under the Refugee Convention, are in financial hardship and, for assistance, have an exceptional vulnerability. As a result, victims of domestic violence who do not have protection claims in respect of their country of origin, now have extremely limited access to the avenues that could enable them to achieve safe, fair and just outcomes.

Most of the women seen by the network members are not seeking protection in relation to their country of origin. Rather they are seeking to continue their partner visa after the breakdown of their relationship or where they have Australian children to otherwise regularise their visa status, though as you would be aware there are extremely limited options for the latter cohort.

Absent the IAAAS services being reinstated, the options for services from other sources are largely confined to for-fee migration agents, which precludes women who are financially disadvantaged.

The network is deeply concerned that without access to the IAAAS service, victims may remain in dangerous relationships at risk of further injury or even death, or be forced to return home, leaving behind their children.

At the same time, the children of these relationships suffer the harm of being exposed or subject to domestic violence and the well-documented long-term effects of such exposure, including increased likelihood of mental health and substance abuse issues, interaction with the criminal justice system, and reduced education and employment outcomes.

As such, the network asks you as the Minister to urgently reconsider the changes to IAAAS and in particular to reinstate the services to victims of domestic violence.

2) Issue of non-citizen women suffering domestic violence and facing separation from their Australian children

While women on partner visas who have suffered domestic violence have some chance, especially if they have assistance via IAAAS or a private migration agent, to remain in Australia, the situation for victims who are not on a partner visa and who have Australian children is extremely grim.

These women and their children may stay and suffer violence and abuse in fear and silence, or be faced with a heartbreaking choice: (1) returning to their home country leaving their child/ren behind and as a consequence, an Australian child is deprived of their mother, or (2) risk attempting to take their children back to the home country, often against the wishes their violent former partner. If the former partner has the children on an airport watch-list or family law orders preventing them from leaving the country, such a course will in any event be an impossibility. Further, it is commonplace that the partner maintains control of any passports or documents to prevent just such an action being taken. If the mother succeeds in leaving, the children lose access to their Australian father as well as to all the benefits and privileges that come with being an Australian citizen.

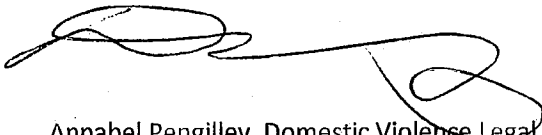
We ask you to have regard to the Government's commitments to reduce violence against women and children as stipulated in the 'National Plan to Reduce Violence against Women and their Children 2010-2022'. Providing IAAAS services to victims of domestic violence in the circumstances we have described is vital. Without this help these women may remain subject to or at high risk of continuing domestic violence, affecting themselves and their children.

Given the wretched reality for this small cohort of overseas-born women and their Australian children, we ask you to give your urgent consideration to creating an accessible class of visa for overseas-born mothers of Australian children so that they can remain with their children in Australia.

If you require further information, please feel free to contact the writer on 08 8999 7977 or email annabel.pengilley@dvlis.nt.gov.au or Alex Richmond, Facilitator, Darwin Domestic and Family Violence Network by email community.educator@dawnhouse.org.au.

The network thanks you for your consideration of this correspondence and looks forward to your response.

Yours faithfully



Annabel Pengilley, Domestic Violence Legal Service
ON BEHALF OF DARWIN DOMESTIC AND FAMILY VIOLENCE NETWORK