



# Visas and domestic and family violence

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 physical or sexual violence;
- *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;
- *Economic abuse*, such as hiding or controlling money; or
- Attempting or threatening to commit any of the above violence

Under the *Migration Regulations 1994* (Cth), the Family Violence Provisions explain the different ways to define and prove domestic and family violence.

### Key terms

- **Department:** Department of Home Affairs
- **Minister:** Minister for Immigration, Citizenship, Migrant Services 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

## Partner visas and domestic and family violence

Under the Family Violence Provisions, if your relationship has ended or broken down you **may** be eligible for a Permanent Partner Visa if you satisfy the following criteria:

1. You are currently in Australia;
2. Either - :
  - a. You hold a Prospective Marriage Visa (subclass 300) and you have married the visa sponsor;
  - b. You hold a Provisional Partner Visa (subclass 309) – offshore partner visa stream;
  - c. You hold a Provisional Partner Visa (subclass 820) – onshore partner visa stream; or
  - d. You have lodged an application for an onshore partner visa (subclass 820/801) and you are waiting for it be processed,
3. You and your visa sponsor were in a genuine relationship;
4. You and/or your family members have experienced domestic and family violence;
5. Your visa sponsor is the perpetrator of the domestic and family violence; and
6. Your relationship with the visa sponsor has ended because of the domestic and family violence.

Note: There are strict rules regarding evidence for proving domestic and family violence - if you want to make an application under the Family Violence Provisions, you should seek advice and help from a migration lawyer or agent as soon as possible.

## Mandatory reporting laws

In the NT, mandatory reporting laws mean that all adults **must** report domestic and family violence to the NT Police or Territory Families (**TF**) 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 TF 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 TF.

## Non-partner visas and domestic and family violence

If you do not have a partner visa, it is still important to know how domestic and family violence can affect your temporary visa. Ending your relationship due to domestic and family violence will affect your visa status differently depending on whether you are a primary or secondary visa holder.

### If you are a primary visa holder:

If you choose to tell the Department that your relationship has ended due to domestic and family violence, your partner will be removed from your visa. This will mean your partner must either:

- Apply for their own visa (if eligible); or
- Leave Australia.

### If you are a secondary visa holder:

If you choose to tell the Department that your relationship has ended due to domestic and family violence, **your current visa will not be cancelled**. However, when that visa expires, you will then have to apply for your own visa (if eligible) to stay in Australia.

## 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 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, including information about any domestic and family violence.

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 Immigration General Enquiries at 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.

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)** - 1800 234 441 (freecall) or (08) 8982 3000

Counselling:

**1800 RESPECT** - 1800 737 732

Shelters and crisis support services:

**Catherine Booth House** - (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

Interpreting:

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

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

Ph: **1800 234 441** (freecall) 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**



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