

# Path to Nowhere

**WOMEN ON TEMPORARY VISAS  
EXPERIENCING VIOLENCE AND  
THEIR CHILDREN**

**REPORT OF NATIONAL ADVOCACY GROUP ON  
WOMEN ON TEMPORARY VISAS EXPERIENCING VIOLENCE**

## ACKNOWLEDGEMENTS

We would like to thank:

- Women on temporary visas experiencing violence and their children whose data was collected through the national survey and whose human rights and dignity should be upheld.
- Workers and service providers who participated in the national survey on women on temporary visas experiencing violence and for their support of these women and their children.
- Members of the National Advocacy Group who contributed to the development of the national survey, who distributed it through their networks and who provided valuable input and feedback on the report.

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# EXECUTIVE SUMMARY

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**Path to Nowhere** (the Report) examines the issues for women on temporary visas experiencing violence and their children.

Women on temporary visas experiencing violence and their children face specific barriers to seeking support including fear of deportation and loss of custody of their children and lack of social networks, understanding of their rights and English language skills. Perpetrators of violence against women on temporary visas use these barriers to maintain power and control and to continue to use violence against women.

There is a lack of national data on women on temporary visas experiencing violence and their children.

In response, the National Advocacy Group on Women on Temporary Visas Experiencing Violence developed an online survey for service providers to submit data on women on temporary visas experiencing violence that they worked with or who sought assistance from them during the month of August 2018. Members of the National Advocacy Group distributed the voluntary survey through their networks across Australia.

In summary the survey process found that during the month of August:

- It appears there were at least 387 women on temporary visas experiencing violence accessing support services in Australia;
- These women had more than 351 children or dependants;
- Around a quarter (24%) of these women were living in crisis accommodation and around one in ten (11%) were living in temporary accommodation;
- One in ten of these women were living at home with the partner, which may increase their risk of experiencing further violence;
- Crisis and long-term housing was the service most needed by clients that organisations were unable to provide, followed by financial assistance.

This represents a national crisis which requires immediate law and policy reform by the Australian and State and Territory governments. The report makes a number of specific recommendations on how to ensure women on temporary visas can access secure, long term housing, financial assistance and other essential supports they need to be safe. These include reforming the 'family violence provisions' of the Migration Regulations 1994 and expanding the eligibility for Centrelink and Medicare, social housing and other government support services to include women on temporary visas.



# RECOMMENDATIONS

The Commonwealth and State and Territory governments should implement *Action 3.8, National Priority 3 on Greater Support and Choice of the Third Action Plan 2016-2019 of the National Plan to Reduce Violence Against Women and Their Children* to:

**Ensure migration rules and eligibility requirements for support services do not disempower victims of violence or discourage them from leaving violent relationships.**

- a. Develop appropriate visa arrangements for temporary residents who are experiencing violence.
- b. Revise eligibility requirements to enable more victims of violence to access support.
- c. Work with service providers to improve access of temporary residents to available support services.

## VISA ARRANGEMENTS

1. That the Australian Government amends the family violence provision in the *Migrations Regulations 1994* to:<sup>1</sup>

- a. Expand eligibility for the family violence provisions to apply for permanent residency so that people are not threatened by deportation and can access support to include:
  - Any person experiencing domestic or family violence on Prospective Marriage Visas (subclass 300) who does not marry their sponsor prior to relationship breakdown, and their children;<sup>2</sup>
  - Any person experiencing domestic or family violence who has applied for a permanent visa onshore as a secondary applicant, and their children;
  - Any person experiencing domestic or family violence who has applied for a family visa onshore, who is awaiting a decision, and their children.
- b. Determine whether there is sexual, domestic and family violence prior to assessing for a 'genuine relationship' and ensure the evidence required can reasonably be provided in the context of a violent relationship. (For example, financial abuse or social isolation must not be used against a person who has experienced violence when assessing the genuineness of the relationship.)
- c. Broaden the definition of family violence to include violence perpetrated by a family member other than the partner.<sup>3</sup>

2. That the Australian Government introduces a temporary visa subclass for people experiencing sexual, domestic and family violence to address the fear of immediate deportation that can prevent a person from seeking support and leaving a perpetrator of violence, and to provide people with time to access assistance for the necessary period of time to be safe.<sup>4</sup>

3. That the Australian Government introduces a visa pathway for people on temporary visas with Australian citizen or permanent resident children, who are unable to leave Australia with their children. Currently people in this cohort, who are often experiencing domestic and family violence and also primary carers of their children, have limited to no visa pathways and face separation from their children.<sup>5</sup>

## ELIGIBILITY FOR SUPPORT

1. That the Australian Government and State and Territory governments expand eligibility to Centrelink and Medicare and other government support services to include people experiencing sexual, domestic and

family violence and their children and dependants who have been granted permanent residency and who are waiting for their permanent residency applications to be processed.

2. That the Australian Government and State and Territory governments expand the eligibility for Centrelink and Medicare and other government support services to include all people experiencing sexual, domestic and family violence in Australia so they can access immediate financial and health support they urgently need to be safe.<sup>6</sup>

3. That State and Territory governments expand the eligibility for temporary accommodation, crisis accommodation, rental assistance and public housing to ensure that people on temporary visas experiencing violence and their children and dependants can have a safe place to live and a safe home.<sup>7</sup>

### ***ACCESS TO SUPPORT***

1. That the Australian Government and State and Territory governments provide additional specific funding to service providers including sexual, domestic and family violence, crisis accommodation, legal, migrant resource, settlement services, health and community organisations to provide support to and meet the accommodation, legal, counselling, case management and domestic and family violence education needs of people on temporary visas experiencing violence and their children.<sup>8</sup>

2. That the Australian Government and State and Territory governments ensure all government workers, including Centrelink, Medicare, housing workers, and non-government workers are trained on the nature and dynamics of sexual, domestic and family violence, human trafficking and slavery indicators, and how to respond and make referrals in a culturally safe and trauma-informed way with people on temporary visas experiencing violence.<sup>9</sup>

3. 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 violence and their children who require it. All services supporting people experiencing sexual, domestic and family violence should receive specific funding to provide free-to-client interpreting and translating services, including Allied Health Professionals such as counsellors and psychologists.<sup>10</sup>

4. That the Australian Government reinstate the funding to the community legal centres and other legal service providers formerly allocated under the Immigration Advice and Application Assistance Scheme (IAAAS) to ensure that women applying for family violence provisions can access free legal representation.<sup>11</sup>

Supporting and related recommendations have previously been made by:

- National Social Security Rights Network, August 2018;
- NSW Domestic Violence Death Review Team, October 2017;
- Royal Commission into Family Violence (Victoria), March 2016;
- Academics and researchers Dr Marie Segrave (2017), Dr Cathy Vaughan (2016) and Carolyn Poljski (2011); and
- Australian Law Reform Commission, 2012.

# NATIONAL ADVOCACY GROUP

The National Advocacy Group on Women on Temporary Visas Experiencing Violence was formed in response to the growing awareness of the difficulties experienced by women on temporary visas .

The National Advocacy Group consists of 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.

## Members endorsing this report:

### *National*

- Anti-Slavery Australia
- 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 Australia
- Project Respect
- Settlement Services International (SSI)
- WESNET - The Women's Services Network
- Women's Legal Services Australia

### *Australian Capital Territory*

- Domestic Violence Crisis Service
- Women's Centre for Health Matters
- Women's Legal Centre ACT

### *Victoria*

- Annie North
- Australiasian Centre for Human Rights and Health
- Domestic Violence Victoria
- inTouch Multicultural Centre against Family Violence
- Multicultural Centre for Women's Health
- safe steps
- WEstjustice
- Women's Legal Service Victoria

## Members endorsing this report (continued):

### *New South Wales*

- Domestic Violence NSW
- Homelessness NSW
- Immigrant Women's SpeakOut Association
- Northern Settlement Services
- Women's and Girls' Emergency Centre
- Women's Community Shelters
- Women's Domestic Violence Court Advocacy Service NSW
- Women's Legal Service NSW

### *Northern Territory*

- Central Australian Family Violence and Sexual Assault Network
- Central Australian Women's Legal Service
- Refugee and Migrant Settlement Service Anglicare
- Top End Women's Legal Service
- Katherine Women's Information and Legal Service
- Northern Territory Council of Social Services

### *Queensland*

- Sera's Women's Shelter
- Women's Legal Service Queensland

### *South Australia*

- Bramwell House Salvation Army
- Migrant Women's Support Program of Women's Safety Services
- Women's Legal Service South Australia

### *Tasmania*

- CatholicCare Hobart
- Engender Equality
- Warrabee Women's Shelter
- Migrant Resource Centre Northern Tasmania

### *Western Australia*

- Women's Council for Domestic and Family Violence Services

# BACKGROUND

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## *BARRIERS TO ACCESSING SUPPORT*

Women on temporary visas and their children experiencing violence often face specific and compounding barriers to seeking support. Perpetrators of violence against women on temporary visas use these barriers to maintain power and control and to continue to use violence against women.<sup>12</sup> These barriers include:

- Risk, fear and threats of deportation
- Risk, fear and threats of separation from their children
- Limited social networks and access to support
- Lack of understanding of their rights
- Lack of knowledge of available services
- Lack of English language skills
- Community pressure to maintain a relationship
- Financial dependence on the perpetrator
- Inability to access income and housing

When women on temporary visas experiencing violence seek help, they face significant difficulties accessing support to address their housing, financial, health, legal and social needs and those of their children. Women on temporary visas experiencing violence are often unable to access any income due to ineligibility for Centrelink and they may not have the right to work or may be unable to work due to childcare responsibilities and the high cost of childcare. This means that the women cannot access many services that require payment, or that are limited to people with permanent residency or citizenship status (such as social and community housing). Furthermore, services may lack the resources, capacity and expertise to support women on temporary visas experiencing violence to navigate complex social security, immigration and legal systems and to provide interpreting and culturally safe support.

The financial support required of a women's refuge or other homelessness service is significant, including money for food, medical, transport, children's needs, toiletries, activity costs and clothing. In addition, the service may also assist their clients by covering the costs of visa applications, divorce and court fees. The processing times for permanent residency applications are long. This means that when women on temporary visas and their children are supported by a crisis accommodation service, they often stay for long periods of time. These longer stays can reduce the service's ability to support other women and children experiencing violence. Many crisis accommodation services limit the number of women on temporary visas and their children that the service will accommodate and make the difficult decision to turn away these women and children.

Due to the high risk of homelessness arising from their inability to access income and other support, a woman on a temporary visa may decide to stay with, or return to, a violent partner. This can increase the risk of her and her children experiencing further violence that could lead to serious injury or death.

## **SEPARATION OF CHILDREN FROM THEIR MOTHER**

A woman on a temporary visa can be forced to leave Australia when the visa expires or if specific circumstances change, under the *Migration Regulations 1994 (Cth)*. This means a child or children can be forcibly separated from their mother, particularly if they are Australian citizens or permanent residents. This contradicts with the *Family Law Act 1975 (Cth)* that elevates the rights of children to have a meaningful relationship with both parents as a primary consideration.

Women can live in Australia for many years on a temporary visa, such as a working or student visa, and have a child with an Australian citizen during that time. These women can reach a point when they are no longer eligible to apply for further visas, especially if the relationship with the other parent has broken down. These women can be prohibited from taking their child or children with them to their home country, even when they are the primary caregiver and there is a risk of the child or children experiencing family violence perpetrated by the other parent who is an Australian citizen or permanent resident. This can cause significant harm to Australian children whose mothers are forced to leave Australia.

The inability of women on temporary visas experiencing violence to access income and safe housing can negatively impact on parenting proceedings in the family law courts. The court will consider whether the parent can provide safe accommodation and adequately support their children when determining parenting arrangements. Lack of income and housing support puts women on temporary visas at a disadvantage, especially if they are also recovering from trauma due to the violence.

Due to the lack of appropriate visa options and support for women on temporary visas, some women choose to stay with a partner who is violent, for fear of being separated from their children and out of concern for their children's safety.

## **ELIGIBILITY FOR FAMILY VIOLENCE PROVISIONS**

People on certain visa categories, mostly partner visa applicants, can continue with their application for permanent residency in Australia after the breakdown of their relationship if they or a member of their family unit have experienced family violence by their intimate partner. This is established under the family violence provisions of the *Migration Regulations 1994 (Cth)* of the *Migration Act 1958*. While we commend the current process, it must be improved so that more people experiencing violence can access the provisions. The following issues should be addressed to promote the safety of people experiencing domestic and family violence:

- Eligibility for family violence provisions under the *Migration Regulations 1994 (Cth)* is limited to certain visa categories only and excludes many dependent visa categories. People on the excluded visa categories experiencing violence are unable to access these provisions.
- The definition of family violence used to determine the eligibility for family violence provisions does not include all forms of domestic and family violence and is limited to intimate partner violence. People experiencing violence perpetrated by other family members are unable to access these provisions.
- The assessment of the genuineness of a relationship uses indicators that are inappropriate when

applied to relationships where a person is using violence. This can create additional trauma when people experiencing violence in relationships feel disbelieved and are excluded from using the provisions.

In 2015-16, the Australian government granted 34,886 temporary partner visas to women. By contrast, only 529 people sought to access the family violence provisions under the Migration Regulations 1994 over the same time period. Dr Marie Segrave has highlighted that the number of applications is low, in light of evidence that one in four women experience violence by an intimate partner in Australia.<sup>13</sup> This indicates there are barriers preventing women on temporary partner visas experiencing domestic and family violence from accessing the provisions.

### ***HUMAN TRAFFICKING AND SLAVERY***

There is increasing evidence of the intersection of sexual, domestic and family violence and human trafficking. In her review of 300 cases of women on temporary visas experiencing violence, Dr Marie Segrave found that 10% of the cases showed trafficking and slavery indicators.<sup>14</sup> Yet the service sector has limited knowledge of these indicators, how to respond and the appropriate referral pathways. This means that some women on temporary visas who have experienced trafficking or slavery are being identified as a victim-survivor of domestic and family violence only. This can have adverse consequences for women if they cannot access appropriate support. For instance, Dr Segrave found that three of the eleven women whose cases showed indicators of trafficking were not eligible to access the family violence provisions and in one case, the application was refused. Government and non-government services and workers should be trained to effectively identify human trafficking and slavery so that people on temporary visas experiencing violence can access the Commonwealth funded Support for Trafficked People Program.

# TAMI'S STORY

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Tami was 25 years old when she arrived in Australia on a student visa. Through work, she met an Australian man, John, and the two commenced a relationship. Within a few months they moved in together and Tami became pregnant. John proposed to Tami and the pair were married before their baby boy, Michael, was born later that year. During the pregnancy, John became increasingly controlling with money and was highly possessive of Tami. He didn't approve of her working or going out without him, and he would question her about who she talked to at university, frequently accusing her of having an affair. Around this time, Tami's student visa was due to expire. Even though they were married, with a baby, Tami elected to apply for another student visa as she was still hadn't completed her course, and it was cheaper to do so than to apply for a spousal visa. However, John's acts of violence escalated to physical and sexual assault. Tami became more fearful of John and worried for her own and her baby son's safety. One evening, John threatened her with a knife if she refused to have sex with him. After this incident, Tami fled with the child and accessed a women's refuge.

## Centrelink

Tami was not eligible for Centrelink and had no money of her own. Prior to leaving the marriage, she was entirely financially dependent on John. Any family tax payments were made to John as an Australian citizen, and not to her.

## Housing

As Tami is not a resident, she is not eligible for social housing and is unable to afford private rental accommodation. As her refuge accommodation was only temporary she had no viable housing options for herself and her baby, other than returning to John.

## Legal Advice

Whilst she was in refuge, Tami sought legal advice from two Community Legal Centres in relation to domestic violence, parenting matters and immigration matters.

Tami's student visa was due to expire in three months. She was advised that she would be unlikely to be successful in extending her student visa again. Unless she was able to apply for another valid visa, she risked being deported in three months time.

Tami considered the inevitable prospect of returning to her home country. Tami learned that without the other parent's agreement she would be unable to leave the country with her young son. Tami was the primary carer for Michael who was almost two years old. Michael was still being breastfed and he had never been separated from his mother for even one night.

Tami contacted John, who held their son's passport. She told him that she would have to leave Australia due to her visa but John would not agree for their son to go with her. *(continued on next page)*



Image credit: Arif Riyanto, Unsplash

## (Tami's Story Continued)

### Increased risk of violence

With her visa expiring soon, and with no income or stable housing and the prospect of having to leave her son behind in Australia, Tami decided to return to John. Tami disclosed to DV workers that she didn't want to stay in the relationship with John who had raped her and physically assaulted her. However, the thought of leaving her son behind was even worse and she felt she had no choice.

She and John applied for a spousal visa. She is now on a bridging visa while her spousal visa is being processed.

Tami continues to experience escalating domestic violence, she has reported being strangled and sexually assaulted by John since returning home. Although the domestic violence services have expressed concern that the violence represents homicidal risk, she feels that she cannot leave the relationship until her visa is secured. The ongoing domestic violence has attracted the attention of child protection services because Michael is being exposed to domestic violence.

# SURVEY PROCESS

There is a lack of national data on women on temporary visas experiencing violence and their children.

In response, the National Advocacy Group developed an online survey for service providers to submit data on women on temporary visas experiencing violence that they worked with or who sought assistance from them during the month of August 2018. Members of the National Advocacy Group distributed the voluntary survey through their networks across Australia.

The survey defined violence to include domestic and family violence, sexual assault and other forms of violence. The survey also referred to the *United Nations definition of violence against women* as any act causing physical, sexual or psychological harm or threats of such harm in public or private life. The survey asked service providers to record information on their clients including:

- the type of temporary visa the client was on;
- their age, number of children/dependants;
- length of support period;
- services requested/services provided; and
- their current housing status.

The data collected through the survey has limitations due to the collection method and cannot be interpreted as prevalence or representative data. The actual number of women on temporary visas and their children who experienced violence and their children in Australia in August 2018, and who are currently experiencing violence, is likely to be much higher.

The data presented in this report provides a snapshot of the issues women on temporary visas and their children who are experiencing violence in Australia are facing. Additional qualitative and quantitative research is required into to provide a full picture of the experiences of women on temporary visas and their children experiencing violence.

# SURVEY RESULTS

## Overview

In August 2018, it appears that there were at least 387 women on temporary visas experiencing violence in Australia who sought or received assistance from a service provider. This is a national crisis with women on temporary visas experiencing violence in every state and territory of Australia, with a significant number of those women residing in New South Wales and Victoria.

More than half of the women (57%) had at least one child or dependant. A quarter of the women (26%) have two or more children or dependants. In August 2018, it appears that there were more than 351 children or dependants of women on temporary visas experiencing violence. In the context of domestic and family violence, it is common for children to be used as leverage or a means of manipulation.<sup>15</sup> Similarly, migration status is used as a tool of control, for instance, threatening a woman with deportation or withdrawal of sponsorship.

Due to the barriers to accessing long-term housing and financial assistance, women on temporary visas experiencing violence tend to require the support of service providers for extended periods of time. Almost one third of the women had been supported by the service for over six months, 8% had been assisted for between a year to two years, and 5% of the clients had been assisted for more than two years.

A majority of the women represented in the survey sought or received support from a Domestic and Family Violence service provider. However, other women sought or received support from an accommodation, legal, migrant resource, health or other service provider.

## Key Findings

- During August 2018, it appears at least 387 women on temporary visas experiencing violence in Australia sought or received assistance from a service provider.
- In addition, it appears there were at least 351 children or dependants of women on temporary visas experiencing violence in Australia.
- Around a quarter (24%) of these women were living in crisis accommodation and around one in ten (11%) were living in temporary accommodation.
- One in ten of these women were living at home with the partner, which may increase their risk of experiencing further violence.
- Crisis and long-term housing was the service most needed by clients that organisations were unable to provide, followed by financial assistance.
- The reasons why organisations were not able to provide specific services that women on temporary visas experiencing violence needed related to: the scope of their service, capacity and resourcing issues (including not being funded to provide a specific service), the women's temporary migration status and the women's ineligibility for Centrelink and Medicare.

## Demographic Information

### VISA CATEGORY

The survey collected data on women experiencing violence on a range of temporary visas including but not limited to: Temporary Partner Visa, Prospective Marriage Visa, Family Visa, New Zealand Citizen Family Relationship Visa, Student Visa, Working Visa, Temporary Protection Visa, Safe Haven Enterprise Visa, Visitor Visa, and Bridging Visas A, C, D and E.

Though almost 30% of women were on partner or family visas, the other 70% of women experiencing violence were on a range of different visas. Almost a quarter of women were on a bridging visa, while others were on working, student, visitor and temporary protection visas.

### RECOMMENDATIONS:

1. That the Australian Government amends the family violence provision in the *Migrations Regulations 1994* to:
  - a. Expand eligibility for the family violence provisions to apply for permanent residency so that people are not threatened by deportation and can access support to include:
    - Any person experiencing domestic or family violence on Prospective Marriage Visas (subclass 300) who does not marry their sponsor prior to relationship breakdown, and their children;
    - Any person experiencing domestic or family violence who has applied for a permanent visa onshore as a secondary applicant, and their children;
    - Any person experiencing domestic or family violence who has applied for a family visa onshore, who is awaiting a decision, and their children.
  - b. Determine whether there is sexual, domestic and family violence prior to assessing for a 'genuine relationship' and ensure the evidence required can reasonably be provided in the context of a violent relationship. (For example, financial abuse or social isolation must not be used against a person who has experienced violence when assessing the genuineness of the relationship.)
  - c. Broaden the definition of family violence to include violence perpetrated by a family member other than the partner.
2. That the Australian Government introduces a temporary visa subclass for people experiencing sexual, domestic and family violence to address the fear of immediate deportation that can prevent a person from seeking support and leaving a perpetrator of violence, and to provide people with time to access assistance for the necessary period of time to be safe.
3. That the Australian Government introduces a visa pathway for people on temporary visas with Australian citizen or permanent resident children, who are unable to leave Australia with their children. Currently people in this cohort, who are often experiencing domestic and family violence and also primary carers of their children, have limited to no visa pathways and face separation from their children.

**COUNTRY OF ORIGIN**

The women on temporary visas represented in the survey were from 79 different countries in Eastern and Western Europe, Eastern and Western Asia, Eastern and Western Africa, North and South America and the Pacific Islands. Some women were from New Zealand, the United Kingdom and the United States of America. Almost 4 in 5 of the women on temporary visas experiencing violence required an interpreter, which affects their ability to understand their rights and options and access support.

**RECOMMENDATION:**

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 violence and their children who require it. All services supporting people experiencing sexual, domestic and family violence should receive specific funding to provide free-to-client interpreting and translating services, including Allied Health Professionals such as counsellors and psychologists.

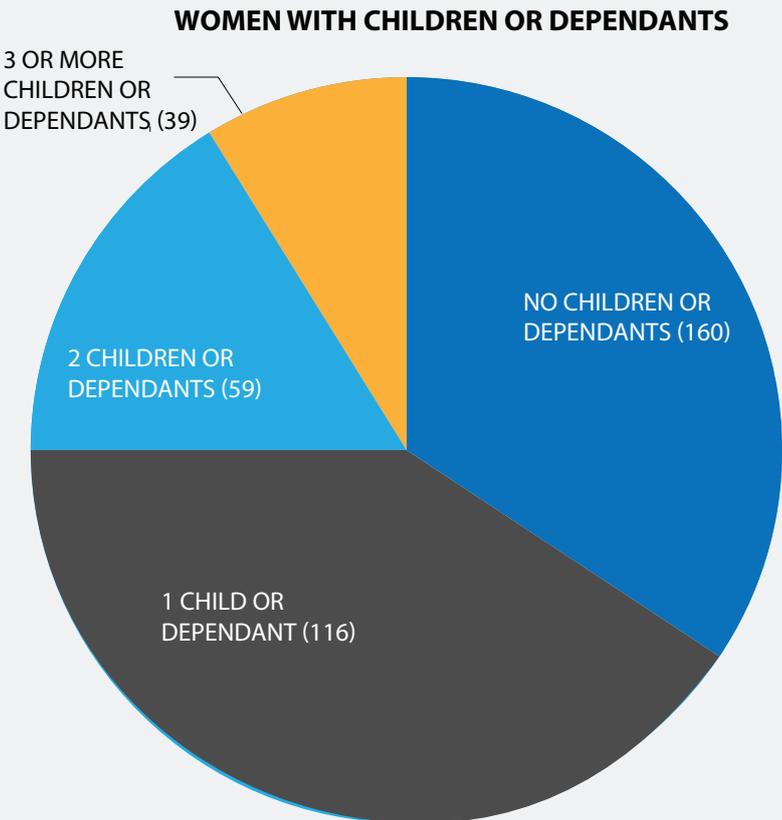
**CHILDREN AND DEPENDANTS**

A particularly concerning finding from the survey was the considerable number of children and dependants whom are impacted by the lack of options for safe and permanent housing and other support for women on temporary visas experiencing violence. As detailed above, in the context of domestic and family violence, it is common for children to be used as leverage or a means of manipulation.

More than half of the women had at least one child or dependant. A quarter of the women have two or more children or dependants. In August 2018, it appears that there was more than 351 children or dependants of women on temporary visas experiencing violence.

When these figures are combined, it appears that there were more than 351 children or dependants of women on temporary visas experiencing violence captured by the survey process.

As with the overall data, the actual number of children or dependants of women on temporary visas is likely to be considerably higher than this figure.





# ANNA'S STORY

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Anna was 19 when she came to Australia on a temporary partner visa sponsored by her husband who is an Australian citizen. She was forced by her family to marry him in her home country, one year ago. She left the home last year due to family violence he perpetrated against her. At the time she left home, she had no money and left with nothing except the clothes she was wearing and her passport.

## Centrelink

Anna's biggest challenge was not having any money, this was compounded by her initial difficulty in accessing Centrelink as she held a temporary visa.

## Housing

Without Centrelink, Anna found that renting her own accommodation was difficult. She initially spent approximately three months in a domestic violence shelter that provided crisis accommodation. Anna was the longest-standing temporary resident at the refuge, as most people spent an average of two weeks or so there. Since leaving the shelter, Anna has been receiving Special Benefit but finds that this barely covers her accommodation and necessities. Anna feels that her current living situation is still precarious. She shares her accommodation with another person who holds a temporary visa but worries that they are making plans to leave.

## Legal advice

Anna sought help from a pro bono legal and migration service. They helped her lodge an application for the permanent visa under the family violence provisions. They are currently assisting her to prove the genuineness of her relationship with her husband to the Department of Home Affairs (DHA). Anna feels like she has been "stuck" in the same situation for several years. Anna cannot understand why the genuineness of her relationship with her husband is taking so long to be assessed by the DHA. In her culture, women must marry the person chosen for them.

## Employment

Despite her ability to work on her current visa, Anna is experiencing difficulty in finding employment. This was in part because of her visa status, but also because her lack of work experience means that she hasn't had much opportunity to gain more experience. Anna said that initially, "I was scared, scared like a chicken, with anyone I talked with", although "now I am getting better".

## Mental Health

Anna has been suffering mental health problems due to the violence she experienced and the uncertainty of her current visa situation. She sees a counsellor, but has expressed that she often feels that life is too hard.

Anna concluded that not having permanent residency has acted as a barrier to moving forward, or reaching any sense of security or independence – financially, and in terms of career and education.

In her words, "I want to continue my life... I want to do something for myself."

# SURVEY RESULTS

## Service Needs

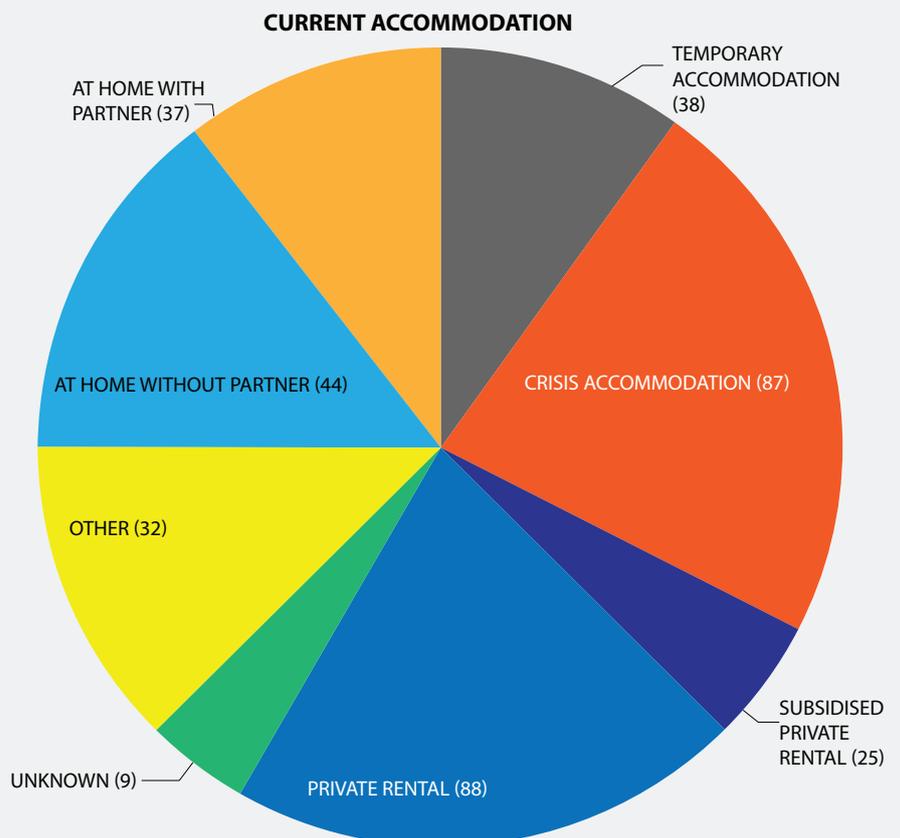
### HOUSING AND HOMELESSNESS

The survey results highlighted the limited housing options available to women and their children on temporary visas experiencing violence. Around a quarter of the women represented in the survey were living in crisis accommodation (short-term accommodation in a women's refuge or homelessness service) and around one in ten were living in temporary accommodation (emergency accommodation in low cost motels or similar accommodation).

Women on temporary visas face significant barriers to accessing long-term public housing as this is generally only available to permanent residents and Australian citizens, though there are a few exceptions in some States and Territories. Women on temporary visas are often unable to access Centrelink payments and may not have any rights to work depending on their visa type and conditions. Where women have work rights, they are often unable to secure childcare due to their lack of access to income and lack of entitlements to a childcare subsidy.

These barriers to accessing income make it difficult for women on temporary visas to access crisis accommodation due to the costs for the service provider. Furthermore, the ineligibility of these women for public housing also affects the capacity and willingness of crisis accommodation service providers to support them and service providers may "have to refuse to accommodate women because there is no certain pathway beyond the refuge".<sup>16</sup> Women who participated in the survey had considerably long support periods, with 13% having a support period of over year.

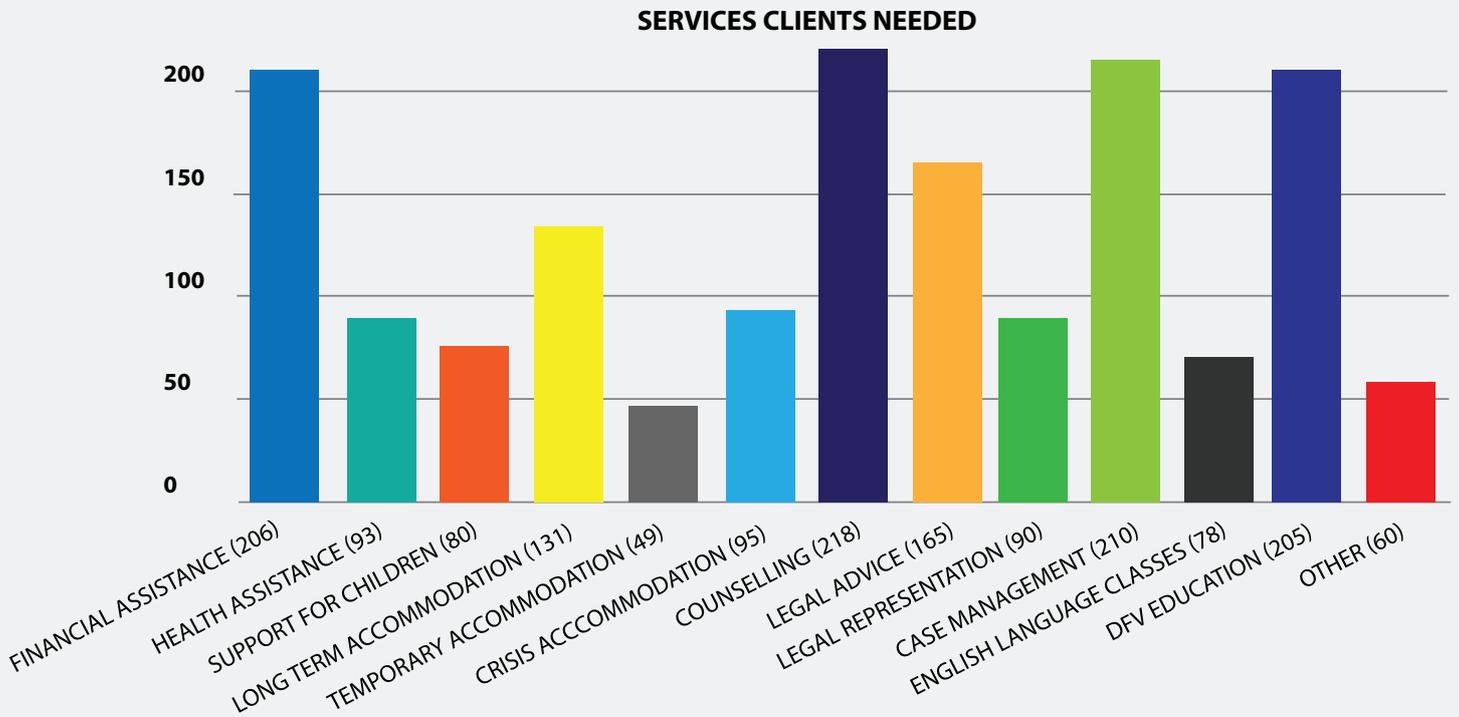
Due to the lack of housing options, domestic and family violence workers have observed that women on temporary visas are more likely to stay with, or return to, a partner using violence compared to other women. This is reflected in the data collected, which found one in ten of the women were living at home with a partner, which can increase their risk of experiencing further violence. Women on temporary visas are often socially isolated and may not have family or friends in Australia who can provide housing or other support.



**RECOMMENDATIONS:**

1. That the Australian Government and State and Territory governments expand eligibility to Centrelink and Medicare and other government support services to include people experiencing sexual, domestic and family violence and their children and dependants who have been granted permanent residency and who are waiting for their permanent residency applications to be processed.
2. That the Australian Government and State and Territory governments expand the eligibility for Centrelink and Medicare and other government support services to include all people experiencing sexual, domestic and family violence in Australia so they can access immediate financial and health support they urgently need to be safe.
3. That State and Territory governments expand the eligibility for temporary accommodation, crisis accommodation, rental assistance and public housing to ensure that people on temporary visas experiencing violence and their children and dependants can have a safe place to live and a safe home.

**RANGE OF SERVICES REQUIRED**



As well as housing, women on temporary visas need a range of services to support them to be safe and to recover from their experiences of violence. The survey found that the services women needed the most included counselling, financial assistance, case management and domestic and family violence education. More than half of the women needed one or more of these services. This is because women often experience

ongoing trauma from the violence, barriers to accessing Centrelink and other income and need a range of different services.

Other services that were sought by more than one third of the women on temporary visas included legal advice and long-term accommodation. This reflects the complexity of the legal issues that can arise at the intersection of migration and family law and the issues faced by women in accessing housing, as previously outlined. Other services required by women included: health assistance, temporary accommodation, crisis accommodation, legal representation, English language classes and support for children.

### ***MULTIPLE UNMET NEEDS***

Housing (crisis, long-term and housing appropriate for families) was the most common need of women on temporary visas that a service provider was unable to meet, followed by financial assistance. Legal assistance and counselling were other services commonly needed that service providers could not provide. Service providers referred women on temporary visas to housing, legal and counselling services and Centrelink to address these needs, though it is not known whether these needs were subsequently met.

The reason that a service was not able to meet the needs of a woman on a temporary visa most commonly related to the scope of the service model and funding. This was followed by capacity and resourcing issues, including lack of funding for the range of services required. Other common reasons for services not being provided to women on temporary visas were their ineligibility for Centrelink or Medicare and the temporary migration status of the women.

### ***RECOMMENDATIONS:***

- 1.** That the Australian Government and State and Territory governments provide additional specific funding to service providers including sexual, domestic and family violence, crisis accommodation, legal, migrant resource, settlement services, health and community organisations to provide support to and meet the accommodation, legal, counselling, case management and domestic and family violence education needs of people on temporary visas experiencing violence and their children.
- 2.** That the Australian Government and State and Territory governments ensure all government workers, including Centrelink, Medicare, housing workers, and non-government workers are trained on the nature and dynamics of sexual, domestic and family violence, human trafficking and slavery indicators, and how to respond and make referrals in a culturally safe and trauma-informed way with people on temporary visas experiencing violence.
- 3.** That the Australian Government reinstate the funding to the community legal centres and other legal service providers formerly allocated under the Immigration Advice and Application Assistance Scheme (IAAAS) to ensure that women applying for family violence provisions can access free legal representation.



# ALIA'S STORY

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Alia arrived in Australia on a student visa and has lived here for four years. She was in a relationship with an Australian man with whom she has a child, Emily, who is now two years old. She decided to leave her violent partner and had to leave without any belongings. Her daughter was still in her pyjamas and Alia had no money, spare nappies or food for her toddler.

Alia was at risk of being deported as she could not pay for her tuition fees. Alia was very fearful of returning to her home country as she is from a minority group who face persecution in her home country. She was also fearful of being shamed and outcast as a single mother.

## Centrelink

Alia had no income, including no access to Centrelink, and could not work as she had no access to childcare and no friends or family to look after her daughter. She also had provisions on her visa which limited the amount of hours that she could work

## Access to support

A support service became involved with Alia after she presented at the Family Court registry. This service does not usually offer brokerage, however upon discovering that Alia had no food or nappies for her child, provisions for that day were purchased. The worker called ten local op-shops for clothing and a pram for the child and was refused. Alia had no money for food. The local multicultural support service was unwilling to provide any assistance to Alia once they heard she was on a student visa. The service would not let her attend their free Centrelink advice clinics or other services free to other clients.

## Housing

There were no spaces available at the local shelter and the statewide homelessness referral service couldn't offer Alia any accommodation. Alia was able to stay with a friend for a number of days, however her daughter was not able to stay. Her grandparents were visiting for a number of days before returning overseas, and were able to take Emily. Once the grandparents returned home and Alia had Emily in her care again, she was once again homeless. The support service contacted the state government department of housing who said that they could not help. After much advocacy, two days of temporary accommodation were provided. Following daily advocacy from the service and Alia, an additional three days were then provided.

## Legal Advice

Legal Aid provided free legal advice about legal proceedings related to the violence and referred Alia to a community legal centre specialising in immigration law for legal advice regarding her migration status.

## Risk of violence

Alia decided to return to her violent partner as there were no ongoing supports available to her. She felt that returning to her violent partner was her only option.

# CONCLUSION

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Across Australia, women on temporary visas experiencing violence and their children are not receiving the crisis and long-term housing, financial assistance and other essential support they need to be safe.

The national survey found that at least 387 women on temporary visas experiencing violence in Australia sought or received assistance from a service provider in August 2018. More than half of these women have at least one child or dependant and more than a quarter have two or more children or dependants. Since a limited number of service providers contributed to the survey on a voluntary basis, the scale of the national crisis of women on temporary visas experiencing and their children is likely to be much greater.

Women on temporary visas experiencing violence and their children face complex barriers to accessing support and often have to navigate multiple legal and government systems. Changes to visa rules and arrangements should be made to reduce the risk, threat and fear of deportation and separation from children, which is a major barrier to seeking help. Quality interpreting and translating services and a culturally safe and trauma-informed response from government and community service providers are also essential.

Women on temporary visas and their children experiencing violence should be able to access Centrelink, Medicare and social housing to ensure their safety and wellbeing. Domestic and family violence, crisis accommodation, legal, migrant resource, settlement services, health and other community service providers need additional specific funding to provide long-term and intensive support to these women and children.

The National Advocacy Group on Women on Temporary Visas Experiencing Violence is calling on the government to fully implement all the recommendations made in this report as a matter of urgent priority.

**Every woman and child has the right to live free from violence.**

# ENDNOTES

1. See supporting and related recommendations:
  - NSW Domestic Violence Death Review Team 2015-2017 Report (Recommendation 20) October 2017 <[http://www.coroners.justice.nsw.gov.au/Documents/2015-2017\\_DVDRT\\_Report\\_October2017\(online\).pdf](http://www.coroners.justice.nsw.gov.au/Documents/2015-2017_DVDRT_Report_October2017(online).pdf)>;
  - Dubravka Simonovic, United Nations Special Rapporteur on Violence against women, its causes and consequences, End of mission statement, 27 February 2017: <<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21243&LangID=E>>;
  - Submission by Australian Women Against Violence Alliance to the Public Consultation on 'Visa Simplification: Transforming Australia's Visa System', 15 September 2017
2. See supporting and related recommendations: Cathy Vaughan et al (2016), 'Promoting community-led response to violence against immigrant and refugee women in metropolitan and regional Australia', the ASPIRE Project, University of Melbourne, funded by ANROWS, page 2.
3. See supporting and related recommendations: Cathy Vaughan et al (2016)
4. See supporting and related recommendations:
  - Australian Law Reform Commission 2012 Report 'Family Violence and Commonwealth Laws – Improving Legal Frameworks' (Recommendation 20 and 21) <<https://www.alrc.gov.au/publications/family-violence-and-commonwealth-laws-improving-legal-frameworks-alrc-report-117>>;
  - Multicultural Centre for Women's Health report prepared by Carolyn Poljski with contribution from Adele Murdolo, On her way: Primary Prevention of Violence against Immigrant and Refugee Women in Australia, September 2011, <[http://www.mcwh.com.au/downloads/publications/On\\_Her\\_Way\\_2011.pdf](http://www.mcwh.com.au/downloads/publications/On_Her_Way_2011.pdf)>
5. See supporting and related recommendations: Australian Law Reform Commission 2012 Report
6. See supporting and related recommendations:
  - National Social Security Rights Network, 'How well does Australia's social security system support victims of family and domestic violence', August 2018 < [http://www.nssrn.org.au/wp/wp-content/uploads/2018/08/NSSRN\\_Report2018\\_FamilyViolence\\_SocialSecurity\\_sm.pdf](http://www.nssrn.org.au/wp/wp-content/uploads/2018/08/NSSRN_Report2018_FamilyViolence_SocialSecurity_sm.pdf)>;
  - Royal Commission into Family Violence (Victoria), (Recommendation 162 and others) March 2016 < <http://files.rcfv.com.au/Reports/Final/RCFV-All-Volumes.pdf>>;
  - NSW Domestic Violence Death Review Team 2015-2017 Report;
  - United Nations Special Rapporteur on Violence against women, its causes and consequences (2017);
  - Cathy Vaughan et al (2016);
  - Open Letter to the Australian Government on supporting vulnerable migrant women escaping family violence, 2016. <<http://fecca.org.au/wp-content/uploads/2016/04/Open-Letter-Australian-Government-must-support-vulnerable-migrant-women-escaping-family-violence6.pdf>>;
  - Marie Segrave (2017) 'Temporary migration and family violence: An analysis of victimisation, vulnerability and support', Monash University in collaboration with InTouch Multicultural Centre Against Family Violence.
7. See supporting and related recommendations:
  - United Nations Special Rapporteur on Violence against women, its causes and consequences (2017);
  - Marie Segrave (2017);
  - NSW Domestic Violence Death Review Team 2015-2017 Report;
8. See supporting and related recommendations:
  - NSW Domestic Violence Death Review Team 2015-2017 Report;
  - Submission by Australian Women Against Violence Alliance (2017);
  - Marie Segrave (2017);
  - Cathy Vaughan et al (2016)
9. See supporting and related recommendations:
  - Marie Segrave (2017);
  - Cathy Vaughan et al (2016)
10. See supporting and related recommendations:
  - Cathy Vaughan et al (2016);
  - Submission by the Australian Women Against Violence Alliance (2017)
11. Open Letter to the Australian Government on supporting vulnerable migrant women escaping family violence, 2016. <<http://fecca.org.au/wp-content/uploads/2016/04/Open-Letter-Australian-Government-must-support-vulnerable-migrant-women-escaping-family-violence6.pdf>>
  - 'Temporary migration and family violence: An analysis of victimisation, vulnerability and support', Monash University in collaboration with InTouch Multicultural Centre Against Family Violence.
12. Department of Social Services (2015), 'Hearing her voice: Report from the kitchen table conversations with culturally and linguistically diverse women on violence against women and their children', Commonwealth of Australia, page 25.
13. Marie Segrave (2017), page 50.
14. Marie Segrave (2017), pages 61-70.
15. Cathy Vaughan et al (2016), 'Promoting community-led response to violence against immigrant and refugee women in metropolitan and regional Australia', the ASPIRE Project, University of Melbourne, funded by ANROWS, page 2
16. Marie Segrave (2017), page 20.