

Research Brief

Support options for migrant women on temporary visas experiencing family violence in Australia

Introduction

Visa status has implications for migrant women affected by family violence for many reasons. The ways in which perpetrators may leverage women's uncertainty and insecurity regarding their visa status to exert coercion and control is well-documented (Segrave 2017: 44; RCFV 2016: 109; Poljski 2011: 23). However, visa status can also significantly impact women's ability to seek and access family violence support and services in Australia. This research brief focuses on these impacts for women on temporary visas, and identifies the complications that may arise for migrant women accessing services and support in the context of family violence.

Complications arising from visa status

Although 'family violence cut across all migration streams' (Vaughan et al 2016: 28; also see Department of Social Services 2015: 25), particular issues may arise for women experiencing family violence in Australia on temporary visas depending on the type of visa they hold. Figure 1 (extracted from Segrave 2017: 1) summarises the difference regarding support options between those on a temporary partner visa (with a pathway to permanent residency), and a non-partner visa:

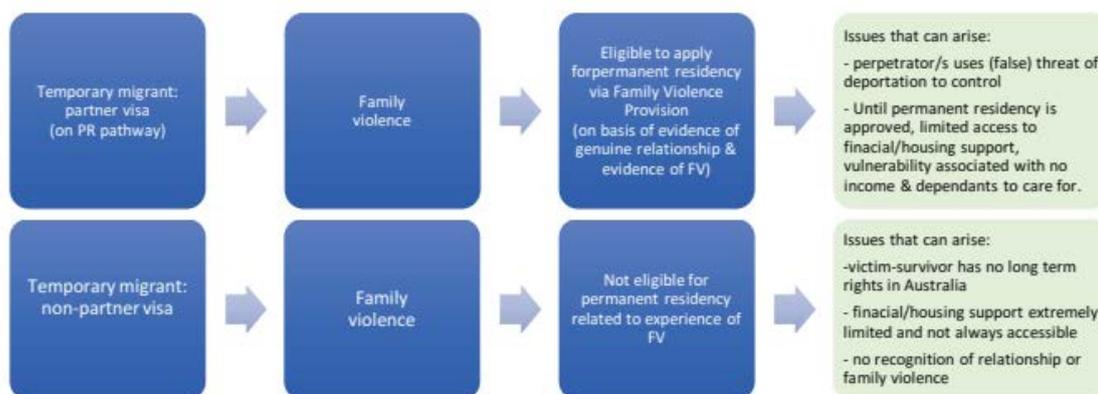


Figure 1 The basic difference between temporary migrants on a partner and non-partner visa

As Figure 1 shows, women on temporary non-partner visas experiencing family violence are not eligible to apply for permanent residency based on their experience of family violence (which impacts on their ability to access services, discussed further below).

Although women on temporary *partner* visas (specifically subclass 300, 309 and 820). do have options to apply for permanent residency because of family violence perpetrated by their sponsor under the family violence provision as per the *Migration Regulations 1994* (Cth) under the *Migration Act 1958* (Cth) (for further details see Department of Social Services 2017 and ALRC 2011: 491), they may still have limited access to financial support, housing support and income while their application is being processed (see RCFV 2016). Applying for these family violence provisions relies on two factors. First it relies on women being aware of (and willing to exercise) their legal rights. However, recent research has documented that women may be unwilling to report family violence or leave the relationship where they are unclear (or have been misinformed by perpetrators) about the consequences reporting family

violence may have on their migration status (Segrave 2017: 70; RCFV 2016: 109; InTouch 2010: 17; Department of Social Services 2015: 25). It is also documented that migrant women on temporary visas experience specific threats of deportation and/or misinformation from their abusive partner due to their dependency on that partner's sponsorship, meaning they may be more reluctant to disclose violence and seek support (Segrave 2017: 47; AIFS 2018; Poljski 2011: 24-25). This fear of deportation and confusion regarding rights may be compounded by other barriers such as different understandings of family violence, the protective role of authorities, their legal rights, and experiences of isolation (Figure 5 in Kalapac 2016: 21, McCulloch et al 2016). These consequences may be particularly complex and concerning if they have children who have Australian citizenship (NAGWTV 2018: 11; Segrave 2017: 1-2; Tually et al 2008: 27).

The second factor that may inhibit women accessing the family violence provision is that the process relies on women and/or their support network being able to provide evidence of both a genuine relationship and family violence. These requirements can raise specific challenges and barriers for women, particularly from culturally and linguistically diverse communities (Segrave 2017: 2; Kalapac 2016: 21; InTouch 2010: 17; Vaughan et al 2015: 24; Vaughan et al 2016: 29; Department of Social Services 2015: 25).

Women who are not on temporary partner visas with a pathway to permanency, however, do not face these same challenges, as there is no formal support mechanism directly linked to family violence. Thus, different and/or overlapping complexities may arise for other visas such as student or visitor visas, and bridging or refugee and humanitarian visas which are not covered in this brief. This includes experiences of trauma, language barriers, and lack

of community supports, legal/support services and/or relevant information (see Figure 4 in Kalapac 2016: 19; Vaughan et al 2016: 30, 79). As Segrave (2017) notes, there are specific concerns regarding the ways in which some perpetrators of family violence ensure that women have no access to permanency via sponsorship, for example refusing to apply for a partner visa with a woman who came to Australia on a student visa who they have married.

Access to services and support on temporary visas

One of the main barriers visa status can create is the ineligibility for supports on certain visas (Kalapac 2016: 18-19). For those on temporary visas, access to Centrelink benefits, income support, health and education services are limited (RCFV 2016: 110; InTouch 2010: 17; Allimant & Ostapiej-Pjatkowski 2011: 4). Further, there is significant administrative complexity in accessing support. A woman's visa status is determined at the federal level, but the provision of some support services such as housing support happens at a State level (RCFV 2016: 110).

Income support

Women who leave their relationships and seek refuge may not be able to work or study for safety reasons, which may impact on their ability to meet their visa requirements ([RCFV 2016: 110](#)); conversely, women on some visas may have limited rights to work ([InTouch 2010: 17](#); [Tually et al 2008: 27](#); [InTouch 2015: 48](#)) and income support may be received by their partner for sponsored visas or may involve long waiting periods ([Department of Social Services 2015: 25-26](#)). Women who have Australian-citizen or permanent resident children may be able to access Centrelink support payments linked to the care and welfare of the child as per the general community, but this varies and is a very limited stream of income.

Legal support

Noting the complex laws involved in migration issues, access to legal services may be expensive or limited, particularly for women in rural or regional areas ([RCFV 2016: 110](#); [InTouch 2010: 17-18](#)). Critically, for temporary migrant women there are the complexities of immigration, criminal and family law that may need to be addressed and the expertise in the community to support women across these legal systems is limited (Segrave 2017).

Accommodation support

Housing and accommodation are particularly necessary supports for women on temporary visas. A recent survey of service providers conducted by the National Advocacy Group on Women on Temporary Visas Experiencing Violence (NAGWTVEV) found that 24% of women seeking assistance from those services were living in crisis accommodation and 11% in temporary accommodation, and that 'Crisis and long-term housing was the service most needed by clients that organisations were unable to provide, followed by financial assistance' ([2018: 4](#), see also Segrave re housing 2017).

Highlighting the complexity of accessing housing support, AWAVA's 2017 [submission to the Public Consultation on Visa Simplification: Transforming Australia's Visa System](#) outlined the different eligibility requirements for social housing available in each state and territory. The submission noted that a woman only has to be residing in South Australia to access social housing there, whereas she would need to have permanent residency or citizenship in Victoria ([AWAVA 2017: 26](#)).

Nevertheless, critical supports such as Centrelink cannot be accessed by women on because their visa status regardless of state level policies. Consequently, even where state policies may enable women to be eligible for housing services, their lack of access to other core services increases the costs (and consequently limits the capacity) of refuges and crisis accommodation services to support these women who tend to need accommodation support for more prolonged periods of time than other clients ([RCFV 2016: 110](#); [Department of Social Services 2015: 26](#); [InTouch 2010: 17](#); [Lyneham & Richards 2014: 59](#); [Vaughan et al 2015: 23](#); [Tually et al 2008: 27](#)).

Conclusion

While recommendations can be made based on these complexities that family violence services require more funding and resources, or that information must be made more available to migrant women seeking support for family violence (Ghafournia 2011: 212), the barriers women on temporary visas face are fundamentally underpinned by the legal and policy frameworks governing temporary visas. The limits of accessibility of services and supports for people on temporary visas resulted in the ALRC recommending in 2011 that ([2011: 493](#)):

such persons should be able to apply for a temporary family violence visa that would allow them time to access services and make arrangements to leave Australia, or to apply for another visa.

It also concluded ([2011: 498](#)):

Victims should not have to remain in a violent relationship in order to ensure that their eligibility for a permanent visa is preserved.

The existing policy and legal frameworks governing temporary migrant visas can be used to support or inhibit migrant women's access to safety in the context of family violence. Submissions and policy positions adopted by numerous agencies and services in this field highlight the need to rethink the current state and federal approaches to determining women's eligibility to access critical services to ensure safety such as housing support, financial support and earn an income when they have experienced family violence (see e.g. [NAGWTVEV 2018](#); [AWAVA 2017](#); [Crossing & Barassi-Rubio n.d.](#); [Immigrant Women's Support Service 2010](#); [InTouch 2015](#)).

As Segrave noted, appropriately addressing the family violence for migrant women ([2017: 48](#)):

relies in part on creating a safety net for all women, so that they can be supported by specialist family violence service providers and can access financial and housing support without question.

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Authors: Kate Thomas, Marie Segrave (MGFVPC) and InTouch Multicultural Centre Against Family Violence (2018)

For further inquiries: arts.monash.edu/gender-and-family-violence