

FAMILY VIOLENCE PROVISIONS AND VISA APPLICATIONS

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CASE MANAGER AND REGISTERED MIGRATION AGENT
INTOUCH

Multicultural Centre Against Family Violence

- INTOUCH Established in 1984
- Formerly known as the Immigrant Women's Domestic Violence Service
- A statewide service that provides culturally appropriate crisis intervention and support programs, and responses to issues of Family Violence in CALD communities

- FV Case Management Support—10 case workers, 25 languages
- Complex Case Support
- Court Support at Dandenong, Sunshine and Heidelberg Magistrate's Courts on weekly basis
- In-house lawyers attend Dandenong and Sunshine Courts
- Post Crisis Support—Recovery Groups
- Men's Behaviour Change- in partnership with Relationships Australia and Kildonan UnitingCare

- InTouch provide Immigration assistance by Registered Migration Agent (RMA)
- In the last financial year, InTouch assisted 1,034 clients, 372 of them women without Permanent Residence

- An initial referral is risk assessed is conducted and if eligible, client is allocated to a case worker each Tuesday
- Client gets assigned to worker from the closest background from within a team of 10 migrant bi-cultural workers

Eligibility Criteria:

- Women from CALD backgrounds
- Who are experiencing, have experienced or are likely to experience family violence
- 18-years-old or above (unless they are independent)
- Residing or intending to reside in the state of Victoria

Assigned case worker required contact with the client within 48 hours and provides support.

- Case that require Immigration assistance will be referred to RMA at In Touch
- Case Manager works with RMA on co-case management capacity
- Cases that require legal assistance and are in the Sunshine and Dandenong courts catchment zone are allocated to an in-house lawyer. Client receives legal assistance alongside case management assistance.

- The Family Violence Provisions in Migration Act was introduced in 1994 to enable victims of Family Violence on temporary visas who have been granted a Spouse Visa (onshore or offshore), who have applied for Spouse visa or are eligible to apply for a Spouse Visa to leave the abusive relationship without losing their entitlement to apply for a Permanent Visa, thereby avoiding the risk of these visas holders remaining in dangerous relationships for the sake of their Immigration status

- Under the Family Violence Provisions—Family Violence can be proven by either judicial or non judicial evidences
- This Provisions applies in the following visas subclasses:
 - 309/100 offshore Spouse Visa
 - 820/801 on shore Spouse Visa
 - 300 applied or eligible to apply for Spouse Visa
 - 445 Dependent Child (in the Extended Eligibility Visa Class)

- Other visas where the exception is available:
- 845- Established Business in Australia
- 846- State/ Territory- Sponsored regional Established Business in Australia
- 851- Resolution of Status
- 855- Labour Agreement
- 856- Employer Nomination Scheme
- 857- Regional Sponsored Migration Scheme
- 858 – Distinguished Talent

- To obtain a Permanent Visa under the Family Violence Provisions the applicant needs to prove:
- The relationship with sponsoring partner has ceased
- That Family Violence occurred during the relationship; and
- There was a genuine and continuing relationship with the sponsoring partner up until the time of the separation

- When the relationship has ended, applicants have an obligation to inform the Department of Immigration and Border Protection (DIBP) of this “Change in Circumstance”. It is also essential for the applicant to tell the DIBP of any change in address
- Applicants who have experienced Family Violence should inform DIBP as soon as possible so that the processing of the application can be suspended until evidence of Family Violence can be obtained

- If the applicant doesn't contact the DIBP the sponsor may inform them first and withdraw the sponsorship. If DIBP isn't aware about the existence of Family Violence in the relationship the application may be refused.
- The applicant must provide evidence that the Family Violence occurred during the relationship, rather than after the relationship ended
- The FV Provisions only apply when the relationship between the applicant and sponsor has ceased

- If the applicant and partner continue living together it may be difficult to prove that the relationship ended

To claim the FV Provisions it can be through two options:

- Judicial determination
- Non Judicial determined evidence
- In both options the applicant needs to make their own statutory declaration
- Statutory Declaration is a Legal Document

- While the client is on Temporary Visa waiting for the outcome from DIBP, they are not eligible to apply for public housing and they have limited access to Centrelink payments and rights to employment
- Specialist Services have limited funds to support these clients long term
- Women who are not entitled to apply for FV Provision have limited options to remain in Australia
- Holders of student visas, working visas (primary or dependent applicants) have limited options

- The only option for them may be to change their own status which in reality is difficult
- Their residency status also has consequences for their access to support services
- Returning home may not always be the best option as they face further ostracisation from their family and community

You can get more information about In Touch by
calling us on: (03) 9413 6500

QUESTIONS