

Family Violence and Visa Holders

Family and domestic behaviours are not acceptable for anyone despite your visa or residency status in Australia. There is zero tolerance for such abuse and behaviour against anyone in the Australian community. If you are a victim of family and domestic abuse, you are encouraged to speak out, even if you are holding a temporary visa in Australia.

To support the government's efforts to assist victims of domestic violence, the [Department of Home Affairs](#) has released information on arrangements the Department has in place to help visa holders and anyone who is affected by family and domestic violence.

Such information can also be found below.

What is Family Violence?

Family violence covers a range of behaviours committed by a person against a family member, aiming to control a family member through fear.

Various type of abuse could include the following:

- physical abuse, for example pushing or hitting sexual abuse,
- including forcing a person to have sex or engage in sexual activity
- emotional or psychological abuse, including calling the person by names and controlling their behaviour

- intentionally damaging a family member's property
- economic abuse – this includes controlling a family member's bank accounts and money without their consent
- any other behaviour that causes the family member to feel fear for their safety, the safety of another person or an animal threatening to do any of the above.

It may also include any incidents whereby a child is present, hears, sees or is around acts of family violence.

If you are currently experiencing or had experienced any of the above behaviours, you may be a victim of family violence. If your relationship with your partner has broken down because of the family violence behaviours, do not fear. Australian law protects the victim of family violence.

You can download the [Department of Social Services' \(DSS\) Family Safety Pack](#) to find out more about Australia's law regarding family and domestic violence and forced marriage. The safety pack is available in 46 languages.

Available Assurances and Help

If you or someone you know is in danger or is in a life-threatening situation, please call **000** for emergency assistance from the police.

If you are not in a life-threatening situation, you can still seek assistance from the police. You can protect yourself and your family by asking the police or local court about a protection order such as a Domestic Violence Order (DVO) or Family Violence Order, depending on the state that you are in. For a list of support services in your state, please visit the [Department of Home Affairs](#).

You do not need to remain in an abusive relationship to obtain your permanent residency. The Australian government has zero-tolerance for family and domestic abuse. There are arrangements put in place by the Department to

support visa holders and applicants affected by family and domestic violence. You are encouraged to speak to an immigration lawyer or registered migration agent if you are experiencing domestic abuse so that they can guide you through the process of notifying the Department of home affairs about your circumstances.

Range of Family and Domestic Support

Support System

Contact Details

For Local support services

Visit the [Department of Home Affairs](#) website for more information

For professional counselling and support from National Sexual Assault, Domestic Family Violence Counselling Service

Visit: 1800RESPECT.org.au
Phone: 1800RESPECT (1800 737 732)

For free service offered through Lifeline

Visit <https://www.lifeline.org.au/>
Phone: 13 11 44

Victims Services – get access to free counselling and financial support

Visit: <https://www.victimsservices.justice.nsw.gov.au/>
Victims Access Line: 1800 633 063
Aboriginal Contact Line: 1800 019 123
Email: vs@dcj.nsw.gov.au

Legal Assistance

For legal assistance offered through Family violence Law help, please visit <https://familyviolencelaw.gov.au/>
Phone: 1800 737 732 (24 hours, 7 days).

Income Support

For more Information about income support, welfare entitlements or Medicare eligibility is provided by the [Department of Human Services \(Services Australia\)](#).

Frequently Asked Questions

How does it affect your visa status?

Under certain circumstances, you may still be granted your permanent residency in Australia if you have experienced family violence, and your relationship with your partner has ended if:

- you have married your partner while on a Prospective Marriage visa, and you have applied for a Partner visa, or
- you are awaiting the outcome of your application for a temporary Partner visa, or
- you have been granted a temporary Partner visa, and you are currently awaiting the outcome of your permanent visa.

The family violence provisions provide protections for an applicant to continue their visa application even if their relationship with the sponsor had broken down. To be eligible, the applicant must have had experienced family and domestic violence during the course of the relationship (i.e. while the relationship existed) and the relationship must have been a genuine relationship.

For more information on how to obtain a permanent visa after the relationship has broken down due to family violence, please visit our website on ["I am a victim of Family Violence"](#) for more information.

Will you lose your visa if you separate from your partner due to family and domestic violence?

No, you and your family members do not have to remain in an abusive relationship to stay in Australia. The Department does not encourage applicants to remain in an abusive or violent situation for a visa outcome.

How to contact the Department of Home Affairs

Depending on your individual situation and your visa status, you may need to inform the Department about the change of circumstances to your relationship whether this be an incident of family violence or that your relationship has broken down.

You can contact the Department via any of the following:

- Contact your processing officer directly;
- Phone 131 881;
- Complete the online form on the 'change in your situation' page on the Home Affairs website; or
- Send a letter to your nearest office

Note: Due to the highly sensitive nature and complexity surrounding family and domestic violence claim for Partner visa applicants, the matter must be dealt with carefully and promptly. Before you initiate contact with the Department, we highly recommend you seek professional legal assistance as soon as possible.

What can happen to the person who had committed the family and domestic violence?

If the person who had committed the family and domestic violence (i.e. the "perpetrator") is holding a visa, their visa may be cancelled depending on the circumstances.

If you are the visa applicant and you have committed family and domestic abuse, your visa may be refused under Section 501 of the Migration Act 1958 and Ministerial Direction 79.

Can the perpetrator (i.e. the person who committed the family and domestic abuse) cancel your and your family's visa?

No one has the power to refuse or cancel your visa other than the Minister or a delegated officer.

Australia protects those who are suffering from domestic and family abuse. As a victim of domestic and family abuse, your visa will not be cancelled even if your relationship had broken down.

Can your visa be refused or cancelled if you are on a temporary visa and you leave a violent relationship?

If you are a victim of family and domestic abuse, your visa will not be automatically cancelled even if your relationship had broken down.

Note: Due to the highly sensitive nature and complexity surrounding family and domestic violence claims for Partner visa applicants, the matter must be dealt with carefully and promptly. Before you initiate contact with the Department, we highly recommend you seek professional legal assistance as soon as possible.