

WOMEN'S SAFETY NSW

Women on Temporary Visas Experiencing Violence

Briefing Paper: Current Case Studies

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Table of Contents

1. INTRODUCTION	3
2. KEY ISSUES	4
2.1. INCOME.....	4
2.2. HOUSING	4
2.3. HEALTH	5
2.4. LEGAL SUPPORT	5
3. CASE STUDIES	5
3.1. ANNA* FROM POLAND.....	6
3.2. LI* FROM VIETNAM.....	6
3.3. THIA* FROM VIETNAM	7
3.4. TANI* FROM BANGLADESH	7
4. CONCLUDING COMMENTS	8

1. Introduction

As a result of the COVID-19 pandemic and the restrictions being placed on movement which is requiring people to stay home and restrict travel, many women and children who are experiencing violence and abuse within their homes are at greater risk. Survey results from frontline domestic violence workers across NSW have indicated an increase in severity and in some cases an increase in the incidence of women experiencing domestic violence, as well as violence occurring in relationships for the first time. In acknowledging the increased risk to victims of domestic and family violence at this time, both the Federal and state and territory governments, including the NSW Government, have invested additional funds in a targeted manner, so as to ensure those most at risk know where to access safety and support, and that the service system is equipped to provide an effective response when they do reach out.

Of serious concern, however, is omission to date in any measures which adequately address the safety of women on temporary visas and their children experiencing violence. This particular group of women and children are at particularly high risk due to their limited access to alternative income, accommodation or basic services when they are attempting to flee. In effect, this leaves this group of women with two stark choices: stay and put up with the violence and abuse inflicted upon themselves and their children or attempt to leave into homelessness and destitution.

Most recently, the Federal Government announced a \$7 million package for the Australian Red Cross to provide material aid and case management services to vulnerable people on temporary visas. However, after inquiring further, Women's Safety NSW has learned that this package is only to extend to "one-off" material aid and does not include any income nor accommodation component. Thus, the dire situation facing women on temporary visas experiencing violence remain virtually unchanged.

This briefing paper does not attempt to provide an in-depth explanation of the issues facing women on temporary visas experiencing violence, nor our key recommendations for reform. Women's Safety NSW has worked alongside partner agencies in the field to develop both the [Path to Nowhere Report](#) and the [Blueprint for Reform: Removing Barriers to Safety for Victims/Survivors of Domestic and Family Violence who are on Temporary Visas](#). Instead, the focus is on four critical areas of support urgently needed for women on temporary visas experiencing violence during COVID-19: income, housing, health and legal support. A number of current case studies are also provided so as to ensure policy makers and the public more generally are cognisant of the real life situations women on temporary

visas and their children are finding themselves in as a result of their perpetrator's violence and abuse, and our system's current failings in providing adequate safety nets for support.

2. Key Issues

2.1. Income

Whilst the Australian government has implemented a number of strategies to combat domestic and family violence by increasing overall funding towards social services and extending financial support payments to certain classes of temporary visa holders, this still excludes a majority of persons on temporary visas. Most individuals are still required to meet the Australian Residence Rules in order to receive financial support payments. This is a significant issue for women on temporary visas and their children, as having no financial support leaves them dependent upon and thus more vulnerable to their violent partners.

"We cannot force a person to stay in this country [through family law orders] but leave them completely destitute. It is unethical. It means a woman must cho[o]se between staying with an abusive partner so she can eat and sleep under a roof or leave and potentially be homeless."

2.2. Housing

Many specialist homelessness services and community housing providers require individuals to have access to government income support payments as part of their eligibility requirements. Other crisis accommodation services limit the number of individuals on temporary visas that can access accommodation, often because they cannot obtain the necessary funding from governments to offer these places. This is another significant issue for women on temporary visas and their children, as having no safe housing leaves them again dependent upon and more vulnerable to their violent partners with literally no-where to go.

"[T]he wom[a]n is on a bridging visa with a 1 year old, the ex[-]partner is [a] permanent resident, she cannot access income support from [C]entrelink, she cannot escape the violence due to women[s] refuges requir[ing] [C]entrelink, there is an AVO, she is forced to stay with perpetrators family, there are limited places in refuges for women on bridging visa and no income."

2.3. Health

Similar issues regarding eligibility apply to women's access to health support. Only select temporary visa holders are eligible for Medicare. This includes those who are applying for permanent residency or covered by a ministerial order. Access to health support is not only essential for the physical and mental health needs of women on temporary visas experiencing violence, but it is also a critical service for them to access safety. Many women from culturally and linguistically diverse backgrounds in particular feel much safer in disclosing the violence and abuse they are experiencing to a health care worker than to police. This option is not available to women on temporary visas.

"One of my biggest concerns is for the women and children that have not been in contact with any services... and are unable to have any face to face support or be able to drop into services- this may mean that the DFV will become even more underground."

2.4. Legal Support

Perpetrators of violence often use coercive control to maintain power over their victims. For women on temporary visas, this can mean threats of deportation and threats of separation from their children because they are on temporary visas. For women on temporary visas from migrant or refugee backgrounds with limited English language proficiency, this is intensified due to the language barrier. Without adequate access to legal support such as legal aid, the ongoing cycle of fear, limited understanding of rights and available services can perpetuate and exacerbate their experiences of domestic and family violence.

"[I]f she is living within our community, then it is the responsibility of those who are in a more advantageous position to support those who are not able to support themselves. These are basic human rights & universal laws. Especially when she is required to remain in the country because it is a legal requirement by the judicial system [such as through family law], then the government is responsible for supporting the family for the duration of their stay."

3. Case Studies

Below are some of the specific case studies we have received from our members in the past few days:

3.1. Anna* from Poland

“Anna fell in love with an Australian man she met through friends while visiting Australia. She eventually relocated to Australia to be with him. Anna has a [school aged] daughter who has witnessed horrific abuse at the hands of her stepfather towards her mother. Things escalated to the point that there is now a provisional AVO in place and Anna and her daughter have had to flee the house for their safety. Anna’s husband has breached the AVO on numerous occasions and refuses to believe that they can’t reconcile. Anna has come through at Serious Threat and has been on our SAM [Safety Action Meeting] several times over approximately the past month. As MSW [Multicultural Specialist Worker] I have been able to support her in accessing legal services through a wonderful Pro Bono Migration Lawyer with a passion for women who experience DV, but – we have hit a roadblock: Anna remains on a temporary/bridging visa and her lawyer can’t speed up her Permanent Residency application under the DV provision because the court hasn’t made the AVO a final order. Why? The POI [perpetrator] keeps adjourning it and COVID-19 has thrown a spanner in the works prolonging the matter until June (when the POI is likely to seek adjournment yet again in any case). Meanwhile, because Anna isn’t a permanent resident, she and her daughter are not eligible for any Centrelink benefits including Special Benefit or Family Tax Benefit. Nor are they eligible for access to the Department of Housing, Start Safely [Rental Subsidy], or to Medicare. Anna is also not able to access the Home Affairs’ Status Resolution Service because she is not on a protection/humanitarian visa. This means Anna is on no, and can’t afford to pay for housing, groceries or medical expenses for her and her daughter.”

3.2. Li* from Vietnam

“Li fell in love with an Australian man she met whilst he was visiting her country, and ended up relocating to Australia to join him. They later had a daughter together, who is now 4. Li’s partner drinks a lot of beer on a daily basis and abuses her in front of their daughter. The Police have been called on a couple of occasions without a resultant AVO [apprehended violence order]. DCJ [the NSW Department of Communities and Justice - Child Protection Services] were involved and Li considered leaving the relationship, however, due to her temporary visa status she is not eligible for Centrelink or Housing benefits, except for the Family Tax Benefit, which is not enough to live on. Li would like to become more independent so that she and her daughter don’t need to remain with her abusive partner. Li would like to get a job, however, she is still learning to speak English and how to drive, with no cooperation or assistance from her partner, who keeps telling her to leave and threatens to evict her. Li is

essentially trapped in an abusive relationship which is detrimental to her daughter's development because she currently has no other option than homelessness."

3.3. Thia* from Vietnam

"Thia was married to an abusive man who eventually left the relationship and family home to pursue another relationship after getting them into debt through gambling. Thia is awaiting approval of her Permanent Residency application (a process which normally takes 2 years) and has, up until recently, been self-sufficient running her own nail salon business. Since the COVID-19 outbreak Thia has found herself having to close her business and lose all of her income, and still has to pay rent for her business and home where she supports her 4 children. Due to her temporary visa status, Thia is not eligible for any Centrelink benefits, Department of Housing services, Medicare or the Home Affairs' Status Resolution Service. Thia has sufficient savings to see her family through for just one more week."

3.4. Tani* from Bangladesh

"Tani came to Australia with her Bangladeshi husband on a Dependent Student Visa as he had won a scholarship to do a PhD at an Australian University. They have a daughter together who is under school age. Tani's husband became violent and one incident was captured on a University CCTV camera where he attempted to run Tani over. An AVO and charges resulted, however, after several breaches and threats to abduct their daughter and take her back with him to Bangladesh, he left the country and filed for and finalised a divorce without her knowledge which he was able to do due to his male status in Bangladesh. As Tani and her daughter would be ostracised from their community, and a target for sex crimes and acid attacks if they returned home to Bangladesh, our Pro Bono Migration Lawyer assisted her in applying for a Protection Visa. Meanwhile, Tani has lost her job due to her husband cancelling her original visa. Tani's husband also cancelled the private health insurance she had for herself and her daughter, reimbursing himself the advance payments totalling \$7,000 AUD which Tani had originally funded. Tani is ineligible for Centrelink Benefits, Department of Housing or Medicare and her savings are dwindling with no relief in sight."

4. Concluding Comments

As can be seen, the need to provide a safety net for women on temporary visas and their children experiencing violence is urgent. Without access to basic income, accommodation, health and legal services, women on temporary visas and their children experiencing violence are really left with no choice than to flee into homelessness and destitution or stay with their abuser and put up with the violence.

Women's Safety NSW implores the Council of Australian Governments to urgently resolve this critical humanitarian gap. Safety and freedom from violence must come before visa status. Indeed, the right to safety and freedom from violence is a fundamental one, which we as a nation state have an obligation to uphold.

We stand ready to work with key agency bodies to assist in the design and implementation of measures aimed at filling this critical gap for women and children's safety.