

Summary of information presented at the “It’s Time to Talk Conference” (10-minute presentation)

**Topic: Visas, Immigration and Spousal Rights, Visa Entitlements,
What happens when children are involved?**

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(Important: The information below is not an immigration advice. The Immigrant Women’s Speakout Association is not liable to any person who will use this information. The Australian legal system changes from time to time. You have to check the latest information about the Family Violence Provisions on the Department of Immigration and Border Control (DIBP) website: <http://www.immi.gov.au/>)

The Family Violence Provisions is part of the Australian Migration Regulations where a person in partner or other visas (please see below the eligible visa) and her/his family do not have to stay in an abusive relationship in order to stay in Australia.

The provisions are available if:

- a person is a holder of temporary Partner visa or have married her/his spouse while on a Prospective Marriage visa
- the person or her/his dependants have experienced family violence and
- the relationship has ended.

The provisions allow her/him to continue with her/his application for permanent residency.

In the Family Violence Provisions – a family violence is defined as conduct, either actual or threatened, that causes you to fear for your safety or wellbeing. The conduct can be directed at you, your dependants or your property.

Family violence can include physical or psychological abuse or harm, forced sexual relations, forced isolation or economic deprivation. In Australia, family violence is a crime.

The department will need to be satisfied that your relationship was genuine until it ended and that the family violence took place during the relationship.

(Source: DIBP Fact Sheet on Family Violence Provisions [DIAC 13/01645])

Who are eligible to access FVP?

Holders of the following visas:

- Partner subclasses 309, 820
- Prospective marriage subclass 300, in limited circumstances
- Dependent Child subclass 445
- Distinguished Talent subclass 858
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Acceptable evidence of family violence

There are two types of evidence

(a) Judicial

A statutory declaration (form 1410 - claims first made on or after 24 November 2012) by the person who has experienced the violence (or on behalf of the person if they are under age)

and any of the following

- a court injunction under the Family Law Act 1975 against the alleged perpetrator
- a final apprehended violence order where alleged perpetrator had opportunity to appear
- alleged perpetrator has been convicted of an offence of violence against the alleged victim

(b) Non-judicial

A statutory declaration (form 1410 - claims first made on or after 24 November 2012) by the person who has experienced the violence (or on behalf of the person if they are under age)

and

At least two statements from two persons in different professions belonging in the following categories:

- doctor or nurse
- police officer or a witness who makes a statement to a police officer during the investigation
- officer of a child welfare or protection authority
- staff from a women's refuge or family/domestic violence crisis centre
- social worker
- psychologist
- Family Relationship Centre counsellor or family consultant
- school counsellor or school principal.

The statutory declaration or official letter from the above professionals or agencies should include:

- details of the relevant family violence and the persons involved
- evidence or reasons for this opinion or assessment
- details about their professional relationship with you or your family
- information about any services or support they have offered you or your family.

What happens if relationship ends with sponsor and there is/are child/children involved?

The sponsored parent (visa holder) and child/children from relationship where sponsor and visa holder have parental responsibility – might get permanent residency.

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Core services

(1) Homeless Multicultural Women Integrated Support Service (HoMWISS)

- Funding from the SHS (Specialist Homelessness Service) of NSW FACS
Provision of support for CALD (Culturally and Linguistically Diverse) women who are homeless or at risk of being homeless especially those who are escaping domestic and family violence

- ✓ Support for homeless single CALD women
- ✓ CALD women with children from a culturally and linguistically diverse background

Co-case management of clients

Training and forums for SHS (Specialist Homelessness Service) workers

(2) Immigrant Women's Resource Centre

- Funding from FACS Community Builders

- ✓ Women's Hub – information & referral, sewing class, English conversation, computer literacy classes
- ✓ Capacity-building: leadership training, support in holding events and CALD women's group activities, other forms of mentoring
- ✓ Community Skills – linking groups, developing connections and community engagement events

For more information:

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