



# Temporary Visas, Family Violence and Frequently Asked Questions

## **I don't know what type of visa I have. How can I find out?**

You can check your visa status online through Visa Entitlement Verification Online (VEVO). VEVO will show you what visa you hold, when it expires and what conditions may be attached to your visa: <https://immi.homeaffairs.gov.au/visas/already-have-a-visa/check-visa-details-and-conditions/overview>

## **Do I have to stay in a violent relationship, in order to stay in Australia?**

No, you do not need to remain in a violent relationship to stay in Australia. If your relationship breaks down due to family violence, you may be able to apply for permanent residency in Australia.

## **My relationship with my partner has ended. Do I need to tell the Department of Home Affairs?**

It depends on a few things, such as what visa you have right now, any visa applications you have made, and what has changed. If you are not sure what your obligations are, you should seek advice from a migration agent or lawyer.

## **My partner is threatening to have me deported. Can they do this?**

If your partner is your sponsor, they can withdraw their sponsorship of you at any time, if the relationship has ended, however they cannot deport you. This decision can only be made by the Department of Home Affairs.

If your partner withdraws their sponsorship of your visa, then the Department of Home Affairs will write to you and give you 28 days to tell them what happened, before cancelling or refusing your visa. If this occurs, you should seek legal advice about your situation and the options available to you, as you may be able to stay in Australia.

It is important that you have or set up your own ImmiAccount, and that the Department of Home Affairs has your current contact details and address. You should ensure that you are able to access and manage your visa applications.

If you already have permanent visa and your relationship ends, your partner cannot get you deported.

## **What is family violence?**

Family violence is any behaviour that makes you reasonably fear for your safety. It can include behaviour or threats towards you, or a member of your family. Family violence can include physical harm and abuse, but it also includes emotional abuse, being forced to have sex against your will, being isolated from friends and family, having no or limited access to money, being cut off from your culture, and verbal abuse.

## **What are family violence provisions, and do they apply to me?**

Family violence provisions apply to certain visa types. You may still be granted a permanent visa if you have experienced family violence and your relationship has ended if you have, or have applied for a:

1. Partner visa (subclass 820, 801 or 309)
2. Prospective Marriage visa, and have married your sponsor (subclass 300)
3. Offshore partner visa (subclass 309 or 100)

## **How can I prove that I experienced family violence?**

You can provide the Department of Home Affairs with one of the following from a court:

1. A Family Violence Restraining Order, protecting you from your ex-partner.
2. A Family Court Order, which includes an injunction relating to family violence, against your ex-partner.
3. A document showing that your ex-partner has been convicted of or been found guilty of assaulting you or your child.

If you do not have any of these documents, you will need to complete a statutory declaration detailing the family violence, what occurred, when and who perpetrated the violence. You will also need to provide at least two documents from professionals who you engaged with and were aware of the family violence. This could include a medical report from a doctor, or a witness statement made to the police.

## **What if I don't have a visa type that the family violence provisions apply to?**

You should seek advice from a migration agent or lawyer as soon as possible, to understand the options available to you. Options may include applying for another temporary visa, applying for a permanent visa, or leaving Australia.

## **What if my partner tells the police that I am abusive?**

You should speak to a family violence lawyer as soon as possible. You should also get advice from a migration agent or lawyer about how this may impact your visa.

**If I tell the Department of Home Affairs that I have experienced family violence, will the police charge the person using violence?**

Your matter cannot be referred to the police without your consent, or unless there is an immediate threat to your life or safety.

**If I speak with a lawyer, will they give information about me to the Department of Home Affairs?**

No, there are strict confidentiality rules that apply. No information can be provided to the Department of Home Affairs without your permission.

## Contact us today

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