

People on temporary visas experiencing domestic and family violence and their children

People on temporary visas experiencing domestic and family violence and their children are on a range of different visas – including partner, family, student, work, visitor and bridging visas. People on temporary visas and their children experiencing violence often face specific and compounding barriers to accessing support. Perpetrators of violence against people on temporary visas use these barriers to maintain power and control and to continue to use violence against them. Due to the high risk of homelessness and poverty, a person on a temporary visa may make the difficult decision to stay with, or return to, a violent partner. This can increase the risk of the victim-survivors experiencing further violence that could lead to serious injury or death.

Barriers to safety

- Inability to access housing (NSW Housing policy prevents people on temporary visas from accessing transitional, social and public housing and rental assistance)
- Inability to access healthcare (NSW Health policy excludes people without Medicare from accessing public hospitals except in limited circumstances; Commonwealth policy prevents people on temporary visas from accessing Medicare except in limited circumstances)
- Inability to access income (Commonwealth policy prevents people on temporary visas from accessing Centrelink; People on temporary visas may have no or limited work rights depending on the visa type and conditions, and childcare responsibilities)
- Challenges in accessing crisis accommodation (Service providers do not receive specific funding to assist people on temporary visas. Some service providers limit the number of people on temporary visas they support due to the high costs of supporting people without income for extended periods and their inability to access long-term housing)
- Risk, fear and threats of deportation and separation from their children (People on temporary visas face complex intersecting legal issues relating to domestic violence, immigration, family, and child protection law and require legal advice and representations)
- Lack of culturally safe and accessible services and free interpreting services
- Limited social networks and access to support, lack of understanding of their rights

Recommendations

NSW Government ensures that any person experiencing sexual, domestic and family violence can access supports they need to be safe and well, regardless of their immigration status, including:

1. Income, food and other essentials and healthcare (see explanation above)
2. Temporary and crisis accommodation, social and public housing, rental assistance and the Staying Home Leaving Violence program (see explanation above)
3. Free legal advice and representation (this can be accessed to some degree however specific funding would help ensure people receive the legal advice and representation they need)
4. Free interpreting services (this can be accessed to some degree however this can depend on the language and the services are not trained on domestic and family violence)
5. Flexible support packages so people can attend to their immediate material needs (there are barriers for some people who have experienced violence from accessing Victims Services Immediate Needs Support Package and other Victims Services payments)

NSW Government advocates to the Commonwealth government to ensure that regardless of visa type or status, every person experiencing domestic and family violence can access:

1. Social security including Centrelink, and Medicare
2. The Family Violence provisions under the Migration Regulations

All governments should provide long term and sustainable funding to specialist domestic, family and sexual violence services so every person experiencing violence can access the support they need.

Key findings from DVNSW Survey on People on Temporary Visas Experiencing Violence

- DVNSW invited organisations to complete a survey about people on temporary visas experiencing violence who sought or received assistance from their service in May 2020.
- 34 survey responses were received from accommodation, domestic and family violence, legal, counselling, women’s health, settlement and other service providers. Please note the percentages below refer to the survey respondents.
- At least 369 people on temporary visas sought or received assistance in May 2020 from service providers who responded to the survey. Of these people, 103 people or more have one child, 60 people or more have two children, 44 people or more have 3 or more children.
- Services that clients on temporary visas needed that service providers were not able to provide include long-term accommodation (82%), counselling (45%), legal advice and representation (45-55%), English language classes (42%), financial assistance (39%), temporary accommodation (36%), crisis accommodation (36%) and health assistance (33%).
- Reasons provided for why services that clients needed could not be provided included a lack of funding for services and eligibility criteria for government services such as Centrelink, Medicare and Housing that exclude people on temporary visas.
- In response to a question about whether the clients were referred to other service providers, one service provider stated “no services would take them”. Another service responded that it is “difficult/impossible to find temporary accommodation and long term accommodation for women and children on temporary visas”.
- Service providers have been providing support to people on temporary visas for different periods of time, ranging from less than 1 month to more than 2 years.
- Service providers observed the COVID-19 crisis has impacted on people on temporary visas experiencing violence in the following ways:
 - Increased sexual, domestic or family violence (45%)
 - Increased complexity of client needs (64%)
 - Decreased access to income, food and essentials (64%)
 - Decreased access to community supports (64%)
 - Decreased referral pathways for clients (48%)
 - None of the above (9%)