



FAMILY VIOLENCE AND IMMIGRATION

Everyone has the right to feel safe and be treated with respect. Unfortunately, some people do not feel safe and they experience violence or abuse.

What is family violence?

Family violence is when another family member (like a partner) uses behaviour that makes you fearful, makes you do things you don't want to, or is used to control you.

What are some examples of family violence?

Some examples of family violence are:

- physical violence,
- sexual assault,
- damaging or destroying property,
- controlling money,
- repeatedly calling you names, insulting you or criticising you, and
- social isolation.

What is physical violence?

Some examples of physical violence include being hit, kicked, pushed, spat on, or physically restrained.

What is social isolation?

Social isolation is when they refuse to let you go out and do things. It includes stopping you from having contact with your friends, family, religion or culture.

How does the law protect people from family violence?

There are many ways that the law protects people experiencing family violence.

Special rules for people who have applied for permanent residency

There are special rules the Australian Department of Home Affairs must follow if you have applied for permanent residency and have experienced family violence.

The special rules mean that you do not need to stay in an abusive relationship to stay in Australia.

When do the special rules apply?

The special family violence rules apply if you or a family member have experienced family violence, your relationship has ended, and the visa you have been granted or visa you are applying for is dependent on your relationship with your ex-partner.

When may your visa be dependent on your relationship with your ex-partner?

Some examples of when your application for permanent residency may be dependent on your ex-partner are if you:

- married your partner while on a Prospective Marriage visa and have applied for a Partner visa,
- are on a temporary Partner visa,
- are waiting to hear the outcome of your application for a temporary Partner visa, or
- have entered Australia on a temporary Partner visa.

What do you need to do to be able to rely on the special rules?

To be able to rely on the special family violence rules, you will need to prove to the Australian Department of Home Affairs that you have experienced family violence.

You can do this with different kinds of evidence.

What evidence do you need?

You can give the Department of Home Affairs a copy of:

- a restraining order against your ex-partner protecting you or a member of your family,
- evidence that your ex-partner was found guilty of physical violence against you or your children, or
- a Family Court injunction against your ex-partner that is about family violence.

If you do not have one of the above things, you will need to prove that you have experienced family violence in another way.

The most common way to do this is by completing a special form called a statutory declaration.

You will need at least two documents from professional people to support your statutory declaration. For example, a medical report from a doctor or a witness statement by a police officer.

You can find the full list of the types of supporting documents you can use on the [Department of Home Affairs website](#).



How can Legal Aid WA help?

Domestic Violence Legal Unit

Legal Aid WA has a specialist Domestic Violence Legal Unit that provides legal advice and assistance about family violence issues. This includes help to apply for family violence restraining orders online and in court.

The Domestic Violence Legal Unit can also help with safety planning, counselling and referrals to other services that can help you with your immigration matters

Infoline and Infochat

You can call our Infoline on 1300 650 579 or chat to us online at www.legalaid.wa.gov.au

Website

You can also find information, videos and self-help guides on family violence on our website www.legalaid.wa.gov.au.

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CMS 4503864 | Last reviewed Wednesday, March 30, 2022