



Family violence and your visa

The family violence provisions mean that you and your family do not have to stay in an abusive relationship in order to stay in Australia.

The provisions are available if:

- you are on a temporary Partner visa or you married your spouse while on a Prospective Marriage visa
- you or your dependants have experienced family violence and
- your relationship has ended.

The provisions allow you to continue with your application for permanent residency.

For a visa, 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.

How to prove family violence has taken place

There are two ways you can provide evidence of family violence. These are known as judicial and non-judicial evidence.

Judicial evidence means you are providing evidence from a court.

Non-judicial evidence means that you give evidence yourself, along with evidence from certain professionals you have dealt with.

Judicial evidence

You can provide any of the following judicial evidence:

- a court injunction under the *Family Law Act 1975* against your partner
- a court order against your partner made under a state or territory law
- evidence that a court has convicted your partner of assault against you or your dependant(s) (or has recorded a finding of guilt against your partner).

Non-judicial evidence

You must provide a statutory declaration and at least two other forms of non-judicial evidence.

The statutory declaration must be from you and provide details about the family violence—you can use *Form-1410 Statutory declaration for family violence claim* available at www.immi.gov.au. If any of your dependants are the victim, you (as the applicant) must make the statutory declaration on their behalf.

You must provide one form of evidence from at least two of 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.

This information is specified in legislative instrument IMMI12/116 available at www.comlaw.gov.au

If the department is not satisfied with the strength of your claim, the evidence may be referred to an independent expert for assessment.

Help and support for family violence victims

We cannot provide emergency assistance or social support to victims of family violence. You should seek professional assistance.

If you or your family are in danger phone the police on 000.

Professional counselling and support is available 24 hours a day, seven days a week by contacting the National Sexual Assault, Domestic and Family Violence Counselling Service online at 1800RESPECT.org.au or by phoning 1800RESPECT (1800 737 732).

If you need an interpreter phone TIS National on 131 450, 24 hours a day, seven days a week.

The *Beginning a life in Australia* booklet includes useful information about services and support available to you. The booklet can be found on the department's website in a number of languages.

For visa-related enquiries visit the department's website at www.immi.gov.au or phone 131 881, Monday to Friday from 8.30 am to 4.30 pm.