

Domestic Violence and Temporary Visa Holders: Barriers to safety

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It is widely documented within the relevant literature and from the experiences of workers that escaping domestic violence is a difficult and dangerous process for women and their children. These difficulties and dangers are compounded for women who are on temporary visas, by a multitude of barriers preventing access to appropriate pathways to safety. The existence of such barriers limits options available to women and may leave women particularly vulnerable to further abuse and exploitation.

The authors of this article have worked for many years to support women experiencing domestic and family violence who are on temporary migration visas. Women's House Shelta and the Immigrant Women's Support Service (IWSS), both in Brisbane, have identified a number of emerging issues for women in Australia who are on temporary visas and have experienced domestic violence. These issues include financial barriers, access to the Australian service systems, including healthcare, crisis and public housing, legal assistance and protection for their children. Further difficulties are experienced where the women are from non English speaking backgrounds as well as on temporary visas. Both Women's House Shelta and IWSS are seeking to collaborate with other community members and agencies across the country to address these issues.

Isolation

Social Isolation is a common tactic used by perpetrators of domestic violence to maintain power and control over a woman. For women of non-English speaking backgrounds, this is compounded by language barriers, as well as the absence of support networks in Australia (primarily due to their friends and family being in their country of origin). Women on temporary visas and women from CALD communities may not be aware of services available in the community that may be able to assist them, and may also lack knowledge of the relevant laws pertaining to domestic violence and sexual assault.

Restricted access to services supporting safety

Women who are on certain temporary visas; such as student visas, tourist visas and skilled migration visas, are not eligible to access many of the essential services that are required for independent living, such as public housing and health services through Medicare. Women on these visas also face difficulties accessing free English classes and employment opportunities. If they have children, they are liable to pay full fees for their children's state school education.

Women's House Shelta have supported women accommodated in their refuge who have been unable to access an income through Centrelink, and who due to the lack of options available to them, have been subjected to exploitation once their employer (or prospective employer) has found out that they do not have permanent residency.

Poverty and Financial Insecurity

Even where there are community based services, income and housing options continue to be crucial to those in the process of leaving an abusive relationship.

In order to ensure their continued survival and to pay for essential living costs, such as rent and food, there have been instances where women have unwillingly resorted to earning money from work such as stripping, exotic dancing and working in the sex industry.

Women on international student visas may also accrue large debts due to a lack of financial resources to pay educational institutions fees. Furthermore, for women on international student visas affected by domestic violence, quitting, deferring their studies or changing their study area or mode may leave them in breach of their visa conditions and without appropriate support to ensure their safety.

In some cases, it appears that the only alternatives for women may include returning to the perpetrator of the violence, or taking accommodation with someone who also abuses or exploits them. Poverty makes women more vulnerable to men's violence as it restricts their options and makes them dependent on their abusers. Having access to an adequate income and affordable and safe housing options are essential for their safety.

Whilst some agencies and charities provide some short-term or one-off assistance (for example, food and temporary housing), this is often only temporary or piecemeal, and does not address the complexity of other presenting needs, particularly in relation to physical and emotional safety.

Deportation

Women and children on these visa types are also at risk of being deported back to their country of origin if they leave the violent relationship, if the perpetrator of the violence is the primary visa holder. However, for many of these women it is not safe for them to return, as they may face recriminations, violence and discrimination from their family and community. In order to apply for a protection visa, women must fit the relevant criteria and can prove they fear persecution, rather than mere harassment or discrimination.

Women who have children with an Australian resident or citizen may find themselves in a particularly difficult position. Women on some temporary visas who are still in Australia may face deportation, and consequently may be forced to leave their children with the perpetrator of domestic violence if a family court order is in place and they lack the financial resources to access the very limited options available to them through existing immigration pathways for moving from temporary to permanent residence. In one instance, a woman returned to her country of origin with her children, only to be served with an order from the Australian Family Court to return the children to Australia. Upon return to Australia however, women in situations such as this will have no access to income or housing and may be excluded from legal aid or other pro bono representation because of their residency status; usually their legal and migration issues become complex due to the multiple factors involved around their leaving and re-entering the country.

Improving Assistance for Temporary Visa Holders

Coordinated lobbying across all states and territories

The issues affecting safety from domestic violence for women on the visa types described above have been a concern for many services across Australia and have been raised in discussion at conferences, forums and seminars. In addition, these issues were included in the Immigrant Women's Support Service (IWSS) submission to the National Plan to Reduce Violence Against Women and their Children 2010-2022. A working group on this issue was established by the Combined Women's Refuges Group of South/East Qld. What is now required is a *national* and *coordinated* lobbying effort, so that the efforts of southern Queensland services can converge with those of other agencies and community members services in order to strengthen the voice of concern. We need to co-ordinate our efforts in order to promote relevant policy changes.

Changes to Centrelink Special Benefit and other service safety net provisions

One proposal we suggest is that we call for changes to Centrelink's Special Benefit eligibility criteria. All women and their children escaping violence from their partner should be eligible for a Centrelink benefit, regardless of visa type, once the usual assets test has been applied and at least until their immigration status is decided by the Department of Immigration and Citizenship. Women could be referred to Centrelink by a domestic violence service, refuge or other appropriate agency. Access to these benefits would make an enormous difference in terms of facilitating women's safety and promoting self-reliance. Similarly, the barriers to accessing public housing, legal aid, health concessions and a free, state school education for children could be removed by changes to federal and state and territory policies in each of these areas, and where necessary, these changes could be supported by legislative amendments.

In addition, services providing support for women who are experiencing domestic and family violence may need to consider their own policies and practices that can limit options for safety for women on temporary visas with no access to income support.

The authors invite anyone else interested in advancing solutions to the needs of women on temporary visas experiencing domestic violence to contact us, either through Women's House Shelta on 07 33910005 or by email at womenshouse@pacific.net.au, or by contacting the Director of the Immigrant Women's Support Service, Cecilia Barassi-Rubio on 07 38463490 or by email cecilia.barassi@iwss.org.au

Women's House Shelta provides refuge accommodation and support to women and children escaping domestic violence. We are a feminist, collectively run, community organisation, based in Brisbane.

The Immigrant Women's Support Service (IWSS) is a community based organisation that provides a specialist domestic violence and sexual assault service response to women from non-English speaking backgrounds and their children. Both Women's House and the Immigrant Women's Support Service are funded by the Queensland Department of Communities through a State and Commonwealth agreement.