

Immigration and Domestic Violence

Your Rights and Responsibilities

What's in this Factsheet?

- My relationship with my visa sponsor (husband or partner) has ended - What do I have to tell the Department of Immigration (DIAC)?
- Can I stay in Australia or get permanent residency, if the relationship has ended?
- Is it true that my Australian husband / partner can deport me?
- What happens if my ex-partner tells DIAC he is withdrawing sponsorship of me?
- What do I do if my ex has my passport or other documents?

My relationship with my visa sponsor (husband or partner) has ended - What do I have to tell the Department of Immigration (DIAC)?

This depends on what type of visa you have, and whether you are waiting for DIAC to make a decision on a visa application.

- a) If you have a permanent visa (permanent residency)*** there is no need to contact DIAC about your relationship.
- b) If you have a temporary spouse visa, or temporary partner visa*** (subclass 309 or 820), you should write to DIAC without delay. Tell DIAC:
 - If you have changed address, tell DIAC your new address and where they should write to you (somewhere where your ex cannot find the letters)
 - That your relationship has ended. Also mention in this form if you have a child with your ex; and if you experienced domestic violence during the relationship.
 - Whether they should write to you directly, or to a trusted friend / support worker / migration agent.
 - Forms 929, 1022, and 956 or 956A may be useful - they are available from a DIAC office, or at www.immi.gov.au/allforms/application-forms
 - A domestic violence support worker may be able to help you fill in the forms if your English is not good.
 - A migration agent can give you advice about what to write, and what the next steps are.
- c) If you have a fiancé (prospective spouse) visa (subclass 300) AND you have married the visa sponsor***, the steps in (b) above, also apply to you
- d) In any other situation (including no visa)*** you should get advice from a migration agent. There are many types of visas, and each one has different rules.

Can I stay in Australia or get permanent residency, if the relationship has ended?

- This is complicated, so seek advice from a migration agent.
- It depends on what type of visa you have and your exact situation.
- Some visas include “family violence provisions”, which give victims of family violence a pathway to permanent residency. This is so that victims of domestic violence do not have to stay with an abusive partner in order to stay in Australia.
- Some visas also include a pathway to permanent residency if there is a child that both you, and your visa sponsor, have responsibility for.
- If you come from a country where you will be in danger if you return, you should also ask the migration agent about protection visas, and complementary protection visas.

- If you do not qualify for a visa, but there are compelling reasons why you need to stay in Australia, you should seek advice about “Ministerial Intervention” (a special request to the Minister for Immigration).
- For visas that include family violence provisions, you can only use these provisions IF the relationship has ended.

Is it true that my Australian husband / partner can deport me?

- No, your Australian husband / partner does not have the right, or the power, to deport you, even if he is/was the sponsor for your visa.
- Your visa status (immigration status) - whether or not you can stay in Australia - is decided by DIAC, not your sponsor.
- If you have a temporary visa, see below about withdrawal of sponsorship.
- If you have a permanent visa, then your ex no longer has anything to do with your visa. If you are interested in becoming an Australian citizen, get information from DIAC, or from a migration agent.

What happens if my ex-partner tells DIAC he is withdrawing sponsorship of me?

- This is relevant if you have a temporary visa, linked to your ex-partner’s sponsorship.
- Your sponsor may write to DIAC saying that he is withdrawing sponsorship of your visa. In this case, DIAC should write to you to find out if you qualify for a permanent visa independently (e.g. for some situations, you can qualify on the grounds of domestic violence, or a child with your ex-sponsor).

If there is any chance that DIAC will write to you, it is important to tell them an address where you feel confident you will get the letter.

Where can I get help or advice with my immigration situation?

Immigration Advice & Rights Centre: www.iarc.asn.au/Information

Call (02) 9262 3833 for advice over the telephone (Tuesday and Thursdays, 2-4pm); or Call (02) 92794300 for an appointment

Legal Aid Commission NSW: www.legalaid.nsw.gov.au or call (02) 92195000

Immigrant Womens Speakout: www.speakout.org.au or call (02) 96358022

What do I do if my ex has my passport or other documents?

- See the Property and Domestic Violence Factsheet.
- If you do not have your passport, and you cannot get it back safely, you can contact your country’s embassy in Australia to ask if they can cancel the passport and give you a new one.

Ask for a free interpreter, if you need one. Or, to call an interpreter yourself, call the Translating and Interpreting Service (TIS) on 131450.