

## Immigration and Domestic Violence

Your Rights and Responsibilities

### What's in this Factsheet?

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- Can I stay in Australia or get permanent residency, if the relationship has ended?
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### My relationship with my visa sponsor (husband or partner) has ended - What do I have to tell the Department of Immigration and Citizenship (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 to inform them that your relationship has ended. Also mention if you have a child with your ex and if you experienced domestic violence during the relationship. 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), you may consider 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](http://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, may also apply so you should get advice from a migration agent.
- 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 residence, 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 residence. 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 residence 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.

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 (immigration status) – whether or not you can stay in Australia - is decided by DIAC, not your sponsor.

If you hold or have applied for 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 hold or have applied for 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 notify you that your sponsorship has been withdrawn. They may also provide you with an opportunity to explain why the relationship has ended and 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).

**It is important to give DIAC an address where you are confident you will get their letters**

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

**Women's Legal Service (SA) Inc.:** 1800 816 349 or (08) 8221 5553

**Legal Services Commission of SA:** [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au) or call 1300 366 424 or (08) 8463 3555

**DIAC:** 131 881

## 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. To arrange an interpreter yourself, call the **Translating and Interpreting Service (TIS)** on 131 450.

### **This is not legal advice. If you want legal advice, please contact:**

Your nearest community legal centre, go to: [www.nalc.org.au](http://www.nalc.org.au) or [www.saccls.org.au](http://www.saccls.org.au); or

Your nearest Legal Services Commission of SA office [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au) or call 1300 366 424 for free telephone legal help