



Indian Family Violence Project 2019 - 2021

Migration and family violence support
for Indian women on temporary visas



Victorian Legal Services
BOARD + COMMISSIONER
Funded through the Legal Services Board Grants Program

Giving migrant women legal options and a pathway to safety

Family violence is pervasive in the Victorian community and not limited to any single group. Recent migrants are more vulnerable to family violence due to factors like social isolation, limited English proficiency, unemployment, trauma and patriarchal beliefs from their original country.

Women on temporary visas are more vulnerable again due to their dependency on perpetrators and extended families for economic security and the right to remain in Australia.

The Victorian Royal Commission into Family Violence acknowledged the experiences of migrant and refugee women and how they differ significantly from non-migrants.

The Federal Government's Second Action Plan 2013–2016 recognised that 'learning more about violence against these groups of women is critical if we are to make violence against all women stop'.

A successful model of support and legal assistance

This pilot program has been successful in deepening our understanding of these issues within the Indian community and developing a highly successful service model.

This coordinated response combined migration and family law legal advice, together with community engagement and community education demonstrates the way forward for increasing the safety of these highly vulnerable women and their children.

The program methodology also captured the voices of women and enabled them to identify strong policy and system reform priorities for both the Victorian and Federal Governments.

Please see the full report for detailed information on the pilot program's outcomes and the model used throughout the pilot program.

Laxmi's story

Laxmi moved to Australia after marrying her husband, an Indian-born Australian citizen. She arrived on a visitor visa and believed her husband was obtaining a partner visa. Over the next six years she experienced severe physical and verbal abuse, leading to hospitalisation.

Her insecure visa status was used as a basis for threats, demands for additional dowry payments, and control of her salary and finances. Despite her husband being charged with assault, the prosecution failed when Laxmi was pressured to withdraw her initial statements and return temporarily to India.

Our service was able to assist her to get a bridging visa and family violence intervention order after leaving her husband, get fines waived due to family violence and provide assistance with a number of migration and family law matters. She continues to struggle financially while caring for two children, without access to Centrelink payments and unable to return to India while legal proceedings continue.

Key findings and system reform recommendations

The first two years of the Indian Family Violence Project was a pilot funded by the Legal Services Board. In addition to the positive outcomes delivered for vulnerable women on temporary visas, a number of key system gaps and reforms were identified. See the full report for background and comprehensive findings and recommendations.

Recommendations for the Victorian Government

- The Indian Family Violence Project model should be continued in Northern CLC's catchment and extended to include all women on temporary visas in areas with large numbers of recent migrants, including migration law, family violence law, specialist support and legal education.

Recommendations for the Federal Government

- Provide accessible information for women in different visa categories about their rights to safety and available support services
- Introduce a family violence pathway to permanent residency for women whose children are citizens and not able to leave Australia due to family court orders
- Broaden eligibility under Family Violence Provisions to include all visa categories and violence perpetrated by extended family members
- Create alternative migration pathways to women who experience family violence and ensure they are not penalised by non-compliance by perpetrators
- Adopt clear policies allowing women who experience family violence to access bridging visas with permission to work and study
- Provide priority processing of protection visa applications for people seeking asylum who have experienced family violence
- Broaden eligibility requirements for government support such as crisis payments, income support, rental assistance and Medicare to women on temporary visas who have experienced family violence

Recommendations for both the Victorian and Federal Governments

- Provide training to first responders on complex forms of family violence, including dowry abuse, forced marriage, female genital mutilation, trafficking and servitude, and reproductive coercion
- Broaden eligibility requirements for temporary accommodation, crisis accommodation and public housing for women on temporary visas who have experienced family violence

Anika's story

Anika's husband returned to Australia shortly after their marriage in India for work. He is an Indian-born Australian citizen. He applied for a visa so she could join him, but did not tell her what kind of visa it was. She sent him her legal documents and trusted him.

Several months later, Anika's husband told her the visa application was successful and she travelled to Australia to start their life as a married couple. Within a few days of her arriving, her husband committed serious physical and sexual violence against her. He then abandoned her and she became homeless for the first time in her life.

Our service was able to obtain her documents from the Department, which revealed she was actually on a visitor visa instead of a partner visa and that her husband had used incorrect information. We were then able to obtain compensation through the Victims of Crime Assistance Tribunal due to the family violence she had experienced.

Amita's story

Amita approached our service for assistance in obtaining a family violence intervention order, which was successful. During this process we identified that she also required urgent family and migration law assistance and ongoing casework support.

We developed a safety plan with Amita and connected her with family violence and migration law support. The result of this support was a caveat on her family home and a successful migration application under the Family Violence Provisions, allowing her to remain in Australia.

During this time she experienced pressure to withdraw her intervention order and reconcile despite fears for her safety. Instead, we were able to link her to additional mechanisms that supported her independence.

The result was Amita feeling supported and empowered to remain safely in Australia and to resist pressure to return to a violent situation. She now has a pathway to permanent residency that is not reliant on her remaining in an abusive relationship.

More information

Jenni Smith

CEO, Northern Community Legal Centre

9310 4376 / 0499 880 250 / jsmith@northernclc.org.au