

# ‘WHICH WAY NEXT?’

## The invisibilised experiences of people on visa limitations experiencing domestic and family violence.

The needs of people on visa limitations who are experiencing domestic and family violence (DFV) are and remain critically important.

### CONTEXT

Domestic Violence Service Management (DVSM) is a registered charity (ABN 26 165 400 635) which aims to prevent and provide support for people experiencing domestic and family violence (DFV) and homelessness. DVSM provides direct services (in Inner Sydney, Western Sydney, and Remote Rural NSW – Wilcannia) to people experiencing domestic and family violence and homelessness as well as services (Sightlines) to build capacity and share learning about DFV across contexts.

As well as providing direct services, DVSM provides information and resources, freely and without cost barriers, to people experiencing violence and those supporting and responding to them. We do this through our website [www.dvnsdsm.org.au](http://www.dvnsdsm.org.au) and our key initiative in addition to our service provision is [www.insightexchange.net](http://www.insightexchange.net).

	<p>In 2017 DVSM developed and shared a reflections paper <a href="#">‘Which way now?’</a> – Working with people experiencing DFV on visa limitations.’ Issues raised in DVSM’s 2017 paper remain consistent in 2020 and there has been little change in the experiences of women and children.</p>
	<p>In mid-2020 this brief summary document <b>‘Which way next?’</b> was developed from the vantage point of <a href="#">DVSM</a> as a secular registered charity continuing to providing DFV specialist services, in urban, suburban and remote rural NSW. The document seeks to succinctly outline:</p> <ol style="list-style-type: none"> <li>1. What is the problem?</li> <li>2. What is the cost?</li> <li>3. Recommended Actions</li> </ol>

## 1. THE PROBLEM

 <p><b>Violence against women and their children is not acceptable, no matter where a person is from, where they are residing, and no matter their visa status.</b></p>	
	<p>Women and children who are on a visas status and experiencing DFV are forced to choose between violence and poverty. No individual or parent should be forced to make this choice. No child should be experiencing poverty or DFV.</p>
	<p>Evidencing the experiences of Domestic and Family Violence to access humanitarian supports are interlinked with adverse implications on visa processing time and processing results.</p>

	<p>The 'waiting' time for people on precarious visas in uncertain conditions, without a certain date of resolution (minimum wait time and maximum wait time), is adverse on wellbeing, employability, income and independence.</p>
	<p>Family income is and remains entirely dependent on crisis services with high transition, and uncertain charitable funds. Over time, whilst navigating uncertain visa processing periods and seeking safety, an individual's likelihood of securing and sustaining employment reduces for reasons such as:</p> <ul style="list-style-type: none"> <li>• length of time out of work</li> <li>• instability of living conditions and access to material basics</li> <li>• little to no access to school and childcare for children.</li> </ul>

Perpetrators of violence benefit from this problem as they are able to extend abuse through the use of systems and services. They are able to threaten, create and/or utilise the stressors of poverty, scarcity and injustice to further punish, control and manipulate victims.

## 2. THE COST

<p><b>Individuals and families</b> experience a deprivation of liberty and provisions due to visa limitation, despite their effort, readiness and willingness to create and sustain a path to independence.</p>	
	<p>Women's experiences continue to speak to the experience outlined in Page 2 of our <a href="#">Which way now?</a> paper in 2017. Their experience of Domestic Violence had resulted in serious physical, psychological, economic and emotional adversity. They have shared that their temporary visa status has meant that they have no access to income, housing and limited or no access to health services at a time when they need it most. Their circumstances and visa status have often been exploited by the perpetrator as means through which to continue to threaten and control these women and children.</p>
	<p>Children's education is prohibited, limited or regularly disrupted. Children's health and wellbeing is directly influence and impacted by the stressors of the caring parent and suboptimal/transient living conditions. Children's stability and community connections to participating in community is inhibited by transient living and/or no access to services.</p>
<p><b>NGOs/Charities</b> are stretched and/or unsuccessful in being able to change the trajectory of individual/families experiences due to no resource to adequately support (and sustain support) during interim waiting periods for rulings.</p>	
	<p>Services (NGOs) provide disproportionate hours on navigating the complexities of an unclear or technically prohibitive application and processing system and are not able to offer clarity or certainty to people they support. This draws on disproportionate management and case management hours.</p>
	<p>Services (NGOs) provide disproportionate length of stay provisions in refuges (when possible) to prevent homeless and rough sleeping. Extensive stay in a refuge is not desirable, sustainable and takes a toll on the family living in uncertain and high transiency.</p>

	Long stay residence in the refuge (due to visa limitations) reduces vacancies for other women and children (with or without visa limitations) who may also be needing to seek interim crisis refuge accommodation.
	Services (NGOs) provide disproportionate case management hours supporting women and children on precarious visas: The wellbeing needs of individuals and families increase in periods of uncertainty and isolation. The support needs are driven by the ineligibility to access services and supports. The system is complex and complicated to understand and hours of sense-making and basic advocacy to access information and support are utilised. This diverts effort in case management hours that could be on supporting other safety and wellbeing needs of the family. And other/new families.
	DFV, Homelessness and other Humanitarian Workforces are demoralised and deenergised by the enormity and enduring powerlessness to change the rulings or speed up the processes. Workers are forced to make decisions that compromise ethical drivers and practice of humanitarian work.
<b>Local and cultural communities</b> pay this cost through transient relationships, individuals and families on visa limitations living transiently and prohibited from participation in local communities.	
<b>Taxpayers and donors</b> pay this cost where funds are used to respond in hours to navigate and understand the problem (rulings and processing), not to the need (victims of violence and rebuilding lives).	

### 3. THE RECOMMENDED ACTION

The following table outlines recommendation action to mitigate systems being used to extend abuse to women and children. The recommendations are centred on the redressing the interim experiences of women and children experiencing violence, poverty and isolation during visa processing periods. The recommendations do not centre only on systems responses to victims of violence but also to perpetrators of violence. This is critical to achieve justice and to deter further use of violence in this form.

	
<b>Violence against women and their children is not acceptable, therefore any person from any country residing in Australia on any visa status is afforded the right to access support services for DFV and homelessness.</b>	
	<p><b>1</b></p> <p><b>Implement provisions for people experiencing DFV on visa limitations that address homelessness, health, access to school and income during the interim ruling period.</b></p> <p>Action: Make DVF eligibility a single visa category with minimal processing and no delay in order to:</p> <ul style="list-style-type: none"> <li>• treat all women and children fairly, no matter their visa status</li> <li>• mitigate (preventable) further stressors on individuals and families</li> <li>• minimise the pressure points that force women and children to return to partners/family members who are using violence.</li> </ul>

	2	<p><b>Widen the path and improve the efficiency for evidencing DFV.</b></p> <p>Action: Make the evidencing material for experiencing DFV able to be substantiated by a range of bodies/organisations. This will:</p> <ul style="list-style-type: none"> <li>• enable support and advocacy for victims of violence from the existing contact point they have in place, or a safe place of choice.</li> <li>• ensure police engagement is not always a requirement for seeking safety, particularly where people (diverse cultural and linguistic backgrounds) may not be able to safely reach out to police directly.</li> </ul>
	3	<p><b>Match the commitment to uphold rights with a match in investment to communicate these rights.</b></p> <p>Action: Make the rights of women and children on visa limitations:</p> <ul style="list-style-type: none"> <li>• clear to community</li> <li>• part of police practice</li> <li>• clear to NGO/Humanitarian providers</li> <li>• clear to stakeholders including government contract funders.</li> </ul>
	4	<p><b>Match the commitment to uphold rights with a match in investment to communicate and implement consequences of abuse.</b></p> <p>Action: Make the consequences of using visa status threats and stressors as a form of violence:</p> <ul style="list-style-type: none"> <li>• clear to community</li> <li>• part of police practice</li> <li>• part of processing and rulings.</li> </ul>

**Other Background Context:**

- <https://www.refugeecouncil.org.au/32270-2/>
- <https://womensagenda.com.au/latest/why-dont-we-hear-the-screams-of-women-on-temporary-visas-and-their-children/>
- <https://www.sbs.com.au/news/nsw-needs-to-do-more-to-support-temporary-migrants-experiencing-family-violence-peak-body-says>
- <https://www.dvnsw.org.au/wp-content/uploads/2020/04/Open-Letter-on-Women-on-Temporary-Visas-Experiencing-Violence-3-April-2020.pdf>

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