

31 July 2026

Submitted via email: SecondActionPlan@dss.gov.au

RE: Tasmanian Refugee Legal Service Submissions - Second Action Plan (National Plan to End Violence Against Women and Children 2022 – 2032) Consultation

Thank you for the opportunity to provide a submission for the Second Action Plan (National Plan to End Violence Against Women and Children 2022 – 2032) Consultation.

Background

Tasmanian Refugee Legal Service ('TRLS') is a not-for-profit organisation established to provide free migration-related legal services to refugees, migrants, asylum seekers and other humanitarian entrants residing in Tasmania. TRLS is the only dedicated free migration legal service in Tasmania.

The Family Violence Migration Service ('FVMS') is a program delivered by TRLS to provide specialist migration advice and legal representation to victim-survivors of family violence where their visa status or migration pathway may be impacted by the family violence or the breakdown of their relationship. Our clients primarily include people holding temporary visas and their dependent children.

Over the past several years, the FVMS has supported over 350 victim-survivors holding temporary visas with over 99 per cent of those being women. FVMS provides a variety of support including legal advice and information, full legal representation before the Department of Home Affairs, Administrative Review Tribunal, Minister and Federal Court of Australia, referrals to other family violence service providers and secondary consults with community members and service providers.

Family violence-related legal migration matters are complex, can take between 1 to 5 years to be finalised and often requires hundreds of hours of legal work. Currently FVMS is funded to employ one full-time lawyer, one part time paralegal and a supervising lawyer, and is a statewide service.

FVMS has seen a significant increase in clients over the past three years with a 30% on average increase year on year over the past several years. We expect this trend to continue as awareness increases among service providers and community members. FVMS assists over 100 temporary visa holders affected by family violence in Tasmania each year.

In addition to casework, FVMS has also undertaken policy and law reform work over the past year including consultations with State and Federal Governments, the Department of Home Affairs, Australian Multicultural Council, Tasmania Police and politicians. FVMS also attended the 2025 National Roundtable on Preventing DFSV in Multicultural Communities, has facilitated workshops with community groups and delivered legal education sessions with stakeholders and services.

FVMS are members of a number of committees and advisory groups including the Tasmanian Domestic Violence Coordination Committee, the Tasmanian Family and Sexual Violence Alliance, and National Advocacy Group on Women on Temporary Visas Experiencing Violence.

FVMS views law reform and policy development work as a significant area of importance given the increasing rates of migration to Tasmania, the prevalence of family violence throughout the state and the specialisation of our practice, however, more funding is required to continue this work.

Note on terminology

Throughout this paper, we refer to the person using violence as “perpetrator” and the person affected by family violence as “victim-survivor”.

In Tasmania, the *Tasmanian Family Violence Act*, only people in intimate relationships can be defined as having experienced family violence.¹ We note that in practice, this narrow definition excludes children and other affected family members. We continually recommend that the definition of family violence across Australia are standardised.

Under the *Migration Regulations 1994*, family violence is defined as “actual or threatened conduct toward a person, their family members, or their property that causes them to reasonably fear for, or be apprehensive about, their own safety and wellbeing”.²

Impact of family violence on migration status

Family violence has a significant and unique impact on **temporary visa holders** due to their migration status. Victim-survivors holding temporary visas often face additional barriers in reporting violence, accessing family violence support services and financial assistance, engaging with legal systems and accessing government supports. They also face adverse impacts on their visa if family violence occurs.

The majority of victim-survivors that FVMS supports hold temporary visas and are dependent on the perpetrator's visa or the perpetrator's continued sponsorship of their own visa. This places victim-survivors in an inherent power imbalance, rendering them particularly vulnerable to coercion, immigration-related abuse in addition to other forms of family violence.

A temporary visa holder victim-survivor's visa status is often adversely impacted when family violence occurs. Under current legal frameworks, a temporary visa holder victim-survivor who is dependent on the perpetrator for their visa status in Australia may face adverse impacts to their visa if they choose to separate and leave the relationship even where there has been family violence.³

These current legal frameworks also enable perpetrators to weaponize migration status, using threats of deportation or visa cancellation as a tool of coercion and oppression over victim-survivors.⁴ Many victim-survivors are fearful of reporting the violence or leaving the relationship due to the potential impacts on their visa status. Temporary visa status often results in victim-survivors remaining in violent relationships for longer due to fear of adverse repercussions to their visa if they leave.

Where a victim-survivor does choose to leave a violent relationship, they may have limited options to stabilise their visa status in Australia, and this is generally dictated by the specific visa they hold at the time of separation.⁵ Where there are legal pathways available, they are often complex, lengthy and traumatic for the victim-survivor.

¹ *Family Violence Act 2004* (Tas).

² *Migration Regulations 1994*, Division 1.5 - Special provisions relating to family violence, Reg 1.12.

³ *Migration Regulations 1994*, Reg 1.12; Part 1, Section 5F.

⁴ Marie Seagrave, Temporary Migration and Family Violence: How Perpetrators Weaponise Borders, *International Journal for Crime, Justice and Social Democracy* (2021) 10(4).

⁵ Marie Seagrave, Temporary Migration and Family Violence: An analysis of victimisation, vulnerability and support, *Monash University* (2017) [19].

Migration options for victim-survivors holding temporary visas

Family Violence Provisions

The Family Violence Provisions enable a victim-survivor (and any dependent children) to request the grant of their permanent visa in Australia on the basis that they experienced family violence by the sponsor of their visa or the primary holder of the visa.⁶

Only a **small** number of visa holders are eligible for consideration under the FVPs. Out of the over 100 visa subclasses in Australia, only around 24 visa subclasses⁷ are eligible for processing under the FVPs.

For example, victim-survivors who hold student visas, temporary work visas and visitor visas are ineligible to pursue this pathway even if they have experienced family violence and are at risk of visa refusal or cancellation.

Given the large percentage of people holding temporary work and student visas, and the long length of time people hold these visas, this is a significant gap in the system that leaves victim-survivors particularly vulnerable to visa abuse without recourse to a migration pathway that may support them to flee the relationship.

Even where eligible for the FVPs, the process is lengthy, traumatic and can be very legally complex. Legal representation throughout this process is essential in meeting the strict legal criterion and presenting the case in a compelling way. Inability to assess legal advice often results in victim-survivors failing to meet the criteria or being unaware of their visa options at all.

FVMS regularly represents clients who were originally unrepresented and therefore had their FVP case refused at the Department of Home Affairs. FVMS supports these clients to win their case on appeal at the Administrative Review Tribunal.

Where a victim-survivor is not eligible for the Family Violence Provisions, they are often forced to consider independent visa options or leave Australia.

In our experience advising victim-survivors, most independent visa pathways such as student visas and temporary skilled/working visas are completely unattainable for victim-survivors due to the significant costs associated with such applications, English language requirements, lack of qualifications or work experience, and lengthy timelines in making an application.⁸

This is compounded by the frequent presence of economic abuse and coercive control in most family violence relationships which leaves victim-survivors without access to any money or income when they flee a violent relationship. This makes applying for an independent visa impossible for most victim-survivors holding temporary visas.

Onshore protection visas

Onshore protection visas are available to victim-survivors who have serious fears of returning to their country of origin. Many temporary visa holder victim-survivors have claims for protection as a result of the violence they have already experienced and the ongoing risk of harm in the future.

For many migrant women, leaving a violent relationship can present a significant physical and psychological risk to their safety both within Australia and in their country of origin. Often, women fear retaliatory violence from the perpetrator, honour violence from their own family or the perpetrator's

⁶ *Migration Policy*, Division 1.5 – Special provisions relating to family violence.

⁷ Department of Home Affairs, Domestic and family violence and your visa (25 February 2026)

<https://immi.homeaffairs.gov.au/visas/domestic-family-violence-and-your-visa/family-violence-provisions>.

⁸ Activate Her Skills: Harnessing the economic potential of migrant women through better skills recognition, *Australian Multicultural Women's Alliance and Settlement Services International Limited* (2026).

family, gender-based violence as a single or divorced woman, or fears being harassed and stigmatised in their country of origin due to stigma's around divorced/separated/single women in many countries.⁹

Onshore Protection (Subclass 866) visa applications allow victim-survivors to request protection in Australia on the basis that they will experience ongoing violence including family violence, honour-related violence, gender-based violence, harassment and discrimination in their country of origin.

Despite the high rates of gender-based violence across the globe, protection visas generally have low prospects of success due to the low numbers approved each year (only approximately 10 percent). Additionally, the process of applying for onshore protection is legally complex, lengthy and traumatic.¹⁰

Onshore protection visa cases require the victim-survivor to detail their experiences of violence and fears of ongoing harm in high levels of detail. They are often required to provide photographs, medical and police documentation, and undertake long, traumatic interviews with case officer.

Onshore protection visa cases can take between 2-5 years to process, during which time victim-survivors are ineligible for social security payments, social housing and many support services. They often have no work rights and are regularly denied access to homeless shelters due to a lack of income.¹¹

Due to the complexity of this assessment, this visa pathway is virtually impossible without the assistance of legal representatives. Onshore protection visa cases make up a large majority of our FVMS caseload. Despite the low grant rates by the Department of Home Affairs, TRLS has had a 100% success rate for all female victim-survivors claiming protection over the past three years.

Interactions with other legal systems

The migration system regularly interacts with other legal processes including the Family Court due to parenting proceedings and the Criminal Justice System where ongoing criminal matters against perpetrators may continue to impact a victim-survivor's visa.

If their migration process is happening alongside criminal justice processes and family court proceedings, the impacts on the victim survivor are multiplied, even more so by the ongoing uncertainty of the final outcome.

While undergoing these combined criminal justice and migration processes with all the stress and waiting periods these entail, and continuously worrying about their safety while awaiting outcomes, many temporary visa holder victim-survivors are ineligible for support from government supports and NGO service providers as a result of their temporary migration status.¹²

This does not take into account additional complexities and barriers that victim-survivors from different cultural backgrounds face when navigating legal systems including a lack of knowledge of Australian systems, limited access to legal, government and non-government supports, and unfamiliar bureaucratic, legal and government processes. As a result, TVH victim-survivors from multicultural backgrounds holding temporary visas are exceedingly vulnerable when experiencing family violence, have additional complex needs yet face extra barriers in accessing support.¹³

⁹ Marie Seagrave, Temporary Migration and Family Violence: How Perpetrators Weaponise Borders, *International Journal for Crime, Justice and Social Democracy* (2021) 10(4).

¹⁰ Refugee Council of Australia, Statistics on people seeking asylum in the community (24 May 2026) <https://www.refugeecouncil.org.au/asylum-community/4/>.

¹¹ Marie Seagrave and Stefani Vasil, The Impact of Temporary Migration Status on Access to Refuge in Victoria: Barriers to Safety and Support, *The University of Melbourne & Australian Catholic University* (2026).

¹² ANROWS, *ASPIRE: Immigration, visas and family violence*, <https://www.anrows.org.au/resources/aspire-immigration-visas-and-family-violence/>.

¹³ National Domestic and Family Violence Bench Book, *People from Culturally and Linguistically Diverse Backgrounds* (August 2025) <https://dfvbenchbook.aija.org.au/article/1080206>.

Experiences of temporary visa holders affected by family violence in Tasmania

In our experience working directly with temporary visa holders affected by family violence in Tasmania, we have identified some unique issues affecting this cohort within the Tasmanian context.

Temporary visa holders lack access to specialist services in Tasmania

Currently, there are only two specialist services funded to support temporary visa holder victim-survivors in Tasmania, Tasmanian Refugee Legal Service's family violence practice (FVMS) and Womens Legal Service Tasmania's (WLST) temporary visa program. Our services work collaboratively to provide migration law advice and representation (FVMS), and family and criminal law advice and representation (WLST) to temporary visa holder victim-survivors.

FVMS currently has 2.7 FTE state-funded employees covering all legal and administrative work, advocacy, law and policy reform, and outreach across the entirety of Tasmania and at a national level.

Without these specialist services, temporary visa holder victim-survivors would not be able to access free, specialist legal advice within Tasmania. Without free specialist legal advice, temporary visa holder victim-survivors would be unable to afford the high costs of private legal representation.

Outside of the above programs, there are limited services specifically funded to support temporary visa holder victim-survivors in Tasmania. We have identified a significant gap in service provision to temporary visa holders due to a lack of funding for and awareness of this cohort within Tasmania.

Many support services such as shelters, counselling and case work, are funded only to support permanent residents and Australian citizens who are eligible for Centrelink, Medicare cards, social housing and Health Care cards. As a result of their migration status, temporary visa holders are ineligible for support from most available service providers in Tasmania.

Despite facing homelessness after fleeing family violence, many of our clients have nevertheless been denied access to women's shelters and refuges due to their inability to access Centrelink or financially contribute to their stay. Furthermore, temporary visa holder victim-survivors are not eligible for social housing as a result of their temporary visa status meaning that many of our clients experience homelessness if they leave the violent relationship. More commonly, clients decide to stay in the violent relationship due to a lack of safe alternate options.

Additionally, within Tasmania there are limited casework and counselling services. Of the major counselling providers, only a few offer family violence counselling to temporary visa holders and waitlists for these services are between one to three years. Of the major casework service providers, none are funded to provide ongoing casework to temporary visa holders. This means that our clients often lack access to essential casework and counselling support despite experiencing significant trauma and undergoing complex, lengthy legal processes. Without access to practical and psychological support, the burden falls on specialist funded legal services to try and support clients the best we can despite holding no qualifications in psychological or crisis management.

In our experience, services in Tasmania are doing everything within their abilities to try and support temporary visa holder victim-survivors, however, are significantly restricted by cohort-specific funding and capacity. If services do choose to assist temporary visa holder victim survivors, their organisation must often bear the financial cost of the provided support, a significant strain on already stretched resources and capacity.

TRLS have anecdotal evidence and case studies of clients moving interstate for much needed supports they cannot access in Tasmania or returning to the abusive relationship due to a lack of other options.

Where they are able to access some support, temporary visa holder victim-survivors typically require assistance from services for prolonged periods due to the lengthy processing times for migration

matters. They also require more intensive support due to the significant complexities of their cases and their lack of knowledge or familiarity of Australian systems and processes.

Alongside the need for continued, stable funding for the existing legal programs, there is a need for service provision in the areas of counselling, case work and emergency housing specifically for temporary visa holder victim-survivors.

Barriers faced by multicultural communities in accessing support services and government systems in Tasmania

There are many barriers experienced by temporary visa holder victim-survivors in engaging with government and non-government systems. This includes language barriers, cultural differences, understanding of Australian systems, isolation and community pressure.

Migration to Tasmania has increased significantly in recent years however services focused on this cohort have not expanded at the same pace. Many services in Tasmania lack a clear understanding of, and familiarity with the needs of people from different cultural backgrounds, and if they do have some understanding, cohorts are often treated as one homogenous group. As a result, mainstream services and government systems in Tasmania, which have traditionally focused on supporting Australian-born people, have limited knowledge and experience in working effectively with multicultural and migrant communities. For the majority of temporary visa holder victim-survivors this can make accessing services for the first time confronting, confusing, and complex.

The majority of our clients require interpreters for most or all interactions, and especially for important discussions about legal or financial matters. Most clients speak English as their second, third or fourth language. Some have extremely limited English proficiency and are dependent on the consistent use of interpreters to understand the systems and services that they are navigating.

Many clients report that in their interactions with some services in Tasmania, including police and government, interpreters are used inconsistently or, in some circumstances, not at all. Sometimes family members such as children, spouses or parents are used to interpret, or Google Translate is used. This can be a huge barrier in accessing justice, if inaccuracies or intentional misinterpretation by the perpetrator cause significant misunderstandings.

Anecdotally, around half of our clients have had some interaction with the criminal justice systems as person's impacted by family violence. A minority are misidentified primary aggressors, and the majority report considerable difficulties in interactions with the criminal justice systems including not understanding the systems or processes, lacking interpreters, having a fear of authorities due to negative experiences in their country of origin, and a lack of cultural understanding from the authority or person they are interacting with. Many are very fearful of connecting with authorities in any way and remain in a long-term violent relationship because of this.

Additionally, we have observed that some services may view migrant and CALD communities as a homogeneous block, instead of recognising that each community has its own culture and experiences all of which uniquely inform a person's response to and experience of family violence.

Many of our clients face significant community pressure to retract police statements and re-unite with the perpetrator. Given the small numbers in Tasmania's different cultural communities when compared to larger cities around Australia, involving the authorities in family violence matters can result in ostracization from community, misinformation being spread about them, and ongoing pressure or risk of harm from family members of the perpetrator and other community members.

As a result of community pressures and unstable visa status, temporary visa holders affected by family violence are typically very hesitant and afraid to report family violence to police. A report may often

result in further harm to the victim-survivor from the perpetrator and community, and adverse impacts to their visa status.

TRLS was granted a one-off 12-month grant from July 2025 to July 2026 to provide law reform, policy and education work both at a national level and within the Tasmanian FV sector and community which enabled increased stakeholder engagement and influence into policy and law reform. Considerable progress has been made over the past 12 months with increased trainings, professional development and stakeholder engagement; however, this must be expanded in line with the increase in multicultural and migrant populations in Tasmania.

Temporary visa holder victim-survivors lack access to government supports including Centrelink

The majority of temporary visa holder victim-survivors hold a visa that does *not* entitle them to social security including Centrelink, social housing, Medicare and many other supports including SETS eligibility.

Without social security, temporary visa holder victim-survivors are unable to access shelters or social housing leaving them at risk of further exploitation and abuse.¹⁴ Many temporary visa holder victim-survivors do not have work rights, may have limited English language skills, dependent children and no means of earning an income.

This means that temporary visa holder victim-survivors may be less likely to leave a violent relationship due to the lack of safe exit pathways including housing, financial support and social supports available to them and their children. Temporary visa holders experiencing family violence are often less likely to report violence to the police due to fears regarding their visa status and may face escalating incidents of violence as a result. They are also at risk of homeless and further exploitation and violence due to the limited practical and financial supports available to them.

Services in Tasmania are at capacity attempting to support temporary visa holder victim-survivors to the best of their abilities, however, without safe exit pathways through essential supports such as shelters, social housing, service support and social support payments, services in Tasmania are limited in their ability to assist and women and children on temporary visas are enduring escalating and unacceptable levels of family violence.

Case studies of temporary visa holder victim-survivors in Tasmania

Mary* arrived in Tasmania on a temporary partner visa to live with her husband who was an Australian citizen. Mary's visa status was dependent on her husband continuing to sponsor her to stay in Australia.

Mary was subjected to severe family violence including physical, sexual, financial, emotional and verbal abuse by her husband. She was prohibited from leaving her house unsupervised and was denied access to medications and services. She was terrified, isolated and believed her husband could deport her from Australia.

Mary was allowed to leave the house once a week to attend English language classes where she disclosed her experiences to a teacher. TRLS was contacted by the teacher for support. TRLS was able to meet Mary secretly during her scheduled English language classes to provide her with legal advice about her visa options if she left the relationship.

¹⁴ Marie Segrave and Stefani Vasil, The Impact of Temporary Migration Status on Access to Refuge in Victoria: Barriers to Safety and Support, *The University of Melbourne & Australian Catholic University* (2026).

After receiving this advice, Mary fled the relationship and TRLS supported her to request her visa grant under the specialist Family Violence Provisions. This was successful and Mary was granted her permanent visa. She now works, studies and lives independently.

**Name changed for confidentiality*

Zahra* arrived in Tasmania with her husband who held a temporary skilled visa. Zahra and her children were dependent on him for their visa status in Australia.

Zahra and her children experienced family violence, and Zahra was hospitalised as a result. The police issued an order stopping her husband from contacting Zahra. While in the hospital, Zahra was identified as holding a temporary visa by a nurse and was referred to TRLS for legal migration advice.

Zahra disclosed that she was afraid of returning to her home country because of the serious stigma of being a separated woman, the ongoing risk of retributory violence by her husband and because her family would punish her for the separation. TRLS assisted Zahra to apply for a visa in Australia granting her permanent protection due to her risk of harm in her home country.

TRLS advocated strongly on behalf of Zahra with a local women's shelter who ultimately agreed to take Zahra in due to the high level of risk to her and her children, and the strong likelihood that she would be homeless.

After hundreds of hours of legal work, multiple requests for information and an interview with the Department of Home Affairs, Zahra ultimately was granted her visa and can remain in Australia safely with her children. As a permanent resident, she can now access Centrelink and independent social housing which has given her safety and stability in which to raise her children.

**Name changed for confidentiality*

Diana* arrived in Tasmania as a seasonal worker. She came to Australia to escape her violent partner who remains living in her home country.

Diana was afraid to return home where her boyfriend has threatened to harm her if she returned. She did not know her visa options or the Australian migration system and was tricked by fraudulent migration agent to pay them thousands of dollars for assistance with a visa. The fraudulent agent lodged a protection visa application for her but failed to provide crucial documents for the application.

As a result, Diana's visa was refused and she had only 28 days to request a review of the decision.

Diana called TRLS for advice. TRLS supported Diana to request a review of the decision and helped her to collect crucial evidence of her experiences. TRLS also represented her in a hearing with the Tribunal.

The decision to refuse her visa was overturned and Diana was granted her permanent protection visa in Australia.

The process took over a year and during this time, Diana was forced to sleep on her friend's couch because she was not accepted into any shelters due to her visa status and lack of income or Centrelink.

**Name changed for confidentiality*

Lina* contacted TRLS for advice as she was experiencing family violence perpetrated by her husband. She had a young child and was dependent on her husband's temporary skilled visa.

TRLS provided Lina with advice about her legal rights and obligations and advised her on a visa option if she decided to leave the relationship. TRLS referred Lina to Women's Legal Service Tas for advice about parenting and family law, and for safety planning.

Lina contacted TRLS again after 6 months for more advice about her visa. She was not ready to leave but wanted to be sure of her options. Over the next 3 months, TRLS met with Lina on 5 separate occasions to provide advice and support.

Almost two years after first engaging with TRLS, Lina decided she was ready to leave the relationship and successfully fled with her children. Due to the lack of casework service provision in Tasmania, Lina relocated interstate and TRLS was able to refer her to a migration service interstate.

**Name changed for confidentiality*

Recommendations

- 1. Temporary visa holder victim-survivors, no matter their visa status or lack thereof, must be able to access social security including Centrelink and Medicare, social housing and other government supports**
- 2. Ongoing and increased funding for specialist free legal providers with specific expertise in *immigration law and family violence*, including additional funding for law reform, policy development and community legal education work.**
- 3. Dedicated funding to casework, counselling and family violence services (including shelters) to provide specialised support for temporary visa holder victim-survivors, and financial investment into non-government services already supporting temporary visa holder victim-survivors.**
- 4. Ongoing and increased education for government and non-government services on family violence impacts on temporary visa holders and broader multicultural communities.**
- 5. Increased funding and investment into the domestic and family violence sector as a whole to better support family violence frontline workers and offer competitive remuneration.**
- 6. The Tasmanian Refugee Legal Service is also a member of the *National Advocacy Group on Women Experiencing Family Violence on Temporary Visas* and supports all requests listed in the Blueprint for Reform with regard to the changes required to support women on temporary visas.**

Yours sincerely,

Tasmanian Refugee Legal Service

[Redacted Signature]

Lawyer and Policy Officer
Family Violence Migration Service
Tasmanian Refugee Legal Service

[Redacted Signature]

Senior Supervising Solicitor
Family Violence Migration Service
Tasmanian Refugee Legal Service