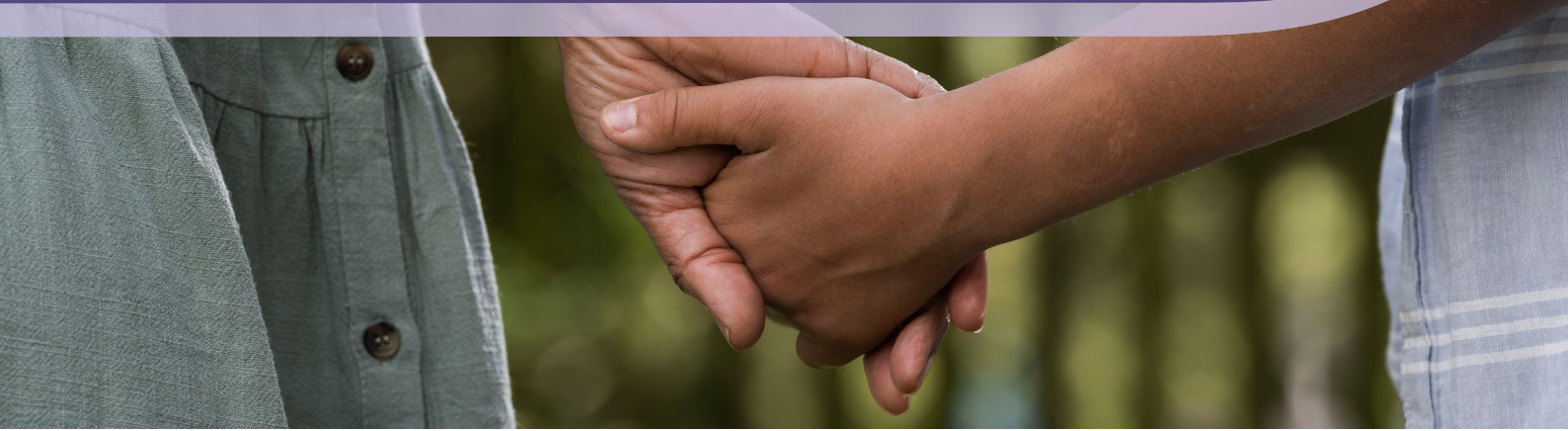


Support through the Temporary Visa Program



What is the Temporary Visa Program?

The Temporary Visa Program (TVP) supports women who are living in Australia on a temporary visa and experiencing domestic violence.

Women's Legal Service Queensland can provide legal and social support through the TVP. For example, we might be able to support you with family law, domestic violence and migration law issues.

What is domestic violence?

Domestic violence is when someone close to you hurts you or threatens to hurt you. This person could be:

- your partner or ex-partner
- a family member
- an unpaid carer, who is also a family member or friend.

Australian states and territories have different legal definitions of domestic violence. Under the *Migration Regulations* domestic violence includes when someone close to you:

- hurts or threatens you, your family, your partner or ex-partner's family
- threatens to damage things you own
- makes you feel worried or unsafe.

The *Migration Regulations* apply across Australia.

You can find more information in our [**factsheet about domestic violence.**](#)

Separating from your sponsor because of domestic violence

If you have separated from your sponsor because of domestic violence, you might be able to apply for permanent residency. This means you can live in Australia permanently if your application is approved.

You can apply under family violence rules in the Migration Regulations. These rules apply no matter where you live in Australia.

You might be able to apply if you:

- were in a genuine and 'continuing' relationship until you separated
- are on a temporary partner visa or you have applied for a permanent partner visa.

You should ask for legal advice as this may impact your visa status and there are timeframes you must follow.

Applying for a DVO

You might also be able to apply for a domestic violence order (DVO) to protect you and your children. A DVO is a legal order that a Magistrates Court can make. It tells the person you want protection from that they are not allowed to do certain things or behave in certain ways.

Applying for a DVO may impact your visa status. You should ask for legal advice before you apply for a DVO.

If you have children with your ex-sponsor

If you are on a partner visa pathway and have children with your ex-sponsor, you might be able to apply for a permanent partner visa.

You might be able to apply if:

- your ex-sponsor is an Australian citizen
- you have separated because of domestic or family violence
- you have applied for a partner visa
- you are on a temporary partner visa
- you have a shared parenting arrangement with your ex-sponsor for the care of your children.

You should ask for legal advice to talk about your options as soon as possible.

What is a parenting arrangement?

A parenting arrangement is a plan for how you and your ex-sponsor will care for your children after you separate.

You can find more information in our [factsheet about parenting arrangements after you separate](#).

If you don't meet the criteria to apply

We can give you advice if you have experienced domestic violence but don't meet the criteria to apply for permanent residency under the family violence rules.

We can give you advice about other options, including applying:

- for a parent visa or protection visa
- to get the Minister for Immigration involved.

We might be able to give you a referral to get specialist advice and support from the Refugee and Immigration Legal Service (RAILS). For example, if the legal assistance you need is only for immigration issues. RAILS offers free immigration legal support for refugees, asylum seekers and migrants. They might be able to refer you for advice to get a visa through your job.

Our other teams might also be able to help you if you only need legal support with:

- family law
- domestic violence law.

You should ask for legal advice to talk about your options as soon as possible.

Case study: how Linda got support with TVP

Note: We've changed the personal details of the people in this case study to keep their information private and confidential.

Linda came to Australia on a temporary student visa.

While living in Australia, Linda started dating Steve who is an Australian citizen. Steve sponsored Linda for her partner visa.

A few years later Linda and Steve had a child together.

Some years after their child was born, Linda wanted to separate from Steve because she feared for her and her child's safety.

The domestic and family violence Linda experienced

Steve didn't let Linda make friends, speak with her family overseas, or work. He also controlled all the family's finances.

He also threatened to:

- physically hurt her many times
- lock her in the house during the day while he went to work.

When Linda asked to separate

When Linda told Steve she wanted to separate, he took her passport and threatened to have her deported and take their child away from her.

The neighbours overheard this argument and called the police. The police put Linda in contact with a local domestic violence service. They got an interpreter for Linda and helped her make a safety plan.

A safety plan is a plan to keep you safe in a relationship or when you are leaving a relationship. The domestic violence service referred Linda to the TVP for legal advice.

Steve submitted documents in court asking for parenting orders. The Court makes parenting orders to choose the parenting arrangements for the care of your child.

You can find more information in our [**factsheet about what the Court considers when making a parenting order for your children.**](#)

How we supported Linda through the TVP

We supported Linda by following the steps below.

1. We told the Department of Home Affairs (DHA) that Linda's relationship had ended.
2. We gave proof to the DHA that Linda and Steve had a genuine relationship and a child together.
3. We supported Linda to apply for a DVO. We also helped Linda give proof to the DHA that she had experienced domestic and family violence. This helped the DHA to understand that Linda needed to be given permanent residency quickly.
4. We supported Linda to get a parenting order from the court.

Support for you

If you or someone you know are in immediate danger, call 000.

You can contact us for support with the TVP team. Call 1800 957 957

Social support

DV Connect

You can contact DV connect for support. Call 1800 811 811

Red Cross

You can contact the Red Cross for support. Call 1800 733 276

Immigrant Women's Support Services

You can contact Immigrant Women's Support Services for support.
Call (07) 3846 3490

Legal support

Refugee and Immigration Legal Services (RAILS)

You can contact RAILS for support. Call (07) 3846 9300

Community Legal Centres Queensland

You can contact Community Legal Centres Queensland to find local Community Legal Centres. Call (07) 3392 0092

Legal Aid Queensland

You can contact Legal Aid Queensland for support. Call 1300 65 11 88

This factsheet includes general information only and is not a substitute for legal advice.