

Family Violence and Temporary Visas

Who is this information for?

This factsheet is for people who are on temporary visas and have experienced family and domestic violence in Australia.

If you experienced family or domestic violence in your home country and want to stay in Australia where you are safe, please see RAILS' factsheet on [PROTECTION VISAS](#).

If you are on a permanent visa and experiencing family or domestic violence, RAILS has another factsheet for you – [FAMILY VIOLENCE AND PERMANENT VISAS](#).

This factsheet is general information not legal advice. You should always speak to a lawyer before applying for a visa, sponsoring someone or doing anything that might affect your immigration status. Last updated 7 September 2026.

If you are sponsored for a partner visa and the relationship breaks down, and there has been family violence, you may still be able to get a permanent resident visa. This law also applies for dependents of some permanent skilled and family visas applications.

This is complex law and you should get legal advice to make sure that you know all your options and can make the best choice for your own circumstances.

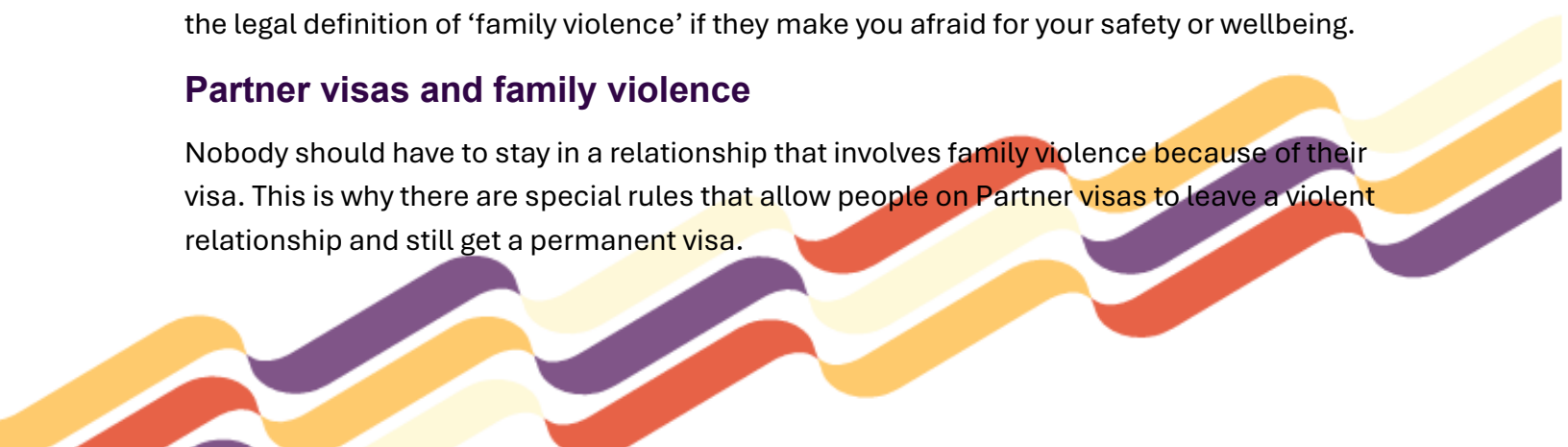
What is family violence?

'Family violence' in Australian immigration law is [THREATS OR BEHAVIOUR TOWARDS YOU, OR YOUR FAMILY OR PROPERTY, WHICH MAKES YOU HAVE GOOD REASON TO FEAR FOR YOUR WELLBEING OR SAFETY](#).

It is not only physical violence. Mental and emotional abuse, coercive control, technological abuse, sexual violence, social abuse, gaslighting or manipulation and visa abuse also meet the legal definition of 'family violence' if they make you afraid for your safety or wellbeing.

Partner visas and family violence

Nobody should have to stay in a relationship that involves family violence because of their visa. This is why there are special rules that allow people on Partner visas to leave a violent relationship and still get a permanent visa.



This includes people who:

- Have a temporary Subclass 309 or 820 Partner visa;
- Have a bridging visa that was granted when they applied for a Partner visa;
- Have another temporary visa but have applied for a Partner visa; or
- Have a Subclass 300 prospective marriage visa.

GETTING A PERMANENT PARTNER VISA

If you are in one of these groups and your relationship with your sponsor ends but there has been family violence in the relationship, you might still be able to get a permanent visa. You will need to prove the relationship was **A GENUINE AND CONTINUING MARRIED OR DE FACTO RELATIONSHIP BEFORE IT ENDED AND:**

- you experienced family violence during the relationship; **OR**
- you have a child with the sponsor.

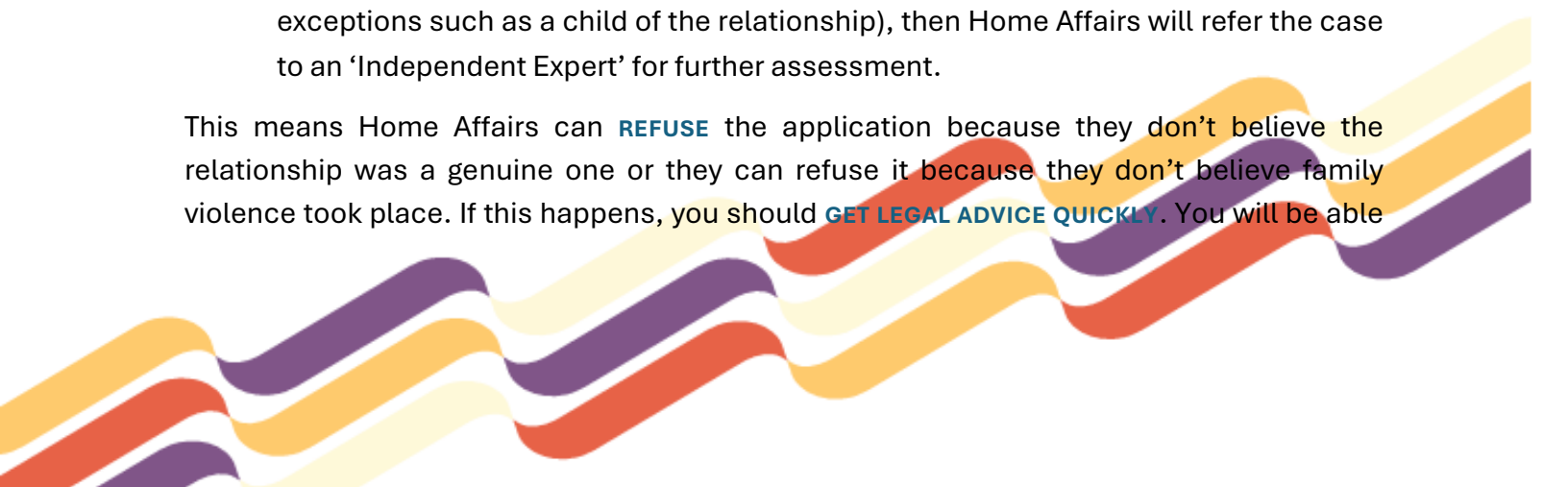
You will also need to meet health and character requirements.

WHAT IS THE PROCESS?

If the relationship with your sponsoring partner breaks down, you should notify the Department of Home Affairs, but it is best to **GET LEGAL ADVICE FIRST**. The process usually is:

1. the Department of Home Affairs is notified;
 - if the sponsor tells Home Affairs of the breakdown, Home Affairs will send the visa applicant a 'Change of circumstances' letter giving you 28 days to respond;
2. Home Affairs will check whether the relationship was genuine before the break down (see below);
3. if satisfied of the genuineness, Home Affairs will then check for family violence (or for the other exceptions such as child of the relationship);
4. if Home Affairs decides there **was** family violence, then the permanent visa will be granted.
5. If, however, Home Affairs does **not** think there was family violence (or another of the exceptions such as a child of the relationship), then Home Affairs will refer the case to an 'Independent Expert' for further assessment.

This means Home Affairs can **REFUSE** the application because they don't believe the relationship was a genuine one or they can refuse it because they don't believe family violence took place. If this happens, you should **GET LEGAL ADVICE QUICKLY**. You will be able



to seek a review at the Administrative Review Tribunal but there is a time limit to doing that - See RAILS' factsheet on the Administrative Review Tribunal.

PROVING GENUINE RELATIONSHIP

When deciding whether a relationship is genuine, Home Affairs considers all the circumstances of the relationship. This includes the financial and social aspects of the relationship, the nature of the household, and the partners' commitment to each other.

Evidence that can be used to prove that a relationship is genuine include documents such as rental agreements, utility bills, joint bank account records, evidence of joint purchases or loans, records showing the relationship was declared to the Tax Office or Centrelink, marriage or children's birth certificates, social media profiles, proof of attending social events together, joint travel records, phone and email records, statutory declarations, and statements from family or friends.

PROVING FAMILY VIOLENCE

Family violence can be proved by 'judicial evidence' or 'non-judicial evidence'.

- **Judicial evidence** includes a Domestic Violence Protection Order (where papers have been served) or a criminal violence conviction.
- **Non-judicial evidence** includes either two reports from specific professionals about the family violence, plus a statutory declaration from the applicant; or a joint court undertaking by the applicant and sponsor about an allegation of violence against the sponsor.

Which professionals can give evidence of family violence?

If you do not have 'judicial evidence' such as a court Domestic Violence Protection Order, then 'non-judicial evidence' will be needed.

'Non-Judicial evidence' means at least two reports or statutory declarations from people from different professions such as:

- medical, police or child welfare reports or statutory declarations
 - social worker, psychologist or counsellor statutory declarations
 - women's refuge or family violence crisis centre report on the agency's letterhead.
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Other visas and family violence

Family violence rules also apply to these other visas:

Skilled and Business Visas

Business Talent (subclass 132) visa
Employer Nomination Scheme
(subclass 186) visa
Regional Sponsored Migration Scheme
(subclass 187) visa
Skilled - Independent (subclass 189)
visa
Skilled - Nominated (subclass 190) visa
Permanent Residence (Skilled Regional)
(subclass 191) visa
Pacific Engagement (subclass 192) visa
Global Talent (subclass 858) visa
National Innovation (subclass 858) visa
Skilled - Regional (subclass 887) visa
Business Innovation and Investment
(subclass 888) visa

Family Visas

Parent (subclass 103) visa
Remaining Relative (subclass 115) visa
Carer (subclass 116) visa
Contributory Parent (subclass 143) visa
Aged Parent (subclass 804) visa
Remaining Relative (subclass 835) visa
Carer (subclass 836) visa
Contributory Parent (subclass 864) visa

A person may be able to get a permanent visa if:

- they are a **DEPENDENT OF A PRIMARY APPLICANT** for one of the above visas; **and**
- they are in Australia, or have been in Australia since the visa application was lodged; **and**
- they experienced family violence from the primary applicant; **and**
- the primary applicant is granted their visa or is refused their visa on family violence grounds.

This is complex law, and you should seek legal advice if you think it might apply to you.



Getting Help

SUPPORT AND EMERGENCY SERVICES

Service Contacts

<i>Queensland Police</i>	• Phone: 000 (EMERGENCIES) • Phone: 131 444 (non-emergencies) • Website: https://www.police.qld.gov.au/domesticviolence
<i>Queensland Ambulance</i>	• Phone: 000 (EMERGENCIES)
<i>1800 RESPECT</i>	• Website: www.1800respect.org.au • Phone: 1800 737 732 (24 hours per day, every day)
<i>DVConnect Womensline</i>	• Phone: 1800 811 811 (24 hours per day, every day) • Website: https://www.dvconnect.org/
<i>DVConnect Mensline</i>	• Phone: 1800 600 636 (24 hours per day, every day) • Website: https://www.dvconnect.org/
<i>People who are nonbinary or genderfluid can call either DVConnect Womensline or DVConnect Mensline</i>	
<i>Immigrant Women's Support Service</i>	• Website: https://iwss.org.au/ • Phone: (07) 3846 3490 (open Monday to Friday, 9am – 4pm)

LEGAL SERVICES

Service Contacts

<i>RAILS</i>	Phone: (07) 3846 9300 Email: admin@rails.org.au Website: https://www.rails.org.au/
<i>Women's Legal Service Queensland</i>	Phone: 1800 957 957 Website: https://wlsq.org.au
<i>Legal Aid Queensland</i>	Phone: 1300 65 11 88 Website: https://wlsq.org.au/

