

Family Violence and Visas: Information for Professionals

This factsheet is for professionals working with visa holders who have experienced family and domestic violence (FDV). If you are a visa holder yourself, these factsheets are available for you on RAILS' website:

- Family Violence and Temporary Visas
- Family Violence and Permanent Visas

The family violence provisions of migration law

The family violence provisions allow people with certain temporary visas to transition to a permanent visa, in spite of their relationship with the visa sponsor or primary visa applicant having broken down if family violence has occurred.

Migration law defines 'family violence' comprehensively to include threats or conduct towards a person, their family or property, that "causes the alleged victim to reasonable fear for, or to be reasonably apprehensive about; his or her own wellbeing or safety".

Which visas?

People with the following visas whose relationship with the sponsor has ended and who have experienced DFV can utilise the provisions:

- Holders of temporary Subclass 309 or 820 Partner visas;
- Holders of bridging visas that were granted when they applied for a Partner visa;
- Holders of other temporary visas if they have applied for a Partner visa; or
- Holders of Subclass 300 prospective marriage visas.

In addition, people who are dependant/secondary applicants of the visas below can also benefit from the provisions. In this case, the person using violence (PUV) must be the primary applicant for the visa:

Skilled and Business Visas

*Business Talent (**subclass 132**) visa*

Family Visas

Parent (**subclass 103**) visa

Remaining Relative (**subclass 115**) visa

Carer (**subclass 116**) visa

<i>Employer Nomination Scheme</i> (subclass 186) visa	Contributory Parent (subclass 143) visa
<i>Regional Sponsored Migration Scheme</i> (subclass 187) visa	Aged Parent (subclass 804) visa
<i>Skilled - Independent</i> (subclass 189) visa	Remaining Relative (subclass 835) visa
<i>Skilled - Nominated</i> (subclass 190) visa	Carer (subclass 836) visa
<i>Permanent Residence (Skilled Regional)</i> (subclass 191) visa	Contributory Parent (subclass 864) visa
<i>Pacific Engagement</i> (subclass 192) visa	
<i>Global Talent</i> (subclass 858) visa	
<i>National Innovation</i> (subclass 858) visa	
<i>Skilled - Regional</i> (subclass 887) visa	
<i>Business Innovation and Investment</i> (subclass 888) visa	

The role of non-legal professionals

Non-legal professionals supporting people who have experienced FDV have an important role to play in the immigration process. They can help provide evidence of FDV and facilitate communication with lawyers.

Non-legal professionals should take care not to advise about migration law. There are heavy penalties, including prison time, for people who give ‘immigration assistance’ and are not lawyers or registered migration agents.

Providing evidence

If judicial evidence of FDV is not available then non-judicial evidence will be needed to demonstrate that FDV has occurred. The Migration Regulations require at least two reports or statutory declarations from people from different professions:

- 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.



Courts have suggested that a 'therapeutic relationship' with the applicant, rather than for example, what could be formed from just one session, is needed before being able to form an assessment of FDV.

When doing an assessment, it is not enough to restate the victim's account of violence.

PRACTITIONERS MUST BE VERY SPECIFIC ABOUT THEIR OBSERVATIONS, THE EVIDENCE, AND THEIR OPINION.

There must be a link to the migration law definition of family violence, that is, that *the violence must have caused the victim to fear for or be apprehensive about their personal safety*. This needs to be stated.

To satisfy the law they should be confident in saying 'In my opinion family violence has occurred'.

The PUV must be identified and if the professional doesn't think there is the required family violence then they should say so.

There is no requirement that the relationship broke down *because of* family violence, although usually that is the case.

The two reports are usually about the applicant, but they can relate to different victims (for example, one could be about the partner of the PUV and another about their dependent child).

The statutory declaration and any attachments must be signed and witnessed by a person authorised to witness statutory declarations.

Further information

RAILS provides education sessions and workshops to professionals seeking to understand more about the family violence provisions and how to provide high quality evidence. Our education staff can be reached at edu@rails.org.au

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.

