

# How Family Violence Affects Visa Applicants and Sponsors

## Visa Applicants

### What is family violence?

‘Family violence’ is threats or conduct towards you, or your family or property, that make you have good reason to fear for your wellbeing or safety.

It is not only physical violence. Other types of mental and emotional abuse can be family violence.

### Can a sponsor deport their partner?

The Department of Home Affairs, not the partner, makes decisions about visas. The Australian partner sponsor can withdraw their sponsorship at any time if they decide to end the relationship, but the partner cannot deport you. It is a decision of the Home Affairs, not the sponsor.

If a visa sponsor uses threats to deport their partner as a way to control their partner, it may be a form of family violence.

If you already have permanent residence and your relationship breaks down, you do not lose permanent residence. See the factsheet: [Family Violence and Permanent Residents](#).

### Can temporary residents get permanent visas if they experience family violence?

If you are sponsored for a partner visa and the relationship breaks down before you get your permanent visa, and there has been family violence, you might still be able to get a permanent resident visa. See this factsheet on [Family Violence and Temporary Visas](#).

Similar laws apply to some other temporary visas but not all of them. These laws are complex so you should try to get legal advice if you are on a temporary visa and experience family violence.

### Home Affairs should be notified if your relationship breaks down

If the relationship with your sponsor breaks down, you should notify Home Affairs but it’s best to get legal advice first.

If the sponsor tells Home Affairs the relationship has broken down, Home Affairs will send you a letter asking you to explain why your visa should not be cancelled. The letter usually has a deadline by which you must respond. You should try to get legal advice as soon as you receive the letter.

### Controlling your visa application

Sometimes a sponsor might try to control all the information in your visa application. It is important

that visa applicants:

- Know what information is in their visa application;
- Has access to the email address Home Affairs uses and to the Immi Account their application is in; and
- Knows what visa they currently have.

You can check your current visa using Home Affairs' online VEVO system, see the [Factsheet: Finding your Visa Details](#).

## Visa Sponsors

### What is family violence?

Family violence is more than physical violence - it also includes mental, emotional and economic abuse and threats. It can include repeated verbal abuse and stopping someone connecting with their family, friends or culture. Domestic violence is often an ongoing pattern of control and intimidation.

### What might happen to your visa and citizenship if you do family violence?

If you do family violence in Australia or another country it's treated very seriously by the government. Your visa could be cancelled or your visa application refused because you fail the 'character test'. It can also stop you being allowed to sponsor someone for a Partner Visa.

Citizenship applications can also be refused if you are found to be not of good character.

This can happen even if there are no court orders about the family violence. Home Affairs can look to other evidence of family violence.

### What does Home Affairs look at in the character test?

When deciding about character, Home Affairs officers look at the conduct, how long ago it was and how serious it was. They look at whether the person genuinely accepts responsibility and understands the impact of their violence, and what they have done to change themselves.

If you have committed family violence in the past and want to apply for citizenship or a new visa, you should try to get legal advice first.

### Sponsoring a partner

Home Affairs must refuse a partner visa application if a sponsor:

- has any convictions in Australia or overseas for offences like violence,

sexual assault or harassment, stalking, breach of Domestic Violence orders, forced marriage or weapons;

- and has a 'significant criminal record' (prison terms that together total more than 12 months)

unless they assess that it is 'reasonable' not to refuse.

When assessing whether it is reasonable not to refuse, Home Affairs will look at things like:

- how long since the sponsor completed their sentence
- the best interests of any child of the sponsor or visa applicant
- how long the sponsor and the applicant have been in a relationship

## Getting Help

People experiencing family violence can call these numbers for help and support. It does not matter what kind of visa they have:

- DV Connect Womensline 1800 811 811
- DV Connect Mensline 1800 600 636
- People who are non-binary or genderfluid can call either the DVConnect Womensline or the DVConnect Mensline
- 1800 RESPECT - 1800 737 732
- Lifeline 13 14 11