



## Domestic and Family Violence Visa Support

# Domestic and Family Violence Support Section newsletter

Edition 4 – April 2023

Welcome to the first edition for 2023 of our Domestic and Family Violence Visa Support (DFVS) Section newsletter. It has been a very busy few months for the team working on referrals, stakeholder engagements, legislative reforms and system changes. Since the section commenced in July 2021, we have received almost 770 referrals and undertaken 244 stakeholder engagements to the end of March 2023.

Since our last newsletter in December 2022, we have welcomed Georgie and Monika to our section and are looking forward to welcoming Mariam who will be commencing with us in May as one of our new Visa Support Officers in NSW. We are really pleased to have them join us, increasing our capacity to deliver the program's priorities.

If you have any suggestions for what you would like to see in future newsletters or any issues you would like to raise, please let us know by emailing [dfvs.temp.visa@homeaffairs.gov.au](mailto:dfvs.temp.visa@homeaffairs.gov.au).

Bree Cook  
Director

### Changes to the Legislative Instrument

***Migration (Specification of evidentiary requirements—family violence) Instrument (LIN 23/026) 2023 commenced on 31 March 2023. It repeals Migration Regulations 1994—Evidentiary Requirements—IMMI 12/116, which has been in place for 10 years.***

As part of the Government's commitment to supporting victims of domestic and family violence, the Department of Home Affairs (the Department) undertook a comprehensive review of the legislative instrument which specifies the evidence that must be provided when making a non-judicially determined claim of family violence under the family violence provisions of the *Migration Regulations 1994*.

DFVS consulted with around 40 external stakeholders across the domestic and family violence support and legal sectors and has listened to the feedback from these experts who witness first-hand the challenges vulnerable victim survivors of domestic and family violence currently experience in providing evidence to meet the requirements of the family violence provisions.

The new instrument improves accessibility to the family violence provisions by increasing flexibility around the evidence that applicants must provide in order to make a non-judicially determined claim of family violence. It is anticipated that these changes will make it easier for applicants to obtain evidence from professionals and service providers that they are already engaged with and trust. This aims to reduce the risk of further traumatisation of victims of domestic and family violence.

Key changes to the instrument include:

- The requirement to provide a statutory declaration for some professionals (including psychologists, social workers and family consultants/counsellors) has been removed. Note: Applicants are still required to provide their own statutory declaration.

- Midwives have been added to the medical professionals that can provide documentary evidence of family violence.
- Risk assessments and reports have been added as items of evidence that may be provided in place of a statutory declaration.
- Community, multicultural or other crisis services providing domestic and family violence assistance and support have been added to the list of providers that can provide evidence (previously limited to women's refuges and domestic and family violence crisis centres). This is intended to address service gaps in regional areas.

Applicants who have provided evidence of a non-judicially determined claim of family violence to the Department in support of their application under the repealed instrument (IMMI12/116), may seek to provide new evidence under the new instrument.

Further information on the family violence provisions and the updated evidentiary requirements can be found [here](#). The new instrument can be found [here](#).

## Changes to merits review rights for offshore Partner visa applicants whose visas could be granted in Australia

From 4 April 2023, certain subclass 309 visa applicants will have standing to apply for merits review themselves, instead of through their sponsor, if their application is refused by the Department. This change applies to subclass 309 applicants who are eligible for the grant of their visa in Australia under a COVID-19 visa concession and who are in Australia at the time of refusal. Prior to this change, only sponsors of subclass 309 visa applicants had the right to seek merits review of the decision to refuse the visa.

These changes are intended to ensure that subclass 309 visa applicants who are eligible for the grant of the visa in Australia, and whose relationship with their sponsor may have ceased due to domestic and family violence, would be able to apply for merits review of the decision to refuse their visa application themselves.

The COVID-19 concession period commenced on 1 February 2020 and is still in effect. We encourage you to continue to visit the Department of Home Affairs' website to stay up to date with the latest immigration updates.

## ImmiAccount system changes

System changes were implemented on 18 March 2023 to the online *Notification of relationship cessation* form to give Registered Migration Agents and Legal Practitioners the ability to 'opt-out' of the auto-removal of the visa application when declaring family violence. This change aims to encourage the use of ImmiAccount to notify the Department of relationship cessation. It also ensures that the application will be flagged as a high priority to our Partner processing teams and when providing evidence, all documents will be automatically saved to the client's application file. Additional system changes were also implemented to improve the privacy and security of client data within ImmiAccount.

## Regional stakeholder engagement

Due to limited resources, the DFVS Section's focus to date has primarily been on direct engagement with key stakeholders such as legal services, domestic and family violence service providers and advocacy groups. We have employed other channels of communication for those we have been unable to reach, although still important to the section's objectives.

As part of our engagement strategy, this year we will be focusing on reaching some of the services we have not previously connected with, including the health sector, educational institutions and regional service providers. If you have any suggestions on who we should be engaging with, particularly in regional locations, we would welcome your recommendations.

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