

Questions on notice: Efficacy, fairness, timeliness and costs of family and partner visas

Could FECCA provide more information on women on temporary visas experiencing violence?

Family and domestic violence (FDV) in Australia is a significant ongoing issue, with enormous social and economic costs. Research has repeatedly shown that women are disproportionately more likely to suffer from FDV and sexual violence than men. It is widely reported that women on temporary visas are vulnerable to FDV due to their visa status, associated restrictions, and ineligibility for services as a barrier to safety, not inherent factors.¹²³

The English language requirement, proposed in part as a solution to domestic and family violence experienced by migrants, is not a reasonable solution. The introduction of an English language requirement for Partner visas will prolong the already over two-year period that applicants must remain temporary whilst they prove their English ability, prove their efforts to attain English or prove their reasons for exemption. This process will be the most difficult for those who have low levels of English, who the Government has identified as 'vulnerable'. This policy will ensure this vulnerable group will be kept temporary for longer ensuring they remain vulnerable for longer.

Whilst the recent reforms to the Adult Migrant English Program increasing access to English tuition is welcomed, FECCA believes any attempt to delay or increase barriers to a person's access to permanency and associated eligibility to domestic and family violence support must be abandoned. It must be acknowledged that perpetrators often use visa status to control their victims with 55% of women experiencing violence were threatened with deportation in a Segrave study.⁴ The most powerful way to protect women on temporary visas who experience abusive relationships is by offering them permanency.

National Advocacy Group on Women on Temporary Visas Experiencing Violence

In 2018, the National Advocacy Group on Women on Temporary Visas Experiencing Violence (the National Advocacy Group) was formed to respond to the national crisis when it comes to supporting these women to live free from violence. Currently, the National Advocacy Group consists of over 50 state and territory peak bodies, service providers and other organisations working to address violence against women across Australia. The National Advocacy Group meets on the bimonthly basis.

Together the advocacy group has produced a report titled [Path to Nowhere](#) Report: Women on Temporary Visas Experiencing Violence and their Children (Path to Nowhere) and from this a [Blueprint for Reform: Removing Barriers to Safety for Victims/Survivors of Domestic and Family Violence who are on Temporary Visas](#) (the Blueprint). Path to Nowhere drew from survey data and showed in August 2018 at least 387 women on temporary visas experiencing violence accessed

¹ https://intouch.org.au/wp-content/uploads/2020/03/inTouchPositionPaper_WomenOnTemporaryVisasExperiencingViolenceInAustralia_March2020_website.pdf

² <https://awava.org.au/wp-content/uploads/2018/12/National-Report-on-Women-on-Tempo...3-compressed.pdf>

³ https://www.monash.edu/__data/assets/pdf_file/0003/1532307/temporary-migration-and-family-violence-an-analysis-of-victimisation-vulnerability-and-support.pdf

⁴ https://bridges.monash.edu/articles/online_resource/Family_violence_and_temporary_visa_holders_during_COVI

support services in Australia. These women had more than 351 children or dependants, around a quarter (24%) were living in crisis accommodation and around one in ten (11%) were living in temporary accommodation. One in ten of these women were living at home with the partner, which may increase their risk of experiencing further violence and crisis and long-term housing was the service most needed by clients that organisations were unable to provide, followed by financial assistance.

The Blueprint was designed to improve women's and children's access to safety and justice and the working group calls on the Commonwealth, State and Territory governments to implement the following three steps:

1. Improve the migration system so that all women on temporary visas who experience domestic, family and sexual violence and their dependants can access protections, services and justice.
2. Ensure eligibility and access to services and government support are based on women's needs for safety and recovery, regardless of their migration status.
3. Ensure that women on temporary visas who have experienced domestic, family and sexual violence and their dependants have immediate and full access to safety, protection, justice and fully funded specialist support with demonstrated gender expertise and cultural competency.

Specific recommendations are contained within the Blueprint.

[Historically, when were wait times reasonable functional?](#)

Historical information on visa processing wait times is not readily publicly available.

[Does FECCA have evidence of improvement for wait time for partner visas since re-prioritisation in 2020?](#)

To date FECCA has no evidence or improvement to wait times for partner visas since re-prioritisation.

[Is disruption to family re-union linked to health outcomes?](#)

In 2020, Ending Loneliness Together released an issues paper titled '[Ending Loneliness Together in Australia](#)'. The issues paper states 'A substantial body of evidence shows that when people feel lonely, this can have a detrimental impact on their wellbeing, health, productivity, and functioning in daily life.' 'Loneliness predicts future poorer mental health severity, including depression, social anxiety and paranoia, and increases the odds of having a clinically diagnosed mental disorder, including phobias, depression and obsessive-compulsive disorder.' 'Single parents, people with a disability, carers, those from low socio-economic backgrounds, those with a migrant background, those who are from non-English speaking backgrounds, and those who live alone, are more likely to be vulnerable to problematic or enduring levels of loneliness.'

In 2019, the Refugee Council of Australia (RCOA) produced an issues paper titled '[Family separation and family reunion for refugees: The issues](#)'. The issues paper highlighted family reunion significantly impacts people's ability to settle in Australia. The lack of family reunion creates many problems for people to obtain an education, find and hold stable employment, and develop new social networks. This has a significant long-term impact on the Australia economy, preventing people from rebuilding their lives and contributing to Australia. In contrast, if people can bring their family to Australia more easily, they are able to move on with their lives, have social and cultural connections and have

additional family members to provide care and support. Likewise, by reuniting family members, community members are not forced to send money overseas, keeping additional money in Australia to contribute to our economy. This issues paper follows RCOA's report from 2016 titled '[Addressing The Pain of Separation for Refugee Families](#)'

The Australian Institute of Health and Welfare (AIHW) produced a snapshot in 2019 titled '[Social Isolation and Loneliness](#)'. The snapshot states 'loneliness has been linked to premature death (Holt-Lunstad et al. 2015), poor physical and mental health (Australian Psychological Society 2018; Relationships Australia 2018), and general dissatisfaction with life (Schumaker et al. 1993).

Social isolation has also been linked to mental illness, emotional distress, suicide, the development of dementia, premature death, poor health behaviours, smoking, physical inactivity, poor sleep, and biological effects, including high blood pressure and poorer immune function (Hawthorne 2006; Holt-Lunstad et al. 2015). High levels of social isolation are also associated with sustained decreases in feelings of wellbeing (Shankar et al. 2015).

The risk of premature death associated with social isolation and loneliness is similar to the risk of premature death associated with well-known risk factors such as obesity, based on a meta-analysis of research in Europe, North American, Asia and Australia (Holt-Lunstad et al. 2015).

The economic cost of loneliness in Australia is likely to be substantial, although no current estimate of this cost is available. By way of example, a 2017 United Kingdom (UK) study estimated the total cost to UK employers, including absenteeism, caring, lost productivity and turnover, from loneliness experienced by their employees at £2.5 billion (AUD\$4.5 billion) per year (New Economics Foundation & The Co-Op 2017).'

[Which past recommendations have not been actioned?](#)

A history of inaction is apparent in matters related to this inquiry concerning discrimination against people with disability and visa charges. In 2010, the [Parliamentary Inquiry into the migration treatment of disability](#) found that the health requirement unfairly discriminates against people with disability as it sets standards that the applicant do not or cannot meet. In the intervening 11 years there has been limited action by any government to implement the Inquiry's concluding recommendations.

The 2016 Productivity Commission public inquiry on [Migrant Intake into Australia](#) reported: 'the Australian Government currently charges a wide range of visa fees. Their basis is unclear and appears ad hoc. Visa charges have increased significantly in recent years, and the revenue generated is now more than three times the costs of processing visa applications. Charges for Australian visas are generally higher than in Australia's major competitor countries'⁵. FECCA reiterates the Commission's concerns about prohibitively high costs of visas and the barriers this causes to the reunion of families on lower incomes. FECCA also supports the Productivity Commission's 2016 call for a detailed review of current visa charges, and their justification, to develop a model of visas based on eligibility criteria and visa charge to attract a balanced range of migrants.

FECCA hopes this Senate Inquiry leads to systemic review and change.

⁵ Organisation for Economic Co-operation and Development (OECD) 2001, The Wellbeing of Nations: The Role of Human and Social Capital, Education and Skills, OECD Centre for Educational Research and Innovation, Paris, France.

FECCA's Recommendations

1. FECCA urges the Government to implement a transparent system that recognises the right to family reunion.
2. Review the fairness and equality within the Migration Program which must achieve an appropriate balance between skilled migration and the fundamental importance of family reunion including simplification and improved access for all
3. FECCA recommends the Government to urgently decrease processing times for partner, parents, family and carer visas.
4. FECCA supports the Productivity Commission's 2016 Migrant Intake into Australia call for a detailed review of current visa charges and their justification to develop a model of visas based on eligibility criteria and visa charge to attract a balanced range of migrants.
5. Provide specific and sufficient funding to community legal centres and Legal Aid Commissions to provide immigration legal assistance to prospective visa applicants and sponsors in accordance with need considering factors like disability, personal funds and other factors
6. Increase the cap on number of visa grants for carer visa. People from culturally and/or linguistically diverse backgrounds with a disability must have the opportunity to choose to rely upon family members to provide carer assistance.
7. Ensure a person's access to permanency is not unnecessarily obstructed or delayed, especially as it pertains to eligibility for domestic and family violence support. This must include reconsidering additional English language requirements with particular focus on the devastating effects for humanitarian entrants and women experiencing violence.
8. Enact the recommendations developed by the Refugee Council of Australia⁶ after extensive community consultation including allocating at least 5000 visas under family stream for refugee and humanitarian entrants and introducing a needs-based concession after consulting with stakeholders on assessment
9. Remove direction 80 to ensure all Australian permanent residents and citizens have equal access to family reunion pathways
10. Remove discriminatory health requirements for people with disability to protect everyone in Australia against discrimination based on their disability.

⁶ <https://www.refugeecouncil.org.au/family-separation/>