



Dear Marcia,

Thank you for taking on the incredibly important work as leader of the royal commission into family violence.

Recently this issue has become highly personal to me, as described below. I'm sure you're not investigating specific cases, but I want to bring to your attention my serious concern about thousands of families that are unprotected in Australia due to inconsistencies in immigration rules. Others are also lobbying to have this egregious discrepancy fixed, but there are no signs of imminent improvement or change which is why I bring it to your attention here.

The inconsistency allows victims to be further punished and persecuted while their oppressors are getting off Scott free. The situation to which I refer is regarding families living in Australia on a **457 temporary work visa**. This is what alarms me: **families who are here on 457 visas are NOT protected under Australian law - the Family Violence Exception available to most other visa holders does NOT apply to this particular visa**. Most other visa holders ARE protected. The 457 visa enables individuals to secure a job in Australia for up to 4 years, making the worker the primary visa holder. A worker's spouse and children are the secondary visa holders. The secondary visa holders have very few rights especially when there is family violence.

I wrote to the Department of Immigration and Border Patrol (DIBP) recently and received confirmation of the facts (see email attached). I've also attached a letter that was written to Immigration Review on this topic from the Women's Chair of FECCA (Federation of Ethnic Communities' Councils of Australia).

Australian Immigration law argues that any 457 visa holder affected by family violence has the option of returning to their homeland to receive protection there, but as you will see in the story below, returning to the home country may make matters worse and put families at further risk of harm. I have also discussed this matter with several immigration lawyers, who concur with my assessment.

I will now relate to you the tragic story that made me aware of this legal travesty. A friend of mine (██████████), arrived in Australia (██████████) with her (██████████) children via her husband's 457 visa. She and the children have thrived in Australia since arriving and are very happy here; however, the husband (the primary visa holder) was unhappy even though it was he who wanted to make the move. He missed his life in (██████████) didn't like his new job, and complained constantly including become isolated and withdrawn. For the last (██████████) years, he held over the family the threat of quitting his job and returning to (██████████). She was walking on eggshells for (██████████) years, trying to avoid enraging him and then being forced to return to (██████████). The children's passports weren't current for several months but he got them renewed and then threatened to take the children away with him to (██████████). She investigated the possibility of leaving him and reporting the violence to the police, but learned that doing so would mean losing her (and the children's) visa status.

(██████████) ago the husband started becoming violent as well as verbally abusive, breaking things around the house, shouting and raging and making threats eg "I'm going to bash your head in" or "I'm going to smash every window in this house." He used vile, offensive obscenities toward his wife in front of the children; language I wouldn't even begin to print here. He threatened to commit suicide twice. He tore up all of their wedding photos. She couldn't leave the house without him being threatening or abusive. And when she returned to the house, he would harangue her for leaving the house and would interrogate her. All the while, he made daily threats to leave

Australia and force them all to return to [REDACTED]. His anger escalated to physical violence toward his wife. I was startled to see bruises on her arm in the shape of a handprint.

Eventually he became so angry he had a violent rage in the middle of the night in early [REDACTED], smashing things then assaulting her - grabbing his wife and dragging her, terrified, around the house. She was covered in bruises. The children awoke to witness the assault. He screamed at them to go back to their rooms. He then packed a bag and a few hours later was on a plane to [REDACTED]. I went to the airport to retrieve his abandoned car. She then reported the incident to the police.

He has since quit his Australian job (thereby revoking his 457 visa) and plans to remain in [REDACTED]. By doing so, he believes he is forcing his wife and children to leave Australia to be with him. Even though she could return to [REDACTED] and have authorities there deal with this situation, it hardly seems fair that the family should be uprooted from what is now their home and community as a result of his violence. Being anywhere near him now is a terrifying option for her and the children. He has committed a crime, yet she is not protected from potential deportation having committed no crime.

Even though my friend and her children have been in Australia for more than [REDACTED] years, they had only 28 days from the date of his resignation to find a way to apply for a new visa. Fortunately I was able to help and they are now on a Bridging Visa, after being told they were "unlawful non-citizens" for a short time.

OTHER types of visa holders in this situation would have the option to provide evidence under the Family Violence Exception and thereby continue on their present visa, independent of their abusers. This fair and humane option is NOT available to 457 visa holders. In this instance, the law is punishing the victim.

Changing [REDACTED] visa, [REDACTED] has cost more than \$12,000 at a time when she's not even entitled to childcare. With all of the home utilities in her husband's name, we've had weeks of dealing with energy companies trying to change accounts and gather information so that she can even apply for permission to work.

This discrepancy in our immigration law affects thousands of people each year. Women are too scared to speak up for fear of being deported. Men are using the situation as leverage and to abuse their families. Children are victims in so many ways.

Thank you for reading my letter. I hope you can use your new role to help draw attention to this issue. I know it won't necessarily help my friend, but hopefully something can be done to help families in future.

Best wishes to your for Easter,

