

## Submission to the Royal Commission into Family Violence

### Introduction

The Asylum Seeker Resource Centre provides assistance to over 2000 asylum seekers at any one time through program such as material aid, health, legal, counselling, casework and foodbank. Over the last 14 years, the ASRC has assisted over 10,000 people seeking asylum. The ASRC provides casework support, short term through the General Access Program and long term through the Casework Program to over 1600 clients at any one time, and through this service clients are supported with information about their rights, entitlements and access to services. Case workers support clients with a broad range psychosocial issues that they are experience including trauma and grief.

Through this work, the ASRC has observed that our clients who are also experiencing domestic violence face very significant and particular challenges. In our experience, the local domestic violence services network in Victoria has been able to respond very well to the needs of our clients. However, these clients are often fearful of disclosing family violence because they believe it will negatively impact their claim for protection in Australia. Therefore we acknowledge there is likely to be significant underreporting of family violence in the asylum seeker population.

The following submission is based on five case study examples of clients that experienced family violence while in the process of seeking asylum in Australia. This information has been de-identified and has been generalised to identify the themes that they have highlighted. This information is presented in terms of 4 key issues that we have identified that may be of significance for the Royal Commission

### These themes are:

1. Impact of reporting family violence on applications for protection
2. Impact of reporting family violence on safe and secure housing
3. Stigma of reporting
4. Lack of social networks to support people seeking asylum who experience family violence

### **Impact of reporting family violence on applications for protection**

People who are seeking asylum who are also experiencing family violence may present at the ASRC with varying levels of need depending on the stage at which they are in their application for protection. The case studies reviewed for this submission indicated that females were the majority of the victims of family violence which was perpetrated by their husbands. While it was often difficult to glean if the family violence had started prior to arriving in Australia, in most cases it had escalated post arrival in Australia and the victim had left the relationship as a result.

People seeking asylum in Australia experience a unique set of stress factors that contribute to family conflict, relationship breakdown and in some cases family violence. These stressors include financial stress, housing stress, trauma and grief (pre and post arrival), lack of social networks and supports, isolation and boredom. With many asylum seekers being denied work and study rights (because of Federal Government legislation), the boredom, idleness and isolation can cause severe relationship stress that can exacerbate or contribute to family violence.

Where a husband and wife are applying for protection on separate applications, if one partner receives positive or negative news regarding the success of their application, this can have immediate impacts on the relationships between the couple. This includes an increase in stress on family relationships if one partner has received a negative decision (refusal of their protection visa application). In one instance that we reviewed for this submission, the wife reported domestic violence following her husband being informed that his protection visa application had been refused. It is likely that the impact of receiving this refusal heightened the conflict and risk to this victim.

### **Impact of reporting family violence on access to safe and secure housing.**

The majority of people seeking asylum in Australia are denied access to employment, income, education and training. For most victims of family violence, this severely debilitates their options for safety as they have very few options (if any) to safe and secure accommodation if they flee from a violent situation at home. As a result of this, most victims (who are also asylum seekers) are forced to stay with their abusive partners in the same accommodation. In one instance that was reviewed for this submission, child protection services were notified because of the risk posed to children whose father was abusive. In that case, the victim applied for an intervention order that have offered some, albeit limited protection and a sense of safety, while the victim remained living with the perpetrator.

This lack of safe and secure accommodation is exacerbated even further by the lack of social and community networks that many of these victims are able to access. Most people seeking asylum have few friends or relatives in the community that they can seek shelter with when fleeing family violence. They also have little information and poor access to information about domestic violence support services and the options available to them to find help. In most of the countries of origin that people seek asylum from, there is limited social infrastructure for family violence support services. In countries mired by war, violence can become normalised which can contribute to more violence being perpetrated in the home. For

service that provide family violence support, it is important to recognise the social and cultural context of victims and the impact that this has on their ability to disclose family violence and stay safe.

### **Stigma and fear of reporting family violence**

Most victims of family violence who are asylum seekers experience considerable shame and stigma in reporting family violence. They may face pressure from their social communities (both in Australia and in their country of origin) not to report family violence. This may be because family violence is not recognised as illegal or significantly concerning and /or where violence may have been normalised or accepted in a particular social context.

If family violence is reported, the victim may be further isolated by their social community (if they have family or community supports in Australia) and may wish to reunite with an abusive partner in response to this shame and pressure.

Where family violence is reported to the police, family violence perpetrators who are also asylum seekers may be mandatorily detained. Victims may experience overwhelming feelings of guilt if their partners are detained because they had accused their partner of family violence and may withdraw their allegations or retract statements despite facing ongoing danger.

### **Summary of issues:**

In the review of case studies conducted in the preparation of this submission, it appeared that local family violence services have provided very good support to victims of family violence, particularly in response to crisis situations and housing emergencies. However, asylum seekers experiencing family violence face a significant number of critical stressors that make reporting and escaping from family violence very difficult. Many asylum seekers experiencing family violence are reluctant to report for fear that it will negatively impact their claims for protection (for themselves, their partner and children).

The protection visa application process is complex and lengthy. During that time, clients face grave uncertainty about their future. This uncertainty combined with the real material deprivation they face (caused by Federal Government policy) adds to family conflict and relationship breakdown. In several instances, family violence has been reported following one or more family members receiving negative news about their application for protection in Australia implying that the application and waiting process itself is contributing to the exacerbation of family stress and violence.


The denial of work rights and access to income causes many victims to remain in dangerous family violence situations for lack of any other alternative. Many victims do not know how or where to get help and face shame and stigma if they report family violence.

In some instances, the ASRC has had to advocate with the Department of Immigration and Border Protection for clients to have SRSS (Status Resolution Support Service) reinstated after it had been cut despite the person being a victim of family violence with dependent children.

The legal process involved once a couple may separate as a result of family violence is intimidating and confusing for asylum seekers. Most asylum seekers rely solely on limited public legal assistance they are able to access. If a victim leaves a family violence situation, they must then obtain new legal advice and support about changing their application for protection. This can also be lengthy and complex and can have detrimental and devastating consequences for the victim and their children.

**Recommendations:**

1. That asylum seekers who experience family violence are given access to safe and secure short, medium and long term housing options when they leave an abusive partner.
2. That asylum seekers who experience family violence are provided with information at the earliest opportunity post-arrival about how and where to access services that can assist them if they are experiencing family violence.
3. That asylum seekers who experience family violence are able to access free specialist legal assistance to support them with the impact of reporting family violence and/or separation from an abusive partner has on their applications for protection (and are aware of these services at the earliest possible opportunity).
4. That family violence provisions be introduced within the refugee determination process that support victims of family violence to continue to seek protection in Australia if family violence has occurred following their initial application for protection.
5. That early intervention and prevention and rehabilitation services be funded for the asylum seeker population in Victoria to prevent and respond to family violence.



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