

**ECCV Submission to Department of Home Affairs
On
Managing Australia's Migrant Intake
January 2018**

About ECCV

The Ethnic Communities' Council of Victoria Inc. (ECCV) is the voice of multicultural Victoria and the peak policy advocacy body for eight regional ethnic community councils and up to 220 members, including ethnic and multicultural organisations across Victoria, since 1974. For over 40 years, we have been the link between multicultural communities, government and the wider community. ECCV has a strong history in advocating for the rights of Victoria's multicultural communities.

Introduction

ECCV welcomes the opportunity to comment on the Department of Home Affairs' (DHA) discussion paper *Managing Australia's Migrant Intake*. ECCV has also provided input in response to this discussion paper through our national peak body, the Federation of Ethnic Communities' Councils of Australia (FECCA), but would like to provide a brief submission on a single issue that has recently been brought to our attention through community consultations. This submission is therefore a response to one specific question outlined in the discussion paper – 9. *How can we ensure family migration best enables Australians to reunite with overseas family members, while supporting the Australian community?*

Exploitation of Women on Partner Visas

Recent consultations conducted by ECCV with community representatives have raised an issue related to the exploitation of partner visas within the Indian subcontinental community (that is, amongst residents of Indian, Pakistani or Bangladeshi backgrounds). It is likely that the issue is particularly prevalent in this community because of the custom of dowry, and therefore the financial relationship between a groom and bride's family, and also because of the importance attached to traditional marriage, and the shame and stigma that is applied to women of divorce. It is an issue that has received some publicity overseas, particularly in the United Kingdom¹, but is now being reported as occurring in Australia.

¹ See for example, Financial Express, 17 August 2017, "UK Group Protests Exploitation of Indian Women with Dependent Visas". Accessed 31/1/2018 at URL: <<http://www.financialexpress.com/world-news/uk-group-protests-exploitation-of-indian-women-with-dependent-visas/812792/>>

Exploitation usually occurs when a newly-married woman receives a visa that enables her to live with her husband in Australia. At the time of marriage, the groom often receives a dowry from his wife's family, which is generally intended to assist in supporting her as they establish a life together. However, once these women arrive in Australia on a partner visa, they are often entirely dependent on their husbands for support. This puts husbands in a powerful position where they can exercise complete control over their wives. ECCV's consultations revealed that this is the situation where abuses are reported.

For example, women reported that this abuse often takes the form of emotional or financial control and manipulation. Some husbands have been reported to request additional dowry from their wife's family, or demand that they provide financial support or other goods and services. In some cases ECCV has become aware of, husbands appear to take advantage of their wife's isolation in Australia to make demands or commit abuse. This is in the belief that their abusive behaviours will not be reported. There have also been reports of husbands forcing their wives to return to their old home overseas, and arranging cancellations of their visa while they are away. One such case was reported in the press in December 2017.²

Vulnerability of Partner Visa Holders in the Initial Period

The fundamental issue arises when husbands use their power to arrange for the cancellation of their partner's visa, in the knowledge that there is only a minimal chance that their wife will report abuse or leave the relationship. Community members told ECCV that in order to have a visa cancelled; the Australian citizen/resident can simply contact DHA and inform them that he is withdrawing support. After that happens, DHA reportedly contacts the visa holder and informs them the visa is to be cancelled.

As temporary partner visas are generally held for about 24 months, while the holder awaits a decision on permanent residency, women become especially vulnerable in the last months of this period. During that time, husbands have often been reported to increase their demands and abuse, taking advantage of the extra incentive while their wives have to quietly and anxiously wait until sufficient time has passed.

Applications for Successive Partner Visas

This apparent loophole in the existing Australian migration law means that there is no impediment to an individual receiving multiple visas for successive partners. This is as long as in each case the previous visa is no longer valid. Based on recent consultations, ECCV understands that the current situation allows unscrupulous men to exploit a succession of vulnerable women, taking whatever financial and other gains they can from one before arranging for their partner's visa to be cancelled. They then marry another woman from overseas to secure a partner visa and repeat the process. Based on community feedback, ECCV believes that there appears at present to be no safeguard in place to prevent an individual from receiving successive partner visas with a view to exploiting this system to their advantage.

² Sydney Morning Herald, 5 December 2017, "Sydney Man Charged with Trafficking Wife and Baby Daughter", Accessed 31/1/2018 at URL: <<http://www.smh.com.au/nsw/sydney-man-charged-with-trafficking-wife-and-baby-daughter-20171205-gzyufa.html>>

Recommendation 1

That the Department of Home Affairs limits the number of partner visas available to individuals within a given timeframe, or examines cases where men apply for multiple partner visas in short space of time.

Lack of Support for Exploited Partners

Because of the isolation experienced by many women from the Indian subcontinent who arrive in Australia on partner visas, many instances of abuse are almost certainly never reported to any family or friends, let alone authorities. Many of the affected women do not understand and/or speak sufficient English, and would be afraid to approach either the police or any other government authority, who they often expect to be unsympathetic in their home country. Feeling that they are without support in Australia, most victims also believe that their only option if they left their husband would be to return home, with all the shame and stigmatisation that will bring upon them. Community organisations such as the Multicultural Centre Against Family Violence *inTouch* are in a good position to support victims they become aware of. However, many other organisations and agencies cannot help individuals who are neither citizens or permanent residents.

The shame of divorce and the lack of trust felt by many affected women towards the authorities, means that victims often do not report the abuse they experienced until a very late stage, when visa cancellation is already imminent. ECCV has been informed that there are cases where women have become homeless or attempted suicide before they felt confident enough to seek help from the community, government or police.

Lack of Information on Partner Visa Rights and Responsibilities

Community consultations have identified a lack of information available to visa holders about their rights in Australia, and where they can turn if they are victims of exploitation or abuse. The Department's website does not provide any advice on how visa holders can report violence or exploitation by their sponsor. It would be very beneficial if the Department, in consultation with community representatives, introduced a program of awareness-raising for holders of partner visas. This could help both parties to a visa to understand the consequences of abuse, and to provide information about where an abused partner can go for support. Information could take the form of orientation sessions to introduce visa holders to Australian services, or an information package provided to visa holders on arrival in the country.

Recommendation 2

That the Department of Home Affairs consult with culturally diverse agencies and other community representatives about how to raise awareness of the rights and responsibilities of partner visa holders, and develop information programs and educational resources and materials based on community feedback.

ECCV would like to thank the Department of Home Affairs for providing this opportunity to comment on issues relating to the future of Australia's Migration Program. For further information please contact James Houghton, ECCV Policy Officer, on 9354 9555 or jhoughton@eccv.org.au.