

RECOMMENDATIONS

Recommendation 1

5.14 The committee recommends that:

- the Department of Immigration and Citizenship institute a formal requirement for Prospective Marriage visa program decision-makers to separately interview all applicants and sponsors under the age of 18; and
- the Australian Government increase the minimum age of visa holders within the Prospective Marriage visa program to 18 years of age to help minimise the incidence of forced marriage and human trafficking in Australia.

Recommendation 2

5.22 The committee recommends that the Department of Immigration and Citizenship consider modifying its electronic database to enable statistical reporting on the incidence of fraud within the Prospective Marriage visa program (noting that this information is collected but not centrally recorded by the Department of Immigration and Citizenship).

Recommendation 3

5.23 The committee recommends that:

- the Australian Government amend the Migration Regulations 1994 to allow Prospective Marriage visa holders to have access to the family violence exception, as recommended by the Australian Law Reform Commission in its report, *Family Violence and Commonwealth Laws – Improving Legal Frameworks*; and
- the Department of Immigration and Citizenship investigate and implement appropriate integrity measures to facilitate the application of the family violence exception to Prospective Marriage visa holders.

Recommendation 4

5.24 The committee recommends that the Australian Government should develop a specific prosecution policy for the offences contained in Subdivision B of Division 12 of Part 2 of the *Migration Act 1958* and, after implementation, continue to update the policy as necessary.

Recommendation 5

5.34 The committee recommends that the Department of Immigration and Citizenship:

- investigate and implement a way in which to record the non-consent of one party to a Prospective Marriage visa application, which takes into account the safety and well-being of that party should the other party or the members of either party's family become aware of the disclosure of a forced marriage; and
- amend the Procedures Advice Manual to expressly require Prospective Marriage visa program decision-makers to investigate and assess the 'real consent' of applicants and sponsors as far as possible.

Recommendation 6

5.35 The committee recommends that the Australian Government consider establishing a working group to investigate the incidence of forced marriages in Australia and to explore relevant options for assisting victims.

Recommendation 7

5.36 The committee recommends that the Department of Immigration and Citizenship develop an information package for newly arrived migrants on a Prospective Marriage visa or Partner visa, which informs such migrants about:

- the law in Australia with respect to family violence and forced marriages, including factors which might indicate the existence of a forced marriage; and
- how migrants experiencing family violence or a potential or actual forced marriage can seek assistance.