



Coalition Against Trafficking in Women Australia
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Senate Legal and Constitutional Affairs Committee
C/O Sophie Dunstone, Committee Secretary
PO Box 6100
Parliament House
Canberra ACT 2600

6 April 2016

Dear Sir / Madam,

**Inquiry into the Migration Amendment (Family Violence and Other Measures) Bill
2016**

The Coalition Against Trafficking in Women Australia (CATWA) is the Australian branch of CATW International, a Non-Governmental Organisation that has Category II consultative status with the United Nations Economic and Social Council. It works locally and internationally to end all forms of sexual exploitation of women, especially in relation to issues of trafficking in women.

We write to express our broad support for the Migration Amendment (Family Violence and Other Measures) Bill 2016, in particular the sections allowing the refusal of a sponsorship application where offences of family violence are detected.

For far too long, the problem of abusive men using the family visa program to exploit migrant women has gone unnoticed and unaddressed. In 2011, the (then) Department of Immigration and Citizenship documented the use of prospective spouse visas by Australian men to facilitate forced and servile marriages with migrant women (Lauder 2011). In Australia (as in other countries around the world), there have been numerous cases in which men with violent histories have been allowed to sponsor the migration of a woman from overseas through family visas, and enacted horrific forms of violence against her, at times culminating in murder (Schloenhardt and Jolly 2010; Stepnitz 2009).

CATWA is therefore of the view that the proposed changes to the visa program, regarding family violence, are both necessary and overdue. We support the move to expand police checks to all sponsors of partner applications, and for prior convictions for offences relating to violence to be considered as grounds for refusal by the Department.

At the same time, CATWA would like to convey its reservations about the potential for the Amendment, on its own, to meaningfully combat the problem of violence against migrant women. We note with unease that the Government is characterising the Bill as a way to ‘improve the management of family violence’ in the visa program and in terms of enacting the *National Plan to Reduce Violence against Women and their Children*.

While these may be true to an extent, the Amendment alone should not be considered an adequate response for dealing with situations of abuse committed by Australian men against migrant women in the context of family relationships or the visa program. For instance, a consequence of the Bill appears to be that a migrant woman – who has already experienced harm from the sponsor in question – will be left without recourse to the legal remedies and support services that she would otherwise be afforded had the application been processed. It is equally problematic to assume that the abusive nature of the relationship will end merely because the sponsor’s application has been refused. As we know from cases of domestic violence more generally, male harm to women does not necessarily end because partners are no longer living together or expecting to live together, but more often than not continues in a myriad of ways.

Therefore, far greater resources and initiatives are required to genuinely improve the management of family violence in the visa program, and these must go *beyond* the refusal of the sponsor’s application.

Finally, CATWA notes with concern that the Amendment is being put forward at a time when frontline women’s and domestic violence services are under greater pressure than ever before and in the continued absence of adequate funding from the Government (McCormack and Cameron 2015). To meaningfully address the epidemic of Australian men’s violence against women, changes to departmental procedures such as those outlined in the Bill must be followed by a far more sustained and substantial commitment to fund the services that support both migrant or Australian women facing such harm. Without this crucial measure, it is likely that legislation such as the Migration Amendment 2016 will only have a limited effect in combating this form of abuse.

We hope that the Committee will give these matters the most earnest consideration and seek our advice should more information be required.

Sincerely,

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On behalf of the CATWA Executive Committee

References

Lauder, Simon (2011), 'Hundreds of girls brought to Australia by older men', *ABC News*, 8 November. Available from: <http://www.abc.net.au/news/2011-11-07/morrisonconcerned-over-teen-bride-figures/3647744> (last accessed 23 March 2016).

McCormack, Fiona and Cameron, Prue (2015), 'Domestic violence package: a great start, but it will only get us so far', *The Drum*, 25 September. Available from: <http://www.abc.net.au/news/2015-09-25/mccormack-domestic-violence-package/6803846> (last accessed 23 March 2016).

Schloenhardt, Andreas and Jolly, Jarrod (2010), 'Honeymoon from hell: human trafficking and domestic servitude in Australia', *Sydney Law Review*, 32(4): 671-692.

Stepnitz, Abigail (2009), *Male-ordered: the mail-order bride industry and trafficking in women for sexual and labour exploitation*, London: Poppy Project.