

# (Domestic / Family Violence)



(Immigration Advice and Rights Centres Inc.)

The

Immigration Kit, 8

NSW

!

2009 1 12

(domestic/family violence)

/ (Immigration Advice  
and Rights Centre Inc.) (02) 9279 4300

(National Association of Community Legal  
Centres) (02) 9264 9595



## Immigration Advice and Rights Centre Inc.

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Community Legal Centre, established in 1986

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Ph: +61 2 9279 4300 (Admin Line, 9-5pm)  
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# (DV/FV<sup>1</sup>)

2007-8					(DV/FV)
• 502					(DV/FV)
• 2008	6	30	Centrelink	DIAC	(DV/FV)
74					(DV/FV) 15
• 2008	6	30	Centrelink	61	(DV/FV)
		40			(DV/FV) 21
•			(Migration Review Tribunal)	Centrelink	(DV/FV) 49
			(DV/FV)	19	(DV/FV)
26					(DV/FV) 65%
•					(DV/FV)
(					)
			DV/FV		
			(DV/FV)		
			(DV/FV)		

## 1. (DV/FV)

1.5 (1.21-1.27 ) (DV/FV)

(DV/FV) (9 ) (2 3)

), / (DV/FV)

(DV/FV) (DV/FV)

(DV/FV)

## 2. (DV/FV)

(DV/FV)

<sup>1</sup> 2007 10 15  
2007 10 15

9.3

‘Family Violence’  
‘domestic violence’

100	( )
110	( - )
445	
801	( )
814	( - )
820	( )
826	( - )
845	
846	/ -
855	
856	
857	
858	

(DV/FV)  
(DV/FV)  
(DV/FV)

### 3. (DV/FV)

( 3.1 ).

(a) (b) (c)  
(DV/FV) (b) (c) (DV/FV)  
(b) (c) (a), (b) (c)

(a) DV FV .

(b) -

( , )

- ( , )
- ( , )
- ( , )

(c)

- 
- 
- 
- 1975 64B(1)

*Srouf v MIMA* [2006] FCA 1228

### 3.1

).



\* : 'sc' (Subclass ) =

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1. 9 . 9

2. ( 820/801)

2 2

- 820/801

- 309/100 5
- 2 ( 5 ).

2 ( ) ,  
 3 ( , (DV/FV) ).

3. 2 ( ,  
 ). , 3 (DV/FV )

	➔	
( ) sc820	➔	sc801
( ) sc309	➔	sc100
( ) sc826	➔	sc814
( ) sc310	➔	sc110

:

1. ( ) ( ) .  
 2 ( , , 3 (DV/FV) )

2. 2 ( , ) .  
 ( , , 3 (DV/FV) )

**3.2 (DV/FV)**

(DV/FV) (DV/FV) / / ( ) (DV/FV)

	(sc)	(DV/FV)	(DV/FV)	(DV/FV)
1	820		Sc300 sc820  sc801	<ul style="list-style-type: none"> <li>• /</li> <li>• /</li> <li>• /</li> </ul> (DV/FV) ( 820.221 (8) (9) (d) )
2	820 ( )		1 sc820/801  sc801	<ul style="list-style-type: none"> <li>• /</li> <li>• /</li> </ul> (820.221(3)(b)(i) )
3	801 ( )		Sc801  820	<ul style="list-style-type: none"> <li>• /</li> <li>• /</li> </ul> (801.221(6)(c)(i) )
4	100 ( )		sc100 (DV/FV) sc309  (DV/FV)	<ul style="list-style-type: none"> <li>• /</li> <li>• /</li> </ul> (100.221(4)(c)(i) )
5	826 ( )		sc826	<ul style="list-style-type: none"> <li>• /</li> <li>• /</li> </ul> (826.221(4)(b) )
6	814 ( )		sc826 sc814	<ul style="list-style-type: none"> <li>• /</li> <li>• /</li> </ul> (814.221 (8)(c) )
7	110 ( )		Sc110 (DV/FV) sc310  (DV/FV)	<ul style="list-style-type: none"> <li>• /</li> <li>• /</li> </ul> (110.221(4)(c) )

8	445		(DV/FV) 110, 814 801 , sc 445 (DV/FV)	sc 100,	
9	845 / 846 / 855 / 856 / 857 / 858		2 • 2 • 2	(DV/FV)	• 2 / • 1 2 •

9 ! 1-8 ,

4.

(DV/FV) (DV/FV) / /  
( ) (DV/FV)

5. ' ' ?

( 1.23(2)).  
•  
• :  
⇒  
⇒  
⇒  
⇒  
•  
(DV/FV) ( 3.2 )

6. ' ' ?

(DV/FV) ' (DV/FV)  
, / /  
(DV/FV)  
(DV/FV)  
(DV/FV)  
856 (DV/FV) 2 ,

7.

/

(DV/FV)

( )

8.

104

14

( 52(3B) )

(DV/FV)

(DV/FV)

(DV/FV)

(DV/FV)

9.

(DV/FV)

-

1.23

( , ' )

(DV/FV)

(DV/FV)

' (DV/FV) '

(DV/FV)

).

(a) (DV/FV)

, :

•

1975 114(1)(a), (b) (c)

•

•

(b) (9.2 )

(DV)'

(FV)' (9.3 )

(c) ( Centrelink)

(DV)'

(FV)' (12 )

9.1

(Legal Aid Commission)



	*
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\* ,

- ( FV) ( DV)
- “ (violence)” “ (family violence)”
- 1.21(1) ‘ , ’
- ‘ , ’ :  
*Sok v MIMIA [2005] FCAFC 56.*

### 9.4 ‘ , ’ ?

- ‘ (competent person)’ /
- ( )
- 1975 ‘ , ’
- ( (DV/FV) ),
- (DV/FV)
- ⇒ /
- ⇒ ‘ , ’
- ⇒ (DV/FV)

! *MIAC v Pham [2008] FCA 320*

... ‘ , ’ ‘ , ’  
[ ].

### 9.5

#### 9.5.1

- ( ‘ , ’ )
- (DV/FV) ‘ , ’
- (DV/FV) ‘ , ’ :  
⇒ ( ‘ , ’ ) (DV/FV)



9.7

(DV/FV)

10. (DV/FV)

(DV/FV)

11. (DV/FV)

(DV/FV) (DV/FV) ( : )  
(DV/FV)

(DV/FV)

Centrelink

(DV/FV)

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- ⇒
- ⇒
- ⇒

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- 

(DV/FV)

(DV/FV)

(DV/FV)

12. (DV/FV)

1.23(1B)(b)

(DV/FV)

( Centrelink)

Centrelink  
Centrelink  
Centrelink

Centrelink

Centrelink  
Centrelink

(DV/FV)  
(DV/FV)

## 13.

(DV/FV)  
(DV/FV) , )  
(DV/FV)  
( ) NSW . NSW  
(National Association of Community  
Legal Centres) (02) 9264 9595 ,  
(Legal Aid Commission)

13.1 / /

,  
: 000

**Domestic Violence** 1800 656 463

13 14 50 –

13.2 (DV/FV)

(Immigration Advice and Rights Centre Inc.)

Level 5, 362 Kent Street, Sydney

: 02 9262 3833 ( – 2-4 )

02 9279 4300 ( )

: www.iarc.asn.au

(DV/FV)

**NSW (Legal Aid NSW)**

Head Office, Ground Floor  
323 Castlereagh Street  
SYDNEY NSW 2000

: (02) 9219 5000 ( )

: (02) 9219 5935

TTY: (02) 9219 5126

**(Immigrant Women's Speakout)**

: 02 9635 8022

(DV/FV)

**13.3**

( , )

**(Domestic Violence Advocacy Service)**

: (02) 8745 6999

: 1800 810 784

TTY: 1800 626 267

9.30 – 12.30

, , 1.30 – 4.30.

131 450

(02) 9749

7700

**(Generalist Community Legal Centres)**

National Association of Community Legal Centres

(02) 9264 9595

[www.naclc.org.au](http://www.naclc.org.au)

Community Legal Centres

**LawAccess NSW**

1300 888 529

**NSW (Legal Aid NSW)**

13.2

**13.4**

**Mensline Australia**

: 1300 78 99 78 - Mensline Australia

. Mensline Australia

. 24 1 7

**(National Domestic Violence and Sexual Assault Helpline)**

1800 200 526 –

24

**LifeLine**

13 11 14

[www.lifeline.org.au](http://www.lifeline.org.au)

**(Kids Help Line)**

1800 551 800 –

24

Kids Help Line

[www.kidshelp.com.au](http://www.kidshelp.com.au)

**(Relationships Australia)**

1300 364 277 - Relationships Australia

50

**13.5**

131 881

[www.immi.gov.au](http://www.immi.gov.au)

**Centrelink** – ( : 131 021)

- ( : 1800 200 526)



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Community Legal Centre, established in 1986

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Web: www.iarc.asn.au

2009 11

2008-9				DV/FV			
• 708	DV/FV	(		)			
• 2009	6 30	Centrelink	98	DIAC		(DV/FV	
		),	DV/FV	15			
• 2009	6 30	Centrelink	82	DV/FV			
45	DV/FV		37				
•		Centrelink	30	DV/FV		15	
	DV/FV		9				

2009 1

- 2009 7 1  
Subclass 110, 310, 814 826 (Interdependency)  
) Subclass 820/801 309/100
- 2009 7 1 " (Spouse)" " "
- 2009 11 9 , DV/FV
- 2009 11 9 ,  
1.23 1.21 ( : " )