



Family law rights for temporary visa holders in Australia

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Many people living in Australia on a temporary visa worry about accessing family law help if their relationship breaks down. These fears grow stronger when family violence, immigration control by a partner, or financial dependence exists.

Temporary visa holders do have rights under Australian family law. This includes access to parenting orders, property settlement in many situations, and safety protections such as family violence orders. Knowing your rights and support options protects you and helps you make informed decisions.

Parenting rights for temporary visa holders

The Family Law Act 1975 applies to everyone in Australia, regardless of visa status. This means temporary visa holders can ask the Court for [parenting orders](#) when needed.

Parenting arrangements can be made by:

Parenting plan;

Consent orders;

Court-ordered parenting arrangements.

When deciding parenting matters, the Court focuses on what is in the [child's best interests](#). Key factors include the benefit of a child

having a meaningful relationship with both parents, balanced against the need to protect them from harm. Where family violence or abuse is a concern, safety comes first.

Temporary visa holders may also be concerned about:

A partner threatening to remove the child from Australia;

visa instability affecting parenting arrangements;

limited financial independence and housing;

pressure from a partner to accept unsafe arrangements.

Legal options exist to prevent unlawful child removal, including [Family Law Watchlist](#) orders and urgent applications to the Federal Circuit and Family Court of Australia or Family Court of Western Australia.

Further reading - parenting matters

- [Difference between parenting orders and parenting plans](#)
- [A comprehensive guide to family law consent orders](#)

Family violence protections for temporary visa holders

Family violence affects people regardless of citizenship or visa status. Australia provides legal protections for victim-survivors who hold temporary visas.

Family violence may involve:

physical harm;

emotional or psychological abuse;

financial control, such as withholding money or preventing you from working;

migration-related coercion or threats;

isolation and monitoring;

sexual abuse or coercion.

Family Violence orders are applied for through state and territory courts. Police can also issue immediate protection orders.

Importantly, the Family Court treats threats to cancel a visa or withdraw sponsorship as a form of family violence and coercive control. These behaviours can be evidence when seeking parenting orders or protective orders.

Further reading – family violence

- [The effect of family violence orders on parenting orders](#)
- [The effect of family violence orders on property settlement](#)
- [Family law matters involving drugs, alcohol or family violence](#)

Migration and family violence: additional protections

Some temporary visa holders, such as partner visa applicants, can remain in Australia independently of their partner if they have experienced family violence. This is called the family violence provision in migration law.

Evidence of family violence can be relevant to both migration and Family Court proceedings.

Examples of evidence that may support a visa-based family violence claim include:

Court orders protecting you;

police reports;

medical or counselling records;

statutory declarations from support services.

A migration lawyer and specialist support services help you gather evidence and protect your safety and visa status.

Financial and property matters for temporary visa holders

You may also be able to apply for [property settlement](#) and [spousal maintenance](#) under the *Family Law Act*. This depends on individual circumstances, including the length of the relationship and contributions to shared assets and shared life, such as homemaker and parenting contributions.

You may be able to ask the Court for:

a fair share of property;

Court orders protecting financial assets;

spousal maintenance in limited cases.

If you have left a relationship due to family violence, keep records of contributions, expenses, and any financial control. Get early legal advice.

[GET ADVICE FROM AN EXPERIENCED FAMILY LAWYER: 08 6245 0855](#)

Accessing family law services and support as a temporary visa holder

You might worry that you cannot access services or will have to leave Australia if you seek help. There are support options available, particularly for those experiencing family violence.

Support options include:

family violence services and refuges;

free legal advice through community legal centres;

family relationship centres for parenting mediation;

health and counselling services;

emergency financial support in some cases.

Do not delay seeking help due to fears about visa consequences. Many services are confidential and experienced in helping temporary visa holders.

Practical steps if you need family law help

If you are a temporary visa holder in Australia and need family law support, take these steps:

Keep copies of important documents, including passport and visa details;

Seek legal advice early, even if you have not yet separated;

Contact police in an emergency;

Create a safety plan if family violence is involved;

Keep evidence of family violence or threats;

Request interpreters if you need them;

Do not rely solely on your partner for visa information.

If safe to do so, secure personal documents and digital accounts before leaving a relationship.

Frequently asked questions

Can I go to the Family Court if I am on a temporary visa?

Yes. The *Family Law Act* applies regardless of visa status.

What if my partner threatens to cancel my visa?

Threatening to cancel your visa or withdraw sponsorship is a form of family violence. Seek help early.

Can I get a family violence order if I am on a temporary visa?

Yes. You can apply for state or territory protection orders, and police can assist.

Will going to Court affect my visa?

Family law proceedings do not automatically affect visa status. Always seek advice from a migration lawyer if uncertain.

What if my partner wants to take our child overseas?

You can apply for urgent orders to prevent your child leaving Australia. Request placement on the Family Law Watchlist.

Get help from a family lawyer

You have the right to safety, fair parenting arrangements, and legal protection. Your visa status does not prevent you from accessing family law protections or support services. If family violence is involved, additional visa and legal protections may apply.

Seeking early advice can help protect you and your children and allow you to make informed decisions during a stressful time.

The information contained in this article is of general nature and should not be construed as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.