

Defending an Apprehended Violence Order (AVO)



International
Students Legal
Service

As an international student, there may be serious consequences if an Apprehended Violence Order (AVO) is made against you.

What is an AVO?

An Apprehended Violence Order (AVO) is a court order made against a person to protect another person who fears violence, intimidation, harassment or stalking.

The person who the AVO is made against is called the Defendant. The person who is protected by the AVO is called the PINOP (Person In Need of Protection).

An AVO is not automatically a criminal conviction. However, breaching an AVO is a criminal offence.

Types of AVOs

There are two types of AVOs:

- Apprehended Domestic Violence Order (ADVO) – this applies where there is a domestic relationship, for example:
 - current or former partners
 - family members
 - people living in the same household
 - people who have a child together
- Apprehended Personal Violence Order (APVO) – this applies where there is no domestic relationship, for example:
 - neighbours
 - classmates
 - coworkers
 - strangers

If an AVO Application is made against you

If an AVO application is being made against you, you will receive official documents from the court or police.

They usually include:

- A temporary (interim) AVO – this starts straight away and you must follow it
- A Court Attendance Notice – tells you when to go to court
- A Police Fact Sheet – a summary of the allegations against you.

You must go to court

It is very important that you attend court on the date listed.

If you do not attend:

- The court may make a final AVO against you in your absence, or
- a warrant may be issued for your arrest.

Your Options at Court

You can:

1. Ask for more time (adjournment)

You can ask the court for more time to:

- get legal advice
- prepare your case
- arrange an interpreter, if needed

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2. Agree to the AVO

You can agree to the AVO and admit the allegations.

Alternatively, you can agree to the AVO and not admit the allegations.

Either way, this can still affect your visa - get legal advice first.

3. Defend the application

You can challenge the AVO and ask for a hearing to present your evidence.

Visa consequences for international students

A final AVO, even without any criminal charges, can affect your current and future visa applications.

Under section 501 of the *Migration Act 1958* (Cth) and Ministerial Direction 110 (2024), the Department of Home Affairs can treat an AVO as evidence of violence, harassment and domestic violence behaviour.

This can result in:

- Visa cancellation
- Visa refusal (including future student visas, 485 visas, and partner visas)
- Detention and removal from Australia

These consequences may happen now or later, including when you apply for another visa in the future.

Do **NOT** agree to an AVO without getting legal advice first.

What should you do if there is an AVO application against you?

If there is an AVO application against you:

- Get legal advice as soon as possible
- Take all of your documents to your lawyer
- Write down your version of events while it is fresh in your memory.
- Collect evidence, including texts, emails, photos, screenshots
- Ask the court for an interpreter, if needed
- Make sure you attend court every time you have to

If a final AVO has already been made

You should get urgent legal advice if:

- You did not understand what the AVO meant
- You agreed to it without legal advice
- You want to appeal, vary, or revoke the AVO
- You are planning to apply for a new visa soon

Legal Advice

You can obtain information, advice and assistance from:

- **Redfern Legal Centre**
www.rlc.org.au/contact
9698 7277
- **LawAccess NSW**
www.lawaccess.nsw.gov.au
1300 888 528
- **Fair Work Ombudsman**
www.fairwork.gov.au/contact-us
13 13 94

If you need an interpreter, call 131 450.

This fact sheet is for information only and is not legal advice