



Australian Government
Department of Immigration and Citizenship

Addendum to Form 1127 Booklet 1 - *Partner Migration*

(Design Date 07/09)

This addendum is effective from 9 November 2009.

Page 16, paragraph 7, under heading *Protection of children*

Replace:

The department has concerns about Australian citizens and residents who have been convicted of or are facing charges for child sex offences and who are sponsoring partners and minor children for entry to Australia under family migration arrangements. While such cases are rare, it is essential that sponsors disclose to the department any information relating to any conviction they have had or any charges currently awaiting legal action. It is also important that migration applicants, and any non-migrating person who can lawfully determine where a migrating minor child is to live, are informed when the sponsor has such convictions or outstanding charges.

When the department is aware of any convictions or charges of this nature, through either:

- the answers you provide to Question 33 on form 40CH *Sponsorship for a child to migrate to Australia*
- liaison with relevant Commonwealth, state and territory agencies

it may inform the migration applicant, and any non-migrating person who can lawfully determine where the applicant's migrating minor child may live, about the convictions or charges. Signing the sponsorship undertaking will be taken as your acknowledgement of this approach.

With:

The Australian Government considers that the safety of children is paramount and this is reflected in policies about the sponsorship of minors for visas to enter Australia. The Government wants to ensure that children seeking to enter Australia under partner and child visas are protected from being sponsored by people with convictions for child sex offences or other serious offences indicating that they may pose a significant risk to a child in their care.

Sponsors of partner or prospective marriage visa applications which include a minor applicant are required under policy to provide either an Australian National Police Check or foreign police certificate/s as part of the process of assessing the application. The results of the police certificates will be used by the department to assess whether or not the visa application satisfies public interest criteria relating to the best interests of the children.

In addition to the Australian National Police Check or other police certificate/s, sponsors must disclose to the department any information relating to any conviction for child sex offences they have had or any charges currently awaiting legal action. It is also important that migration applicants, and any non-migrating person who can lawfully determine where a migrating minor child is to live, are informed when the sponsor has such convictions or outstanding charges.

When the department is aware of any convictions or charges of this nature, through either:

- the Australian National Police Check or other police certificate/s provided
- the answers you provide to Question 38 on form 40SP *Sponsorship for a partner to migrate to Australia* or Question 36 on form 918 *Application for a subclass 445 (temporary) visa by a dependent child*
- liaison with relevant Commonwealth, state and territory agencies

it may inform the migration applicant, and any non-migrating person who can lawfully determine where the applicant's migrating minor child may live, about the convictions or charges. Signing the sponsorship undertaking will be taken as your acknowledgement of this approach.

Page 23, after paragraph 2, insert new heading *Best interests of the child* (after heading *Custody requirement*), Insert:

Best interests of the child

If an applicant includes a dependent family member under 18 years of age in their application, a criterion for the visa is that there is no compelling reason to believe that the grant of the visa would not be in the best interests of that dependant.

In order to assess this criterion, sponsors of children under 18 years of age are required to submit an Australian National Police Check if the sponsor has spent a total of 12 months or more in Australia since turning 16 years of age.

If the sponsor of a child under 18 years of age has not spent a total of 12 months or more in Australia since turning 16 years of age, they must provide police certificates from each country in which they have spent a total of 12 months or more in the last 10 years since turning 16 years of age.

Sponsors who are required to submit an Australian National Police Check must complete the National Police Check application form which is available from the Australian Federal Police website.

See: http://www.afp.gov.au/business/national_police_checks

Sponsors should use Code 33 at Question 1 on the form and include details of any, and all, names they have been known by. If an AFP Certificate is provided based on incorrect information, the department may request another certificate. Fingerprints are not required for Australian National Police Checks.

Information on obtaining a foreign police check is available from the department's website.

See: www.immi.gov.au/allforms/character-requirements/character-penal.pdf

Page 31, after paragraph 17, under heading *For each dependent child or other dependent family member included in your application, you must provide:*, Insert:

- If the dependant is aged under 18, an Australian National Police Check or foreign police certificates from the sponsor (see **Best interests of the child** above)

Page 35, after paragraph 22, under heading *For each dependent child or other dependent family member included in your application, you must provide:*, Insert:

- If the dependant is aged under 18, an Australian National Police Check or foreign police certificates from the sponsor (see **Best interests of the child** above)

Page 45, paragraph 9, under heading *Including a dependent child in your application*, Insert:

If the dependent child is aged under 18, the sponsor will need to provide an Australian National Police Check or foreign police certificates (see **Best interests of the child** above), unless one has already been provided with the application.

Page 47, after paragraph 4, under heading *Lodging an applicant for a Dependent Child visa*, Insert:

If the dependent child is aged under 18, the sponsor will need to provide an Australian National Police Check or foreign police certificates with the application (see **Best interests of the child** above).