



Australian Government

Department of Immigration
and Citizenship

Sponsorship for a child to migrate to Australia

Form

40CH

Important – Please read this information carefully before you complete this application. Once you have completed this application we strongly advise that you keep a copy for your records.

Before you fill in this form you should read booklet 2, *Child Migration*, which is available from the Department of Immigration and Citizenship (the department) website www.immi.gov.au/allforms/. If you are satisfied that you are eligible to sponsor the child, you should continue reading these instructions.

Integrity of sponsorship

The department is committed to maintaining the integrity of the visa and citizenship programs. Please be aware that if you provide us with fraudulent documents or claims, this may result in processing delays and possibly your sponsorship being refused.

Who can sponsor?

The child must be **sponsored** by the parent, relative or guardian (as applicable for the category). The sponsor gives a written undertaking to provide support for the child, including accommodation and financial assistance as required to meet the child's reasonable living needs during their first 2 years in Australia, or the 2 years following the grant of the child's visa if the child is applying in Australia. The sponsor must complete the undertaking in **Part K** of this form.

The sponsor must be an Australian citizen, permanent resident or eligible New Zealand citizen aged 18 years or over. If you wish to sponsor an orphan relative who is applying in Australia you must have been resident in Australia for a reasonable period, usually 2 years.

'**Partner**' means your spouse or de facto partner (including same-sex partners).

How to sponsor

To make a valid application, form 47CH *Application for migration to Australia by a child* and the Visa Application Charge (or evidence that you have paid the charge in Australia) **must be lodged together**. This form should also be lodged at the same time.

Visa Application Charges may be subject to adjustment on 1 July each year. This may increase the cost of a visa.

If the child is aged 18 or over

Complete this form and send or give it to the child you are sponsoring.

The child should complete form 47CH and lodge it together with this sponsorship form at the nearest office of the department if applying in Australia, or Australian mission if applying outside Australia.

If the child is under 18

If the child is outside Australia, complete this form and send it to the child's current guardian to lodge on the child's behalf. An application for an Adoption (subclass 102) visa must be lodged at the relevant overseas mission.

If the child is in Australia you should lodge the completed form at the nearest office of the department.

You, or the child's current guardian, should complete form 47CH on the child's behalf.

Protection of children

The department has concerns about Australian citizens and residents who have been convicted of or are facing charges of child sex offences and who are sponsoring minor children for entry to Australia under family migration arrangements.

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 this form; or
- 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.

Assurance of Support (AoS)

An AoS may be requested if an applicant is assessed as being a potentially high user of the Australian welfare system during their first 2 years in Australia. As well as your child's circumstances, your ability to support your child (and any other dependants included in the application) may be taken into account by the decision-maker in deciding whether to request an AoS. Some of the information given by you on this form may be used for this.

What is an AoS?

An AoS is an undertaking to provide financial support to the person or persons applying to migrate so that the migrant will not have to rely on any government forms of support.

It is also a legal commitment by a person to repay to the Australian Government certain recoverable social security payments made by Centrelink to those covered by the assurance.

The sponsor of the visa applicant is not required to act as the assurer if they are not in a financial position to qualify. Generally a person who has received the full rate of any pension, benefit or allowance (other than family payments) from Centrelink during the last year will not qualify as an assurer. Another person who is an Australian citizen or permanent resident or eligible New Zealand citizen who is usually resident in Australia and over 18 years of age can act as the assurer.

Centrelink has responsibility for assessing all AoS applications. Where appropriate, this also includes managing bond lodgement. For more information about the AoS scheme including application procedures, refer to Centrelink's website at www.centrelink.gov.au or contact Centrelink on 132 850 from within Australia or 61 3 6222 3455 from outside Australia.

What documents do you need?

You should provide all documents asked for in this form.

The department will need proof of your relationship to the child.

It will help processing if you lodge with this form any documents which confirm the relationship. For example, if you are sponsoring your niece or nephew as an orphan relative, you should include certified copies of your full birth certificate and the full birth certificate of your sibling who is the parent of the child.

If you or your siblings have changed your name(s) since birth, you should also provide evidence of this.

You will also need to provide evidence of your permanent resident status in Australia or proof that you are an eligible New Zealand citizen. An Australian citizen will need to send a certified copy of their citizenship certificate or, if Australian-born, a full certified copy of their birth certificate. If you are unsure about the documents needed to do this, contact the nearest office of the department or Australian mission.

You will also need to demonstrate that you will be able to meet your sponsorship obligations. These are that you will be able to assist your child, to the extent necessary, financially and in respect of accommodation, during the period of 2 years immediately following their arrival in Australia or the 2 years following the grant of the child's visa if the child is applying in Australia. The information requested on this form, including documents relating to your employment and income, will assist the decision-maker in deciding whether you are able to meet these obligations.

The information form 993i *Safeguarding your personal information*, available from the department's website (www.immi.gov.au/allforms/) and offices of the department, gives details of how any information given by you to the department is protected.

If you are providing copies of documents they will need to be certified as true copies of the original by a justice of the peace, commissioner for declarations or a person authorised to witness statutory declarations.

Note: Applicants and sponsors are encouraged to use the local websites of Australian overseas missions to check for specific local documentation requirements before lodging the child's visa application. Website addresses are located on the department's website at www.immi.gov.au/contacts/

Two-year wait for social security payments

New migrants to Australia have to wait 2 years before they can get most social security payments. The 2 year wait starts from the date of arrival or the date of permanent residence status, whichever is the later. You should therefore think carefully about whether you are able and willing to provide support for the child. The 'Living in Australia' section of the booklet *Child Migration* provides more information on the 2 year wait including information on exemptions for some people.

Information on services to assist newly arrived migrants with settling in Australia is also available on the department's 'Settling in Australia' website at www.immi.gov.au/settle

About the information you give

The department is authorised to collect information provided on this form under Part 2 of the *Migration Act 1958* 'Control of Arrival and Presence of Non-Citizens'. The information provided will be used for assessing eligibility for a visa to travel to, enter and remain in Australia and for other purposes relating to the administration of the Migration Act, for example, to assist migrants with settling in Australia, to monitor the conduct of migration agents, or for ensuring compliance with the Migration Act.

Where sponsorship applications present potential child protection issues, the department will ensure the migration applicant, or a person with parental responsibility (as defined in section 61B of the *Family Law Act 1975*) for the applicant, is made aware of the information collected which raises child protection concerns. The section titled *Protection of children* on page 1 of this form gives details of situations where the department may take such action.

The information provided might also be disclosed to agencies who are authorised to receive information relating to adoption, border control, business skills, citizenship, education, health assessment, health insurance, health services, law enforcement, payment of pensions and benefits, taxation, review of decisions and regulation of migration agents.

The information on this form, including the results of any tests for Human Immunodeficiency Virus (HIV), will be used to assess the applicant's health for an Australian visa. A positive HIV **or other** test result will not necessarily lead to a visa being denied. These result(s) may be disclosed to the relevant Commonwealth, state and territory health agencies. Form 1071i *Health requirement for permanent entry to Australia* provides additional information on Australia's visa health requirements. Form 1071i is available at offices of the department or from the department's website www.immi.gov.au/allforms/

The *Privacy Act 1988* is the key law designed to safeguard personal information collected by government agencies. The information privacy principles in the Privacy Act must be obeyed by federal government agencies, including the department, when gathering, processing and disclosing information about the applicant.

Please read the information form 993i *Safeguarding your personal information*, which is available from the department's website www.immi.gov.au/allforms/ or from an office of the department, so as to be better informed about the agencies to which personal information might be disclosed.

The department has authority under the *Migration Act 1958* to collect a range of personal identifiers from non-citizens, including visa applicants, in certain circumstances. For more detailed information please read information form 1243i *Your personal identifying information*, which is available from the department's website www.immi.gov.au/allforms/

The *Freedom of Information Act 1982* also relates to the applicant's personal information. Under this Act the applicant can apply for access to documents containing their personal information.

Obtaining information about you from other agencies and organisations

Under section 56 of the *Migration Act 1958*, the department may seek information about you that is relevant to your sponsorship application from other agencies and organisations. The agencies/organisations may include:

- federal, state or territory government agencies;
- federal, state or territory law enforcement agencies;
- state or territory housing authorities (including private landlords);
- local government authorities;
- financial institutions;
- educational institutions;
- private businesses (including telecommunications and internet service providers, insurance companies); and
- any other relevant businesses or agencies.

Options for receiving written communications

You may authorise another person to receive all communications, both written and electronic, about your application with the department. You will be taken to have received any documents sent to that person as if they had been sent to you.

To do this you will need to complete Part M *Options for receiving written communications* and form 956 *Appointment of a migration agent or exempt agent or other authorised recipient*. For an explanation of what a migration agent or exempt agent or authorised recipient can do please read the sections below.

To change or end the appointment of your migration agent or exempt agent or authorised recipient you must promptly advise the department in writing. You can do this by using form 956 *Appointment of a migration agent or exempt agent or other authorised recipient*.

Authorised recipient information

An authorised recipient is someone you appoint to receive written communications about your application with the department.

All written communication about your application will be sent to your authorised recipient, unless you indicate that you wish to have health and/or character information sent directly to you.

The department will communicate with the most recently appointed authorised recipient as you may only appoint one authorised recipient at any time for a particular application.

Migration agent information

A migration agent is someone who can:

- advise you on the visa that may best suit you;
- tell you the documents you need to submit with your application;
- help you fill in the application and submit it; and
- communicate with the department on your behalf.

If you appoint a migration agent, the department will assume that your migration agent will be your authorised recipient, unless you indicate otherwise.

Your migration agent will be the person with whom the department will discuss your application and from whom it will seek further information when required.

You are not required to use a migration agent. However, if you use a migration agent, the department encourages you to use a registered migration agent. Registered agents are bound by the Migration Agents Code of Conduct, which requires them to act professionally in their clients' lawful best interests.

Immigration assistance

A person gives immigration assistance to you if he or she uses, or claims to use, his or her knowledge or experience in migration procedure to assist you with your visa application, request for ministerial intervention, cancellation review application, sponsorship or nomination.

In Australia a person may only lawfully give immigration assistance if he or she is a registered migration agent or is exempt from being registered. Only registered migration agents may receive a fee or reward for providing immigration assistance.

If an unregistered person in Australia, who is not exempt from registration, gives you immigration assistance they are committing a criminal offence and may be prosecuted.

Migration agents in Australia

Migration agents in Australia must be registered with the Office of the Migration Agents Registration Authority (Office of the MARA) unless they are exempt from registration.

Migration agents outside Australia

Migration agents who operate outside Australia do not have to be registered. The department may give some overseas agents an ID number. This number does not mean that they are registered.

Note: Some Australian registered migration agents operate overseas.

Exempt agents

The following people do not have to be a registered migration agent in order to provide immigration assistance, but they must not charge a fee for their service:

- a close family member (spouse, de facto partner, child, parent, brother or sister);
- a sponsor or nominator for this visa application;
- a member of parliament or their staff;
- an official whose duties include providing immigration assistance (eg. a Legal Aid provider);
- a member of a diplomatic mission, consular post or international organisation.

Further information on migration agents

Information on migration agents, including a list of registered migration agents, is available on the Office of the Migration Agents Registration Authority (Office of the MARA) website www.themara.com.au

You can also access information about migration agents on the department's website [**www.immi.gov.au**](http://www.immi.gov.au)

Consent to communicate electronically

The department may use a range of means to communicate with you. However, electronic means such as fax or e-mail will only be used if you indicate your agreement to receiving communication in this way.

To process your application the department may need to communicate with you about sensitive information, for example, health, police checks, financial viability and personal relationships. Electronic communications, unless adequately encrypted, are not secure and may be viewed by others or interfered with. If you agree to the department communicating with you by electronic means, the details you provide will only be used by the department for the purpose for which you have provided them, unless there is a legal obligation or necessity to use them for another purpose, or you have consented to use for another purpose. They will not be added to any mailing list.

The Australian Government accepts no responsibility for the security or integrity of any information sent to the department over the internet or by other electronic means.

Home page **www.immi.gov.au**

General enquiry line Telephone **131 881** during business hours in Australia to speak to an operator (recorded information available outside these hours). If you are outside Australia, please contact your nearest Australian mission.

Please keep these information pages for your reference



Please use a pen, and write neatly in English using BLOCK LETTERS.

Tick where applicable

Part A – Application overview

1 How many people are included in this sponsorship for migration?

Part B – Child's details

2 Child's full name (as shown in passport or travel document)

Family name

Given names

3 Child's name in own language or script (if applicable)

4 Other ways used to spell the child's name

Family name

Given names

5 Sex Male Female

6 Child's date of birth

DAY MONTH YEAR

7 Child's residential address

POSTCODE

8 Child's relationship status

Married Separated Never married or
 Engaged Divorced been in a de facto
 De facto Widowed relationship

9 Child's relationship to you

Note: For the purposes of this form, a 'natural' child includes:

- a natural (biological) child of the Australian parent; or
- a child conceived through an artificial conception procedure; or
- a child born under surrogacy arrangements, where parentage has been transferred by court order under a prescribed state or territory law.

Adopted child ▶ Go to Part C

Step-child ▶ Go to Part D

Natural child ▶ Go to Part F

Brother/sister

Nephew or niece ▶ Go to Part E

Grandchild

Other ▶ Please specify

 ▶ Go to Part E

Part C – Adopted child

10 When did you adopt the child?

Before I became an ▶ Attach a certified copy of the Australian citizen, permanent resident or eligible New Zealand citizen child's adoption certificate or, if applicable, an adoption compliance certificate made under the Adoption Convention.
 ▶ Now go to Part F

After I became an Australian ▶ Attach a certified copy of the citizen, permanent resident or eligible New Zealand citizen child's adoption certificate or, if applicable, an adoption compliance certificate made under the Adoption Convention.
 ▶ Now go to Part G

I have **not yet** adopted the ▶ Attach an official letter from the child but the child has been the relevant Australian state or territory adoption authority allocated to me for adoption which shows that you have been allocated the child for adoption.
 ▶ Now go to Part G

Part D – Step-child

11 Tick which applies to you

The child is not my child but is the child of my current partner Attach evidence of your relationship to the child's parent, eg. marriage certificate

(Note: You must be currently married to, or in a de facto relationship with, the child's parent and living together)

The child is not my child but is the child of my former partner and the child is under 18 years of age Attach evidence of your former relationship to the child's parent and evidence that you have a legal responsibility to look after the child eg. court order granting you custody or guardianship

(Note: A former partner includes a deceased partner)

▶▶ Now go to Part F

Part E – Orphan relative

12 Are the child's parents both either dead, of unknown whereabouts or permanently incapacitated?

No

Yes ▶ Give details

Parent's full name

Sex Male Female

Dead Unknown whereabouts Permanently incapacitated

Parent's full name

Sex Male Female

Dead Unknown whereabouts Permanently incapacitated

Attach evidence to support this claim (eg. parent's death certificate or report from a qualified medical practitioner which shows that the child's parent has a disability which stops them from looking after the child)

Part F – Custody and guardianship (for a child under 18 years only)

13 Do you have the sole legal right to determine where the child shall live or to remove the child from their home country?

No ▶ Give details of ALL other people who have custody, access or guardianship rights in relation to the child

You must attach a statutory declaration from each of these people giving permission for the child to migrate.

1. Full name

Residential address

 POSTCODE

Telephone number

COUNTRY CODE AREA CODE NUMBER

 () ()

Relationship to the child

Nature of the legal right

2. Full name

Residential address

 POSTCODE

Telephone number

COUNTRY CODE AREA CODE NUMBER

 () ()

Relationship to the child

Nature of the legal right

Yes ▶ Attach a certified copy of the court order giving you sole legal right to determine where the child shall live or the right to remove the child from the country

Part G – Dependants

14 Does the child have any dependent family members who are included in this sponsorship?

No

Yes Give details

1. Full name

Sex Male Female

Date of birth / /

Country of current residence

Citizenship

Relationship to child*

2. Full name

Sex Male Female

Date of birth / /

Country of current residence

Citizenship

Relationship to child*

3. Full name

Sex Male Female

Date of birth / /

Country of current residence

Citizenship

Relationship to child*

* Siblings who wish to migrate together must make separate applications and have separate sponsorships.

Part H – Your details

15 Your full name (as shown in your passport or travel document)

Family name

Given names

16 Sex Male Female

17 Date of birth / /

18 Place of birth

Town/city

Country

19 What is your citizenship/residence status in Australia?
(Tick one only)

Australian citizen by birth Attach certified copy of birth certificate

Australian citizen by grant Date of arrival in Australia

/ /

Attach proof of citizenship and length of residence

Permanent resident of Australia Date of arrival in Australia

/ /

Attach proof of length of residence

Which citizenships do you hold?

Eligible New Zealand citizen Length of residence in Australia

Please attach proof

20 Your current residential address

Note: You are required to provide a residential address on this form for it to be a valid visa application. Under legislation, a post office box address is not acceptable as a residential address.

Note: If your residential address is not in Australia, please attach a statement outlining how you will meet your sponsorship obligations (see Part K).

21 Address for correspondence

(If the same as your residential address, write 'AS ABOVE')

22 Your telephone numbers

Office hours () ()

After hours () ()

23 Do you agree to the department communicating with you by fax, e-mail or other electronic means?

No

Yes Give details

Fax number () ()

E-mail address

Note: If this sponsorship is refused, you will be notified by mail

- 24** Relationship status
- Married Separated Never married or
 Engaged Divorced been in a de facto
 De facto Widowed relationship

- 25** What is your current employment status?
- Employed
- Not in paid employment ▶ Home duties
- Seeking employment
- Retired
- Receiving pension
- Full-time student

- 26** Have you been in paid employment at any time in the past 2 years?
- No
- Yes ▶ Give details

1. Name of employer

 From / / to / /
 Your occupation

2. Name of employer

 From / / to / /
 Your occupation

3. Name of employer

 From / / to / /
 Your occupation

4. Name of employer

 From / / to / /
 Your occupation

You should provide certified photocopies of one of the following documents to show your employment **during the last 2 years**:

- Australian income and/or overseas tax assessment notices*; or
- letter from employer confirming length of employment and annual salary; or
- payslips; or
- business documents or letter from your accountant if self-employed, or self-funded from other sources.

* The department does not require your Tax File Number (TFN). If your TFN is shown on your tax assessment notice, you may wish to remove or obscure it before you attach the copy of the assessment notice to this form.

- 27** Have you received Newstart Allowance, Parenting Payment, Youth Allowance, Widow Allowance or Special Benefit during the last 2 years?
- No
- Yes ▶ Give details

1. Type of payment

 From / / to / /

2. Type of payment

 From / / to / /

3. Type of payment

 From / / to / /

- 28** If you are normally dependent on your partner's income, give details of your partner's employment history for the last 2 years.

1. Name of employer

 From / / to / /

2. Name of employer

 From / / to / /

3. Name of employer

 From / / to / /

- 29** If you are normally dependent on your partner's income, has your partner received Newstart Allowance, Parenting Payment, Youth Allowance, Widow Allowance or Special Benefit during the last 2 years?

- No
- Yes ▶ Give details

1. Type of payment

 From / / to / /

2. Type of payment

 From / / to / /

3. Type of payment

 From / / to / /

37 In which countries have you lived for 12 months or more during the last 10 years?

Country	Dates lived there		Last permanent address in that country
	FROM	TO	
	FROM	MONTH / YEAR	
	TO	MONTH / YEAR	
	FROM	MONTH / YEAR	
	TO	MONTH / YEAR	
	FROM	MONTH / YEAR	
	TO	MONTH / YEAR	
	FROM	MONTH / YEAR	
	TO	MONTH / YEAR	
	FROM	MONTH / YEAR	
	TO	MONTH / YEAR	
	FROM	MONTH / YEAR	
	TO	MONTH / YEAR	
	FROM	MONTH / YEAR	
	TO	MONTH / YEAR	

Part I – About your home

38 Type of dwelling

- House
- Flat
- Other Specify

39 How many bedrooms does the dwelling have?

40 How many people live in the dwelling?

41 What is the relationship of these people to you?

- Child
- Parent
- Partner
- Sibling
- Other Specify

42 Is the dwelling

- Rented
- Owned
- Being purchased
- Other Specify

43 Will the child you are sponsoring be living with you?

- No What accommodation do you propose for the child
- Yes you are sponsoring?

Part J – Your previous sponsorships/nominations

44 Have you or your partner lodged any other sponsorships/nominations or signed an Assurance of Support?

- No
- Yes Attach a written statement showing the relationship of the person you have sponsored/nominated or assured and the dates of lodgement of sponsorships/nominations (including any current sponsorship/nominations), Maintenance Guarantees or Assurances.

Part K – Your sponsorship undertaking

This part must be completed by SPONSORS

45 Undertaking

WARNING: Giving false or misleading information is a serious offence.

I agree to:

- provide information and advice to help the person(s) I am sponsoring settle in Australia;
- ensure that adequate accommodation is available to them on arrival in Australia or, to provide accommodation for up to two years from arrival in Australia, or the 2 years following the grant of your child's visa if your child is applying in Australia;
- provide support as required to enable them to attend appropriate English language courses;
- attend an interview (if requested by the department) in relation to the child's application; and
- inform the department in writing if I withdraw my support for the child before this application is finalised.

I am aware that any person who provides false or misleading information or who deceives or misleads or who presents a forged document to an Australian government official may be prosecuted.

I am aware that if false or incorrect information is given on this form, the application of the person(s) I am sponsoring may be refused, and/or any visa granted to that person may be liable to cancellation.

I authorise Centrelink to give information about me, relevant to my offer to provide this sponsorship, to the Department of Immigration and Citizenship.

I authorise the department to obtain information relevant to my offer to provide this sponsorship from other government agencies or organisations. The agencies/organisations may include:

- federal, state or territory government agencies;
- federal, state or territory law enforcement agencies;
- state or territory housing authorities (including private landlords);
- local government authorities;
- financial institutions;
- educational institutions;
- private businesses (including telecommunication and internet service providers, insurance companies); and
- any other relevant businesses or agencies.

I acknowledge the department may inform the migration applicant, and any non-migrating person who can lawfully determine where the applicant may live, about the convictions or charges it becomes aware of through either my response to Question 33 or liaison with relevant Commonwealth, state or territory agencies.

I declare that the information I have supplied in this form is complete, correct and up-to-date in every detail.

Signature of sponsor

Date

We strongly advise that you keep a copy of this application and all attachments for your records.

Part L – Assistance with this form

46 Did you receive assistance in completing this form?

No ▶ Go to Part M

Yes ▶ Please give details of the person who assisted you

Title: Mr Mrs Miss Ms Other

Family name

Given names

Address

POSTCODE

Telephone number or daytime contact

Office hours

Mobile/cell

47 Is the person an agent registered with the Office of the Migration Agents Registration Authority (Office of the MARA)?

No

Yes ▶ Go to Part M

48 Is the person/agent in Australia?

No ▶ Go to Part M

Yes

49 Did you pay the person/agent and/or give a gift for this assistance?

No

Yes

Part M – Options for receiving written communications

50 All written communications about this application should be sent to: (Tick one box only)

Myself ▶

All written communications will be sent to the address for communications that you have provided in this form.

OR

Authorised recipient

You must complete form 956 *Appointment of a migration agent or exempt agent or other authorised recipient* and attach it to this application form. Form 956 is available from the department's website

OR

Migration agent ▶

www.immi.gov.au

OR

Agent exempt from registration