



Applicants for some visas can include other persons who are members of their family unit in their applications. Newborn children may be automatically included in a visa application.

You should read the requirements for the visa you are applying for to confirm whether you can include family members and, if the visa you are applying for does permit including family members, which other persons are considered to be members of your family unit and can be included in your application.

Newborn child

Visa applications

If your child is born (in or outside Australia) after you lodged your visa application (but before it is decided), the child will automatically be included in your visa application(s). You must tell us about the birth of your child as soon as possible.

You can tell us by providing the following documents to the Department of Home Affairs (the Department):

- a completed form 1022 *Notification of changes in circumstances* available from the Department's website at www.homeaffairs.gov.au/allforms/; and
- a colour scan of your child's birth certificate; and
- if your child has a passport, a colour scan of your child's passport pages (showing their photograph, personal details, and passport issue and expiry dates).

If your visa application is in ImmiAccount you can tell us by signing in to ImmiAccount and uploading the documents. If your visa application is not in ImmiAccount you can tell us by sending the document to the office that is deciding your application.

Citizenship

An Australian citizen cannot make a valid visa application or be granted a visa.

If your child is born outside Australia and either parent is an Australian citizen at the time of the child's birth, the child might be eligible for Australian citizenship by descent. Information about applying for Australian citizenship by descent is available from the Department's website immi.homeaffairs.gov.au/citizenship/become-a-citizen/by-descent.

If your child is born in Australia and either parent is an Australian citizen or Australian permanent resident at the time of the child's birth, the child is an Australian citizen by birth. Information about whether a child born in Australia is an Australian citizen is available from the Department's website immi.homeaffairs.gov.au/citizenship/certificate/get-a-certificate.

Family members who may be able to be included in some visa applications

Partner

If your visa application permits the inclusion of a partner, your partner may be included in your application if they are married to you or they are your de facto partner (same or opposite sex). Before the visa can be granted to your partner, you must prove that:

- your relationship is genuine and continuing; and
- your partner is at least 18 years of age when the application is lodged (there are some exceptions); and
- you are not related by family to your partner; and
- you and your partner have a mutual commitment to a shared life to the exclusion of all others; and
- you live together, or do not live separately and apart on a permanent basis.

For a married partner, the marriage must be valid under Australia's marriage laws. For a de facto partner, there may be criteria concerning how long the de facto relationship must have existed.

Child other than a newborn child

If your visa application permits the inclusion of a child, the child must:

- be:
 - your child, or
 - the child of your partner, or
 - a stepchild from a current or a previous relationship (in certain circumstances), or
 - an adopted child within the meaning of the *Migration Act 1958*; and
- not be married, engaged to be married, or have a de facto partner; and
- be:
 1. under 18 years of age; or
 2. over 18 years of age but not yet turned 23, and dependent on you or your partner (that is, wholly or substantially reliant on you or your partner more than anyone else for financial support to meet basic needs for food, clothing and shelter, or because they are unable to earn a living to support themselves due to physical or cognitive limitations); or
 3. over 23 years of age, but wholly or substantially reliant on you or your partner for financial support because they are unable to earn a living to support themselves due to physical or cognitive limitations (**Note:** the child will still need to meet Australia's health requirement); or
 4. a dependent child of a child who also meets Item 1, 2 or 3 in this list.

For each child you would like to include in your visa application, you must provide evidence of your parent-child relationship. Acceptable documents to show evidence of your relationship with a child include:

- a certified copy of the birth certificate; or
- a certified copy of adoption papers.

Applications for refugee and humanitarian visas or protection visas

If you are applying for a refugee and humanitarian visa or protection visa then, as well as your partner and any children, there are other family members who may be members of your family unit and, therefore, eligible to be included in your application. The other family members who may be members of your family unit include: one or both of your parents, or a brother, sister, grandparent, grandchild, aunt, uncle, cousin, niece, nephew or step equivalent.

For any family member that you want to include in your application, you must provide evidence of their:

- relationship to you; and
- dependency on you (for a child who is over 18 years of age); and
- relationship status (whether they are married, in a de facto relationship, divorced or separated).

This evidence may include:

- a certified copy of their birth certificate and proof of their relationship to you; and
- documents showing that the relative usually lives in your household; and
- documents showing that your relative has been dependent on you for at least the 12 months immediately before you lodge your application.

A relative will be considered to be a member of the family unit if all of the following apply to them:

- they do not have a spouse or de facto partner; and
- they usually live with you; and
- they are wholly or substantially reliant on you for financial, psychological or physical support.

If your family member is divorced, legally separated or widowed, you must provide certified copies of supporting evidence, such as:

- the document of legal divorce;
- the document of legal separation; or
- the death certificate of the deceased partner.

Parental responsibility (custody) for children under 18 years of age

Australia must meet its international obligations in relation to the prevention of child abduction.

Therefore, if a child is applying for a visa (on their own or as part of a family unit) and they are under 18 years of age, each person who has the legal right to decide where the child lives may be required to give consent for the visa to be granted.

Acceptable documents may include:

- a form 1229 *Consent to grant an Australian visa to a child under the age of 18 years*, available from www.homeaffairs.gov.au/allforms/, completed by the other parent of the child; or
- certified copies of one or more of:
 - an overseas court order giving you the sole right to decide where the child should live;
 - a statutory declaration, signed by the child's other parent (or other person with a legal right to decide where the child lives), that allows you to take the child to Australia;
 - a death certificate for the other parent; or
 - an Australian court order giving you the sole right to decide where the child should live.

In the case of a stepchild from a former relationship, you must prove that you have been awarded:

- a residence order under the *Family Law Act 1975* for the child which is still in force; or
- a specific issues order under the *Family Law Act 1975*, giving you responsibility for the child's long term or day-to-day care, welfare and development which is still in force; or
- guardianship or custody, whether jointly or otherwise, under a Commonwealth, state or territory law or a law in force in a foreign country.

Further evidence of your family relationship

If there is not enough evidence to support a claimed family relationship, the Department may suggest that you and the relevant family member undertake DNA testing to help confirm your relationship.

If this happens, the Department will tell you what you need to do to arrange the test. The Department may not accept the results of tests done in any other way. You must pay for requested DNA tests.