



Australian Government

Department of Immigration
and Border Protection

Including family members in your refugee, humanitarian or protection visa application

Form
1497i

This information is for people who can include a family member in their application for a visa.

Not all visas are the same. Read the requirements for the visa you are applying for to find out who can be included in your application. Refugee, humanitarian and protection visas have different rules for including a family member in your application.

For information on including family members in applications for visas other than refugee, humanitarian or protection visas, see form 1496i *Including family members in your application*.

A member of your family unit can be your:

- partner – married or de facto (same or opposite sex);
- dependent child; or
- other family members.

It is important to declare all of your family members in your application.

For Refugee and Humanitarian (Class XB) (subclasses 200, 201, 202, 203, 204) applications, all family members must be declared, even if they will not be migrating with you. If a family member has not been declared in your application you may not be able to propose them for a Refugee and Humanitarian visa after your arrival in Australia.

If your child is born after you lodge your application (but before it is decided), the child will automatically be included in your application(s). It does not matter if the child is born in or outside Australia. However, you will need to tell us about the birth as soon as possible so that their details can be recorded and they can then be given the same status as you.

Refugee and humanitarian visas

If you are pregnant or become pregnant after your application is lodged, you should tell us as soon as possible.

If your child is born after your visa is granted and before you travel to Australia, you will need to apply for a visa for your baby before you travel. You should tell us about the birth as soon as possible.

Temporary Protection visas

If you are applying for either a Temporary Protection visa (TPV) (Class XD) (subclass 785) or Safe Haven Enterprise visa (SHEV) (Class XE) (subclass 790), you can include family members in your application when you lodge it. However, you will not be able to add any family members to your application after it is lodged, with the exception of a newborn child.

Partner

Your partner can be married to you or they can be your de facto partner. Your de facto partner can be the same or opposite sex. You must have only one partner. You must prove:

- the relationship is genuine and continuing;
- your partner is at least 18 years of age when the application is lodged (there are some exceptions);
- you are not related by family (if you are in a de facto relationship);
- 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 on a permanent basis.

For a married partner, the marriage must be legal under Australian law. For a de facto partner, the relationship needs to have existed for 6 or 12 months before you lodge the application. The length of the de facto relationship depends on the visa you are applying for.

Dependent child

To include a dependent child in your visa application, the child must be:

- your child; or
- a stepchild from a current or a previous relationship (in certain circumstances).

For each child who you include in your visa application, you must provide evidence of your parent–child relationship. Acceptable documents include:

- a certified copy of each child's birth certificate; or
- a certified copy of adoption papers.

Your child or stepchild is considered to be dependent if they:

- are younger than 18 years of age; or
- have turned 18 years of age and continue to be wholly or substantially reliant on you for financial, psychological or physical support.

A child of any age is not considered to be dependent if they are currently married, engaged to be married or in a de facto relationship.

Some visas require that the child has never been married or in a de facto relationship.

Newborn child

If your child is born after you lodge your application (but before it is decided), you must tell us as soon as possible. You can do this as follows:

- Complete form 1022 *Notification of changes in circumstances*.
- Attach a certified copy of the birth certificate to the form.
- Mail them to the office that is processing your application.

Outside Australia – 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.

In Australia – If your child is born in Australia, they are automatically granted the same visa you and your partner hold at the time of the child's birth. If either parent is an Australian citizen or Australian permanent resident at the time of the child's birth, the child might be an Australian citizen by birth.

Other family members

Other family members include relatives such as your parent, brother, sister, grandparent, grandchild, aunt, uncle, cousin, niece, nephew or step equivalent.

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

- relationship to you;
- dependency on you; and
- relationship status (whether they are married, in a de facto relationship, divorced or separated).

This evidence includes:

- a certified copy of their birth certificate and proof of their relationship to you;
- documents showing that the relative 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. They:

- do not have a spouse or de facto partner;
- usually live with you; and
- are wholly or substantially reliant on you for substantial 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.

Evidence of your family relationship

When there is not enough evidence to support a claimed family relationship, the Department of Immigration and Border Protection (the department) might request you and the relevant family member have DNA tests to confirm the relationship.

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