



RELATIONSHIP INTERPRETATION

RELATIONSHIP REQUIREMENT

Permanent Migration - Under current migration legislation and policy, a person is considered to be the spouse or interdependent partner of another person if the 2 persons:

- have an exclusive mutual commitment to a shared life.
- have a relationship that is genuine and continuing;
- live together, or do not live separately and apart on a permanent basis; and
- have been in such a relationship for **12 months** immediately prior to the date of application. This requirement can be waived, however, if there are compelling or compassionate circumstances (for example, where interdependent partners can establish that cohabitation was not permissible under the law of the country where they resided for the 12 months prior to application, or where the applicant and their spouse have a dependent child).

Temporary Residence - For the purpose of temporary residence a person is considered to be the spouse of another person if the 2 persons:

- have an exclusive mutual commitment to a shared life.
- have a relationship that is genuine and continuing;
- live together, or do not live separately and apart on a permanent basis; and
- have been in such a relationship for **6 months** immediately prior to the date of application.

PLEASE NOTE: Interdependent (which includes same-sex) relationships are NOT recognised under current migration legislation for the purposes of temporary residence in Australia. They are ONLY recognised under some permanent visa subclasses.

'PROVING' THE RELATIONSHIP - GENUINENESS

In assessing whether 2 people are in a genuine and ongoing relationship, the decision-maker will take into account all the circumstances of the relationship, in particular:

Financial aspects:

The following factors may be considered:

- any joint ownership of real estate or other major assets and any joint liabilities;
- any significant pooling of financial resources, especially in relation to major financial commitments;
- any legal obligation owned by one party in respect of the other party; and
- the basis of any sharing of daily household expenses.

These aspects may be evidenced by:

- joint loan agreements for real estate, cars, major household appliances; and
- operation of joint bank accounts over a reasonable period of time and with reasonable frequency.

The nature of the household:

The following factors may be considered:

- your living arrangements; and
- the basis on which domestic responsibilities are distributed.

These might be evidenced by:

- joint ownership/leases of residential property;
- joint rental receipts;
- joint utilities accounts (electricity, gas, telephone);

- correspondence addressed to either or both partners at the same address.

Social context of the relationship:

The following factors may be considered:

- whether you and your partner present yourselves as married to each other (regardless of whether you are legally married or not) or engaged to be married or as interdependent partners, as the case may be;
- the assessment of your friends and regular associates about the nature of your relationship;
- the basis on which you and your partner make plans for, or engage in, joint social activities.

Evidence might take the form of:

- evidence that your relationship has been declared to other government bodies and commercial/public institutions or authorities and acceptance of these declarations by these bodies;
- statements by parents, family members, relatives and other interested parties - such statements supplied should be in the form of statutory declarations;
- joint membership of organisations or groups, documentary evidence of joint participation in sporting, cultural or social activities; or
- joint travel.

'PROVING' THE RELATIONSHIP - CONTINUITY

You are required to provide a written statement regarding the history of your relationship, covering issues such as:

- how, when and where you first met;
- how your relationship developed;
- when you decided to marry/commence a relationship;
- your domestic arrangements - how you support each other financially, physically and emotionally and when this level of commitment began;
- any periods of separation - when and why the separation occurred and for how long, and how you maintained your relationship during the period of separation; and
- your future plans.

The nature of your commitment to each other:

The following factors may be considered:

- the length of your relationship;
- the nature of any companionship and emotional support that you provide to each other; and
- whether you and your partner see the relationship as a long-term one.

These factors might be evidenced by:

- knowledge of each other's personal circumstances (which might be established at interview);
- intentions that your relationship will be long-term - the extent to which you have combined your affairs;
- the terms of your wills - wills made out in each other's favour may provide some evidence of an intention that your relationship is permanent; or
- letters and itemised phone accounts to show contact was maintained during any period of separation.

Please do NOT provide such items as videos, cassette tapes, compact discs, photographs and personal correspondence between you and your sponsor as evidence of your relationship. Instead, please provide the types of documentation listed above.