



PARTNER VISAS (SPOUSE OR DE FACTO)

This factsheet answers questions about an AAT review of a Department of Home Affairs (the Department) decision to refuse to grant a partner visa.

What does the AAT need to decide?

The AAT needs to decide whether or not you are in a spousal (married) or a de facto relationship with the sponsor of your application under the rules of the Migration Law.

Under these rules, the AAT must be satisfied that:

- there is mutual commitment to a shared life together, to the exclusion of all others
- the relationship is genuine and continuing
- you live together, or do not live separately and apart on a permanent basis, and
- your marriage is valid for the purposes of the *Migration Act 1958* or your de facto partner is not related by family.

The AAT will consider all circumstances of the relationship, and in particular:

- the financial aspects of your relationship
- the nature of your household
- the social aspects of your relationship
- the nature of the commitment to each other.

What information can I give the AAT to support my review?

You can give us any information that supports your case. Examples of the most helpful information to give us include:

- A statement that is signed by you about your circumstances
- Proof of joint financial arrangements, such as bank statements, real estate details, wills, loans, bills, superannuation documents
- Household arrangements, such as living arrangements and distribution of housework
- A timeline of significant events that have occurred in the relationship
- Evidence of significant events, such as photos of engagement ceremony, wedding reception, honeymoon, etc. (please limit to a maximum of 20, printed with a description and the names of people who appear)
- Evidence of other significant events, such as itineraries and receipts for joint travel
- Proof of ongoing contact over the period of your relationship, such as emails, phone calls, letters, chat history, video conferencing (please limit to a maximum of 50 pages)
- Certified birth certificates and evidence of joint responsibility for any children of the relationship
- Evidence that you present yourself as a couple socially, such as joint invitations to social activities or photographs of you in social situations
- Information from other people who can verify the relationship
- Evidence that explains why specific information in the Department decision is incorrect.

This fact sheet provides general information only. It is not legal advice about your case. If you have a question about the law or how it applies to your case, you should seek legal advice.

What period of time should the information cover?

The AAT must look at the circumstances of your relationship at the time you lodged the visa application, and at the time of making its decision.

If you are in a de facto relationship, you should give us evidence that establishes either:

- the relationship existed at least 12 months before the visa application was lodged
- your relationship is registered, or
- you were not in a de facto relationship for the 12 months prior to the date you lodged the visa application but there are compelling and compassionate reasons for the grant of the visa.

What if I register a marriage while the application is before the AAT?

You should tell us as soon as possible and give us a copy of the marriage certificate.

What if I am no longer in a relationship?

You might still be granted a Partner visa if:

- you have children of the relationship or have legal obligations towards children of the relationship
- you experienced family violence during the course of your relationship
- your sponsoring partner has died.

If you are no longer in a relationship with the sponsoring partner, you should tell us as soon as possible. You should also tell us if you intend to rely on any of the above exceptions.

When should I give my information to the AAT?

You should give us the information as soon as possible. If the AAT is satisfied with the information you give us, a favourable decision might be possible without the need for a hearing. This means you might be able to get an outcome to your application sooner.

Giving evidence at a hearing

If you are required to attend a hearing, an AAT Member will ask you about your application and consider all of the information that you present. Generally, this will include the documents you have given us about your case. You should give us any information no later than 7 days before the hearing, or if we ask you to give us any information earlier, by the date we tell you.

Any information you present to the AAT Member is important evidence. Preparing this evidence well in advance of the hearing can assist you to present your case and help the AAT Member to make a decision.

CONTACT US IF YOU HAVE ANY QUESTIONS

- Telephone: **1800 228 333**
- Email: mrdivision@aat.gov.au
- www.aat.gov.au
- National Relay Service www.relayservice.gov.au
- Translating and Interpreting Service (TIS): 131 450

When this Fact Sheet refers to "You" it means the applicant, and includes your authorised recipient, representative or support person. When it refers to "We" or "Us" it means the AAT.

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