

## PASSPORTS

### Foster Care Association of Victoria Position:

The Foster Care Association of Victoria believes all children and young people in care should be given every opportunity to apply for and hold a passport. This being said, there are stringent laws governing the issue of any passport in Australia. These laws are designed to protect children from abduction and to safeguard the rights of all people with parental responsibility for children and therefore must be fully adhered to if a passport application is to be successful. This Information Sheet provides clear guidelines regarding the legal and documentation requirements needed when submitting a passport application in Victoria for a child living in out of home care.

**Please Note:** Passport applications should not be commenced without formal case planner approval from DHS. You should liaise directly with your agency and DHS to establish who will prepare the application and who seek consent from those persons with parental responsibility for the child.

**It is advisable to defer on purchasing any non- refundable airline/travel tickets until the approval of any passport application has been confirmed.**

### WHO NEEDS TO GIVE CONSENT:

The provision of consent for a child in care to obtain a passport is dependent on the type of Court Order that the child or young person is subject to.

Specifically, children in out of home care on the following Orders require parental consent:

- An Interim Accommodation Order
- An Interim Protection Order
- A Custody To Third Party Order
- A Custody To Secretary Order
- Supervised Custody Order
- Therapeutic Treatment Order

Parental consent is not required for children in out of home care on the orders below:

- A Guardianship To Secretary Order
- A Long-Term Guardianship To Secretary Order
- A Permanent Care Order

The table on pages 3 to 4 provide more detail regarding consent and documentation required by the Passports Office.

For more information on consent go to <https://www.passports.gov.au/web/newppt/Consent.aspx>

### WHAT HAPPENS IF CONSENT CANNOT BE GAINED:

If the consent of a parent cannot be obtained and there is no court order permitting the child to travel internationally, a written request for the application to be considered under the 'special circumstances' specified in Section 11(2) of the *Australian Passports Act 2005* and Section 2.1 of the *Australian Passports Determination 2005* may be made. A delegate of the Minister for Foreign Affairs, will consider the request to determine if a passport may be issued on the basis of special circumstances without the consent of all parties with parental responsibility.



In such cases, the passport application must be accompanied by:

A statement made on:

- **Form B8** - (Mother's name only on child's birth certificate); or
- **Form B9** - (Child without full parental consent) in which you state why the necessary consent has not and cannot be obtained, and explain the special circumstances relevant to the application; and
- **Form B10**- (Child subject to a State/Territory child welfare order).
- The child's full birth certificate

**OR**

- **Family Court Order and Form B7** (No further court orders) where applicable.
- In the event that one or both parents are deceased, a copy of the death certificate will need to be provided.

**NOTE:**

The court order for the child must be provided. A photocopy of the court order bearing original stamping by the court is acceptable. However, the stamp cannot just be photocopied – you must have the photocopied orders stamped again by the court.

There is no guarantee that an application lodged under special circumstances will result in a passport being issued to the child. The application fee is generally not refunded if a passport is not issued to the child.

All questions must be answered on the B forms. Incomplete forms will result in delays to the processing of passport applications. Similarly, the absence of any required/ necessary paperwork at the time of submitting the application will also result in a delay in the processing of the passport.

Foster carers should not lodge passport applications directly. The foster care agency or DHS is required to lodge the passport application unless the carer has been authorised to lodge the application on the Form B10 by DHS.

The normal processing time for a child passport application lodged without the consent of a person with parental responsibility is 4-6 weeks once all documentation has been received. If the application is urgent, this should be discussed at the time of the interview with the Passport Office.

As at 1st January, 2014, a child's passport fee was AUD \$122.00. This payment must be made at the time of lodgement and can be paid by cash, EFTPOS or selected credit cards. Business, personal and bank cheques will not be accepted. This fee is generally not refunded in the event the application is denied. The priority processing service is not available for applications without full consent until the application is approved.

*The above information has been taken in part from the Australian Passport Office – Children and Parental Consent brochure dated May 2013. For a full copy of the brochure, go to [www.passports.gov.au](http://www.passports.gov.au)*



SUMMARY SHEET

Type of Order	Consent Required From	Documentation Required
<p>Custody to the Secretary</p>	<ul style="list-style-type: none"> <li>• Parent/s as listed on the full birth certificate</li> <li>• Child Protection, Dept of Human Services - delegation sits with the Child Protection Operations Manager</li> </ul>	<ul style="list-style-type: none"> <li>• Child's full birth certificate.</li> <li>• Child Passport Application Form signed by all parents listed on the full birth certificate.</li> <li>• Full birth certificate of at least one parent listed on child's birth certificate confirming the parent/s were born in Australia prior to 1986.</li> <li>• If the parents were born after 1986, a birth certificate of grandparents as well as evidence of citizenship from the Dept of Immigration and Border Protection.</li> <li>• If child's parent/s were born outside Australia, <b>proof that at least one parent was a permanent resident or Australian Citizen prior to the child's birth will be required.</b></li> </ul> <p>If you are unable to provide this proof of citizenship, contact the APIS Call Centre on 131232 for further advice.</p> <ul style="list-style-type: none"> <li>• Form B10 signed by the Department.</li> <li>• Stamped Court order pertaining to the child.</li> </ul>
<p>Guardianship to the Secretary</p>	<ul style="list-style-type: none"> <li>• Child Protection, Dept of Human Services - delegation sits with the Child Protection Operations Manager</li> </ul>	<ul style="list-style-type: none"> <li>• Child's full birth certificate.</li> <li>• Child Passport Application Form signed by Guardian or delegate of the Guardian.</li> <li>• Full birth certificate of at least one parent listed on child's birth certificate confirming the parent/s were born in Australia prior to 1986.</li> </ul>



Type of Order	Consent Required From	Documentation Required
		<ul style="list-style-type: none"> <li>• If the parents were born after 1986, a birth certificate of grandparents as well as evidence of citizenship from the Dept of Immigration and Border Protection.</li> <li>• If child's parent/s were born outside Australia, <b>proof that at least one parent was a permanent resident or Australian Citizen prior to the child's birth will be required.</b></li> </ul> <p>If you are unable to provide this proof of citizenship, contact the APIS Call Centre on 131232 for further advice.</p> <ul style="list-style-type: none"> <li>• Form B10 signed by the Department.</li> <li>• Stamped Court order pertaining to the child.</li> </ul>
<p>Permanent Care Orders</p>	<ul style="list-style-type: none"> <li>• Permanent carer/s as recorded in the Permanent Care order</li> </ul>	<ul style="list-style-type: none"> <li>• Child's full birth certificate.</li> <li>• Child Passport Application Form signed by Guardian.</li> <li>• Full birth certificate of at least one parent listed on child's birth certificate confirming the parent/s were born in Australia prior to 1986.</li> <li>• If the parents were born after 1986, a birth certificate of grandparents as well as evidence of citizenship from the Dept of Immigration and Border Protection.</li> <li>• If child's parent/s were born outside Australia, <b>proof that at least one parent was a permanent resident or Australian Citizen prior to the child's birth will be required.</b></li> <li>• Stamped Court order pertaining to the child</li> </ul>



Type of Order	Consent Required From	Documentation Required
Family Court Orders	<ul style="list-style-type: none"> <li>• Court ordered guardians</li> <li>• All parties with access rights to the child as stated in the Family Court order.</li> </ul>	<ul style="list-style-type: none"> <li>• Child's full birth certificate.</li> <li>• Child Passport Application Form signed by all parents listed on the full birth certificate.</li> <li>• Stamped Family Court Order.</li> <li>• Form B7.</li> </ul>
Court Ordered Issue Of Passport	Stamped copy of court order issued through State or Federal court	<ul style="list-style-type: none"> <li>• Child's full birth certificate</li> <li>• Child Passport Application</li> <li>• Form B7</li> <li>• Stamped court order</li> <li>• Proof of citizenship as outlined above</li> <li>• Original court orders pertaining to the child (a stamped copy from the court will be accepted)</li> </ul>