

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING : 23 May 2017

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(BE17/125) - Australian citizens with multiple wives - Programme 2.2: Migration

Senator Roberts, Malcolm (L&CA 83) asked:

Senator ROBERTS: I have some more specific questions—some of these will have to be taken on notice, I am sure, because they are detailed. In the last decade, how many Muslim men who are citizens of Australia brought in multiple wives after marrying them overseas?

Mr Pezzullo: To the extent that the stats allow us to discern that, we will take that on notice.

Senator ROBERTS: Muslim and other.

Mr Pezzullo: Muslim and other religions?

Senator ROBERTS: Yes.

Mr Pezzullo: Sorry, the conditions being multiple wives—

Senator ROBERTS: Men who are citizens of Australia bringing in multiple wives after marrying them overseas.

Mr Pezzullo: Thank you.

Answer:

Under the Migration Programme, it is the Partner visa through which a foreign national might seek to become a permanent resident of Australia on the basis that they have married an Australian citizen or permanent resident.

Partner visa applicants and sponsors are not required to declare their religion as part of the application process. As this information is not collected, it is not possible to report on it.

Similarly, the Partner visa application and sponsorship forms do not ask if the applicant or sponsor has multiple spouses. The forms do however require the applicant and sponsor to declare all members of their family unit and the type of relationship they have with that person. The data captured in this part of the application form is not captured in a manner that could be reported on.

A Partner visa applicant who is party to a polygamous marriage cannot be granted a visa. Migration legislation requires couples who claim to be in a married relationship to demonstrate that they (1) are married to each other under a marriage that is valid for the purpose of the *Migration Act 1958* (Migration Act), (2) have a mutual commitment to a shared life as husband and wife to the exclusion of all others, (3) have a genuine and continuing relationship and (4) live together or do not live separately or apart on a permanent basis.

A valid marriage, for the purpose of the Migration Act, is one that is recognised as valid under the *Marriage Act 1961* (the Marriage Act). As the Marriage Act does not recognise polygamous marriages, only the first marriage in a polygamous marital situation is capable of being recognised under migration law.

Although the first marriage may be able to be recognised, neither party to a polygamous marital relationship will be able to satisfy the additional requirement to be in a mutually exclusive relationship to the exclusion of all others, unless they demonstrate that any concurrent relationships have ended, for example by death or permanent separation.

A visa applicant who lodges on the basis of being in a married relationship may only be granted the visa if all four criteria described above are met. Similarly, these applicants will not be able to be recognised as de facto partners as the requirements for de facto partner relationships mirror those of de jure relationships, with the exception of the requirement to be married.