



## Australian Government

# Agreement between the Government of Australia and the Government of the Arab Republic of Egypt regarding Cooperation on Protecting the Welfare of Children

## GUIDE TO MAKING AN APPLICATION

**Please read this Guide carefully before completing the Application Form for the Agreement between the Government of Australia and the Government of the Arab Republic of Egypt regarding Cooperation on Protecting the Welfare of Children.**

### The Australia-Egypt Agreement

The Agreement between the Government of Australia and the Government of the Arab Republic of Egypt regarding Cooperation on Protecting the Welfare of Children entered into force on 1 February 2002.

The Australia-Egypt Agreement applies to children under the age of eighteen (18), of either Australian or Egyptian nationality, or children who possess dual Australian and Egyptian nationality.

The Agreement establishes a process for representatives of relevant authorities in both Australia and Egypt to assist parents in finding an amicable resolution of the issue(s) in dispute.

Cases involving the parental abduction of a child between the two countries, or cases where the parents of a child have separated or divorced and custody or access to the child is in dispute, may be submitted to the relevant agency in Australia or Egypt.

Applicants may also submit other types of matters for consideration, including measures to ensure the welfare of an abducted child, or measures pertaining to the protection of a child's rights.

The lead agency in Australia responsible for implementing the Agreement is the Attorney-General's Department.

Consular access and assistance will be made available to children of Australian and Egyptian nationality, including children of dual Australian and Egyptian nationality. Further information, including contact information, can be obtained from [www.smartraveller.gov.au](http://www.smartraveller.gov.au).

The Agreement may apply even if the issue(s) in dispute began before the Agreement came into force.

The text of the Australia-Egypt Agreement is available at <http://www.austlii.edu.au/au/other/dfat/treaties/2002/3.html>.

## **Applying for return, access or other assistance**

### **You will need to complete the Application Form if you are seeking:**

- the return of your child(ren) to Australia from Egypt;
- access to your child(ren) living in Egypt; or
- other assistance (not including financial assistance – see instruction 2 below).

### **Instructions for completing the Application Form**

1. Complete all relevant sections of this Application Form as fully as possible. (You may not be able to fill in all details if the information is not readily available or known to you, such as your child(ren)'s passport numbers.
2. In Section 1 of the Application Form you are required to place a cross the relevant box or boxes to indicate the type of assistance you are seeking under the Australia-Egypt Agreement. You may request more than one type of assistance. In Sections 7, 8, and 9 of the Application Form you will be asked to provide specific details about the type(s) of assistance you are seeking. For example, a Request for Other Assistance (Section 9) may include consular access, or measures to ensure that your child(ren)'s rights are protected.
3. The information contained in your Application Form is provided in confidence to the relevant authorities in Australia and Egypt. However, if you are concerned that some of your private details may become known to the other parent (such as your contact details or current marriage status) please indicate your concerns in Section 14.
4. If you require more space than has been provided, please provide the information on a separate sheet(s) of paper and attach it to the back of the Application Form, marking clearly the section number(s) to which the information relates.
5. Complete and sign the Statutory Declaration at the end of the Application Form before an appropriately authorised person. The Statutory Declaration forms part of your Application under the Australia-Egypt Agreement. Please note that it is an offence to willfully make a false statement in a statutory declaration. Further information about statutory declarations, including those prescribed to witness them, can be found at: <http://www.ag.gov.au/Publications/Pages/Statutorydeclarations.aspx>.

### **Financial Assistance**

The Attorney-General's Department administers the Overseas Child Abduction Scheme to assist eligible persons with a grant of financial assistance where children have been abducted from Australia. This is a means-and-merits tested scheme to assist with reasonable legal costs and related costs for the overseas legal proceedings for the recovery of the child. Financial assistance is not available under this Scheme for custody and access to a child or for other types of assistance. Further information about this Scheme can be found at:

<http://www.ag.gov.au/LegalSystem/Legalaidprogrammes/Commonwealthlegalfinancialassistance/Pages/Overseaschildabduction.aspx>.

## Contact details

For further information about the Australia-Egypt Agreement, please contact the Attorney-General's Department by **Phone:** 1800 100 480 or **Email:** [australiancentralauthority@ag.gov.au](mailto:australiancentralauthority@ag.gov.au).

Completed application Forms, including attachments, should be sent to: International Family Law Section, Family Law Branch, Attorney-General's Department, 3-5 National Circuit, Barton ACT 2600.



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**APPLICATION FORM**

**Section 1: Type of application**

*Place a cross in the relevant box or boxes*

To type an X in the relevant box(es), place the cursor over the box and 'double click' the left mouse. When a window appears, select the default radio button 'checked'. To delete the X, select the default radio button 'not checked'.

Are you seeking your child(ren)'s return to Australia?	<input type="checkbox"/>
Are you seeking access to your child(ren) in Egypt?	<input type="checkbox"/>
Other Assistance*:	<input type="checkbox"/>

\*Please specify the type of other assistance you are seeking in Section 9.

**Section 2: Details of Applicant**

Surname:	
First Name(s):	
Relationship to child(ren):	
Contact Address:	
Telephone No:	
Mobile Telephone No:	
Email:	

### Section 3: Details of Parents

#### 3.1 Mother

Surname:	
First Name(s):	
Date of Birth:	
Nationality:	
Addresses where the mother has lived for the last 2 years:	
Passport Number(s) (if known):	
Religion:	
Occupation:	

#### 3.2 Father

Surname:	
First Name(s):	
Date of Birth:	
Nationality:	
Addresses where the father has lived for the last 2 years:	
Passport Number(s) (if known):	
Religion:	
Occupation:	

## Section 4: Parents' marital status

### 4.1: If Parents are / were married

Date and place of marriage, including nature of the marriage ceremony (ie religious or civil):	
Date and place of divorce (if applicable):	
Current marriage status – Mother:	
Current marriage status – Father:	

### 4.2: If Parents are not married

Date of commencement of cohabitation (if applicable):	
If cohabited - length of cohabitation:	
If cohabited - place and country of cohabitation:	
Other comment(s) about the relationship (if any):	

## Section 5: Details of child(ren)

### 5.1 Child 1

Surname:	
First Name(s):	
Gender:	Male <input type="checkbox"/> Female <input type="checkbox"/>
Date of Birth:	
Nationality:	
Addresses where the child has lived over the last 2 years:	
Passport Number(s) (if known):	
Religion:	

### 5.2 Child 2

Surname:	
First Name(s):	
Gender:	Male <input type="checkbox"/> Female <input type="checkbox"/>
Date of Birth:	
Nationality:	
Addresses where the child has lived over the last 2 years:	
Passport Number(s) (if known):	
Religion:	

### 5.3 Child 3

Surname:	
First Name(s):	
Gender:	Male <input type="checkbox"/> Female <input type="checkbox"/>
Date of Birth:	
Nationality:	
Addresses where the child has lived over the last 2 years:	
Passport Number(s) (if known):	
Religion:	

### 5.4 Child 4

Surname:	
First Name(s):	
Gender:	Male <input type="checkbox"/> Female <input type="checkbox"/>
Date of Birth:	
Nationality:	
Addresses where the child has lived over the last 2 years:	
Passport Number(s) (if known):	
Religion:	



**Section 6: Details of person alleged to have removed or retained the children, or be preventing access to the child(ren); and current location of child(ren) in Egypt.**

Surname:	
First Name(s):	
Relationship to the child(ren):	
Location in Egypt where child(ren) may be living:	
Details of other persons who might be able to supply additional information relating to the current whereabouts of the child(ren):	
Location of child(ren)'s passport(s):	
Immigration status details for the child(ren) in Egypt (if known):	
Date and place of departure from Australia (if known):	
Date and place of arrival in Egypt (if known):	
Children's length of stay in Egypt:	
Other comment(s) (if any):	

## **Section 7: Request for Return of Child(ren).**

*Note: Please complete this section if you are seeking your child (ren)'s return to Australia from Egypt.*

### **7.1: Provide details of the background to the dispute.**

**7.2: Provide details of your rights of custody with respect to the child(ren).**

For example certified copies of birth certificates, court orders, passports, citizenship documents.

**7.3: Are you prepared to travel to Egypt to collect your child(ren)?**

If applying for the child(ren)'s return please indicate whether you are prepared to travel to Egypt to collect the child(ren) should the application be successful, or indicate any other person who could do so on your behalf. Also indicate how you propose to pay for the cost of the child(ren)'s return.

## Section 8: Request for Access

*Note: Please complete this section if you are seeking access to your child(ren) in Egypt.*

### 8.1: Provide details relating to the prevention of your rights of access to your child(ren).

### 8.2: Provide details of your rights of access with respect to the child(ren).

For example: certified copies of birth certificates, court orders, passports, citizenship documents.

### 8.3: Provide your proposal for the access you would like to have with your child(ren).

Please provide specific details of the proposed arrangements including dates, times, types of contact (for example: in person, telephone, email or skype) and indicate who you propose should pay for the cost of the arrangements.

## Section 9: Request for Other Assistance

*Note: Please complete this section if you are seeking assistance other than the return of the child(ren) or access to your child(ren), such as consular access, or measures to ensure that your children's rights are protected.*

Please provide details of the type of assistance you are seeking.

**Section 10: Have there been any Family Court proceedings in Australia involving the child(ren)?**

Please provide a description of the court proceedings and attach certified copies of the court documents with this application.

**Section 11: Have there been any court proceedings in Egypt involving the child(ren)?**

Please provide a description of the court proceedings and attach certified copies of the court documents with this application.

**Section 12: Has there been any further action taken regarding the child(ren), including approaches to diplomatic staff or negotiation / mediation with the other parent?**

Please provide a description below.

**Section 13: Do you have any concerns for the physical, emotion or spiritual welfare of your child(ren)?**

Please provide a description of your concerns.

### **Section 14: Other comments**

Please include any comments that might be relevant, which have not been covered by the previous questions in sections 1-13. Please also indicate any concerns you may have about confidentiality in relation to your application.

### **Section 15: List of documents attached**

Please list here all the documents that you have attached to your application. You should include certified copies of any relevant documents, such as a parenting agreement or court orders concerning rights of custody or rights of access; copies of the child(ren)'s birth certificate(s); your marriage certificate (which include details of both parents) or divorce decree; and recent colour photographs of the child(ren) and the other parent.



## Section 16: Details of your legal adviser

*Please note you should only provide details of a solicitor if you are actually instructing one in relation to this matter.*

Name of solicitor:			
Contact Address:			
Telephone Number:		Facsimile (Fax) Number:	
Email:			
Please indicate by crossing the relevant box below whether you wish the Attorney-General's Department to correspond directly with you or your solicitor. You should be aware that there could be cost implications for you if the Attorney-General's Department corresponds with your solicitor.			
Please only correspond with me regarding my case:	<input type="checkbox"/>	Please correspond with my solicitor regarding my case:	<input type="checkbox"/>

## Section 17: Applicant's authorisation

<i>I authorise the relevant authorities in Australia and Lebanon, and their agents, to act on my behalf and to do all things reasonable and necessary in connection with this application.</i>	
Signature of Applicant:	
Full name of Applicant (block letters):	
Date:	

## Statutory Declaration

*See next page*

**You must sign a Statutory Declaration to declare that the information you have provided in this Application Form is true to the best of your knowledge and belief. This includes information contained in any attachments to the application.**



Commonwealth of Australia  
**STATUTORY DECLARATION**  
*Statutory Declarations Act 1959*

I, *[Name of person making the declaration]*

of *[Address of person making the declaration]* *[Occupation of person making the declaration]*

make the following declaration under the *Statutory Declarations Act 1959*:

1. The information provided in the Application Form for the *Agreement between the Government of Australia and the Government of the Arab Republic of Egypt regarding Cooperation on Protecting the Welfare of Children* is true and correct to the best of my knowledge and belief.
2. All the documents attached to the said Application Form are certified true copies of the originals.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

*[Signature of person making the declaration]*

Declared at *[place]* on *[date]* of *[month]* 20*[year]*

Before me,

*[Signature of person before whom the declaration is made]*

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*[Full name of person before whom the declaration is made (in printed letters)]*

*[Qualification of person before whom the declaration is made (in printed letters)]*

*[Address of person before whom the declaration is made (in printed letters)]*

*Note 1* A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.

*Note 2* Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.