

CLIENT GUIDELINE –CRIMINAL HISTORY SUBMISSIONS

Some countries may require particular information and materials to assess an entertainment visa application if they are of the view that there are character concerns of an applicant related to past criminal charges.

Below we have provided some information and guidance for the drafting and collating of supporting materials for addressing those concerns as they relate to a criminal history.

CHARACTER STATEMENT AND CRIMINAL HISTORY

With criminal issues, police certificates will need to be obtained to make sure all offences are referred and responded to. If there are any charges or convictions not included in the police certificate, these should also be addressed, if there is an online record of those charges.

An assessing country may research an applicant's history as well, including sources such as news reports, Wikipedia, and possibly international agencies. Missing an offence or issue can jeopardise the application or cause extra delay or a second statement to be requested.

A personal statement in your own words, indicating what happened in the circumstances of each issue identified in the police report or elsewhere. This will help to provide context that is not in police certificates or reported media.

The statement will also need to provide details from after the offences (the charges or convictions), the outcome of those offences (eg. if a fine was paid, or completed rehabilitation, jail time etc). It is also important to outline what effect the event had on the applicant's life, particularly when it was life changing, for the good. The length of the statement will depend upon the applicant's personal circumstances.

For each item that appears on the police certificate, please include the following information:

1. At that time how old you were, where you were living, were you working, any particular family issues going on. etc
2. Dates of offence and conviction (if relevant);
3. Offence/Incident – What happened i.e. account of the events leading up to and including the offence, and reasons for the behaviour;
4. Full details and comments of any sentence or penalty imposed (the consequence). This includes but is not limited to: details of fines, police or home detention, community service, probation, or imprisonment;
5. Was the sentence/fine etc fulfilled (if relevant). This should include details of how and when the consequence was fulfilled, such as a fine being paid in full, community service, probation being completed, serving a full jail sentence, or partial sentence if released early for good behaviour;
6. Other relevant information such as circumstances, misunderstandings (without excusing yourself), or evidence of rehabilitation, was it related to another offence. Was it related to gang culture/codes/rules.

If you require assistance with this step, please do not hesitate to contact us. Your version of the drafted statement will remain confidential throughout the process and will be settled and submitted by us, but it is important that you give us as much detail as possible. we don't care if it is full of spelling mistakes and the grammar isn't Pulitzer prize worthy. The most important aspect is the correct facts.

Depending on the country, the personal statement is often requested in the form of a sworn and witnessed statement (e.g. Commonwealth Statutory Declaration), to be signed by the applicant, and witnessed. We will put the completed statement in the correct format.

Also, don't hold back on information as we know how to frame it correctly in the final versions, and to be honest we have seen and heard it all so nothing shocks us and we will not be sharing the information other than to be used for the application. -If you do not want specific people in your team/group seeing the draft statements and information let us know so we can ensure that doesn't occur.

EXTRA STATEMENTS

In addition to the personal statement it can be helpful to have others provide support as well – this may entail further statements from friends or family who can give an overview of the situation.

A. CHARACTER REFERENCES

We always recommend that character references from people who have known you for a significant time be obtained and included.

Below is a suggested guideline and format of what to include in a letter of support:

- First section (the referee to provide) - Introduce themselves, their position/office, and outline their relationship with the applicant and how long they have known them;
- Second section (can be a few paragraphs) - Positively describe the character of the person, providing examples to evidence their good character / rehabilitation / charity;
- Last section - closing statement, and thank the reader for their time and consideration. They should also provide contact details if further contact is required;
- Sign off – make sure it is signed and their full name is provided, have it also put in a formal statement format. If done by a letter, the letters should be on letterhead, signed and addressed as follows:

To Whom It May Concern,

Re: [insert *applicant's name*]

c/- - McCormicks Law

292 Water Street

Spring Hill

Australia 4000

If we are instructed to draft separate submissions, we will need to refer to provided reference and make additional supporting comments on it.

B. LETTERS FROM BUSINESSES

Letters from businesses that are involved with the tour are also recommended in many cases. These letters would outline what loss the business would experience if the applicant is not granted a visa.

Below is a guideline of what to include or discuss in these letters (where relevant):

- Who the author of the letter is, their relationship with the applicant and/or involvement in the tour;
- Character: If the author has met the applicant or knows them personally, comment on positive character attributes and encounters;
- Business: How business and local industry will be affected if the applicant is not granted a visa, with specific examples particularly financial and employment impacts (money already spent, pre-purchased tickets, etc);
- The importance and positive impact of the applicant's tour for your business and the industry; and
- If relevant what steps the business will take to address any concerns they may have if a visa was granted (e.g. Extra security).

The letters should also be on the letterhead of the business, signed and sent to us for inclusion in submissions (where relevant).

We understand this can be a difficult process but are here each step of the way to assist. If you have any questions, please feel free to send an email to our experienced staff or call directly.

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