

International Family Law

Australia is a cosmopolitan society with an extremely mobile population.

Over the past 60 years, Australia has evolved into a modern, multicultural society that is closely integrated into the global economy. Twenty-eight per cent of our population were born overseas and, unsurprisingly, this trend has been increasing every year for the last five years. This means that there are a lot of professionals from around the world who have worked or are currently working in Australia.

Australian professionals are also incredibly mobile and form a large percentage of the one million Australians living overseas at any one time. In 2015–2016, over 400,000 Australian citizens left the country with the intention of remaining abroad either permanently or for the long term.

Understandably, many Australians will form relationships or marry whilst abroad. Many Australian professionals will also build up substantial assets, including property, superannuation (or equivalent), deferred compensation, shares or other assets.

It is also not uncommon for children of Australian nationals to be born overseas. You may be an Australian citizen who enters into a relationship with a person who is a national of another country and, if you have children, for those children to be born in either that country or even in a third one.

Did you know that living and working overseas can have legal implications for both your relationship and your family?

While pursuing business and professional opportunities abroad is both exciting and rewarding, complexities can arise if you form a relationship, enter into marriage or have children in a situation that crosses national boundaries and/or cultures. Things can become particularly difficult from a legal perspective if your relationship/marriage breaks down.

Some of the issues that can emerge in these situations include:

- If you are an Australian based overseas, will your marriage or divorce be recognised in Australia?
- Will an Australian binding financial agreement be enforceable abroad?
- Will a court order from an overseas country be enforceable in Australia and vice versa?
- If your relationship breaks down while you are overseas, can you file divorce or children's proceedings in Australia?
- Is it possible to select the jurisdiction of your choice for divorce, financial or children's proceedings? If so, which jurisdiction would be best for you?

How can we assist you?

At Barry.Nilsson., we have developed expertise in international family law. We act for international clients and expatriate clients living and working overseas.

We assist in the following areas:

- [International divorce](#)
- [International property settlements](#)
- [International parenting disputes](#)
- [International child abduction](#)
- [International child support](#)

When working on family law matters that raise international issues, we are aware that there is no one right answer. Instead, we are the kind of lawyers who have the legal expertise to bring flexible and creative thinking to the table.

If it is appropriate, we will take a multidisciplinary approach to your matter. We are well equipped to collaborate with other legal experts in the areas of property, trusts, corporate and commercial matters, employment and immigration. If necessary, we also draw on the specialised knowledge of forensic accountants, financial advisors, tax experts and foreign lawyers.

Finally, we are well connected at the international level.

[Geoff Sinclair](#) is the former Chair of the Board of the World Congress of Family Law and Children's Rights and is an expert in child abduction. He is also a Fellow of the exclusive International Academy of Family Lawyers, which means he is part of a

network that includes the most highly regarded and elite family lawyers around the globe.

To find out more, meet the rest of our [Family Law | Wills & Estates team](#) and sign up for our [insights](#). You can also follow us on [LinkedIn](#) or [contact us](#).