

A photograph of a couple holding hands on a wooden pier overlooking the ocean. The woman has long blonde hair and is wearing a blue patterned sweater. The man is wearing a blue denim jacket. The ocean is blue and sparkling in the background.

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# The Australian Partner Visa Guide

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by Fiona Chan



This guide is intended for **informational purposes only**. The information contained in this guide does not in any way create a lawyer-client relationship and does not constitute legal advice.

Please consult the relevant professional for advice appropriate to your situation before proceeding with anything.

Use of this guide does not guarantee success or positive visa grants.

Use at your own discretion.

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# Introduction to Australian Partner Visas

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You've fallen in love and you've made plans to be with your special someone for the rest of your life.

Everything is right in the world except for one thing: the Australian government is now asking you to prove it. Prove it or your partner doesn't get to come to or stay in Australia.

So how do you prove such a subjective concept as love with objective facts?

# What is the Partner Visa?

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The Partner visa consists of 2 parts: temporary and permanent.

When you first apply for this visa you are actually submitting 2 applications - the first one is the temporary partner visa and the second being the permanent residency application. However it is not guaranteed that you will be granted both visas.

If you are granted the temporary visa then after 2 years you will be contacted again in regards to the permanent visa application you had lodged. At that 2 year mark you will be asked to satisfy another set of criteria before being granted permanent residency.



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## Important:

This is an application for a 2 year temporary visa

After 2 years you need to satisfy another set of criteria to be granted permanent residency

For long-standing relationships or for partnerships that have children, the 2 year period waiting for permanent residency is waived.

Therefore the partner visa that you are applying for now will actually only be a 2 year visa with the option to renew after that time.

The applicant must meet application validity criteria for both at the time of lodgement. This is why in the Migration Regulations it states that the temporary subclasses of 309 and 820 show the visa application charge as being NIL and the permanent 100 and 801 as being \$6865.00.





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# How much does it cost?

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Before you start your journey you need to understand that this is a long process that requires a fair bit of time and money. But the good thing is that you do not need to pay it all at once.

Like many other visas, you prepare the documentation at stages and the following will give you an idea of how much you should budget for.

Visa fees often change around the end of the Australian financial year of June-July. For most up to date visa fees, please consult the Department's website.

## Visa fees

Partner visa application fees increased for applications lodged on or after 1 January 2015.

The application fee for an onshore partner visa is currently \$6,865.

For offshore partner visas and prospective spouse (fiance) visas, the fees are \$4,630.

# What are the criteria for being a Sponsor?

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The sponsor is the Australian permanent resident or citizen partner. An eligible New Zealand citizen may also sponsor provided that they satisfy certain requirements.



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## Important:

There are limitations on sponsorship. These are called the serial sponsorship provisions.

In order to be a sponsor you must be:

1. over 18 years old
2. an Australian permanent resident or citizen
3. eligible New Zealand citizen
4. have not been sponsored themselves in the last 5 years
5. have not sponsored another partner or spouse in the last 5 years.

# The Other Forms and Checks

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Aside from the application forms for the applicant and sponsor, you will require the following additional information:

- Form 80 - Personal particulars for assessment including character assessment
- Police checks
- Health examination
- Statutory declarations

# How To Prepare Documents With Your Online Application

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The best format for all documents is PDF.

PDF retains formatting and is universally accepted no matter which operating system.

It's also a format that cannot be easily tampered with or changed after uploading to the application system.

There is a file size limit that the visa application system imposes on all uploads.

At time of publication, the maximum file size allowed is 5MB and the maximum files allowed is 60.

## Suggested workflow

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We've included with this guide a number of checklists, worksheets, templates etc and we know it's extremely daunting to even begin.

Therefore we suggest the following:

1. Use the '**Partner Visa Checklist**' to determine what you will need.
2. Fill in the '**Document Collection Worksheet**' as you go through the checklist.
3. Investigate where and how to get the documents listed in '**Document Collection Worksheet**'.
4. Prioritise which documents to get now or later depending on how long it will take.

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