
The Australian Partner Visa Guide

By Fiona Chan

2017 EDITION



This *Australian Partner Visa Guide* is intended for **informational purposes only**. The information contained in this guide does not in any way create a solicitor-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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Her guiding principle for her firm Frontier Migration Services is to make immigration law more accessible and transparent to the public.

Fiona holds a Bachelors in Commerce and Law, Masters of Law and is an admitted solicitor to the Supreme Court of New South Wales.

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Note From The Author

As the process for applying for a partner visa continually changes, our strategies and approach to applying also needs to change. This second edition has been revised to reflect the updates and changes in the process.

This new edition incorporates everything that has changed and has been learnt during the time since first publication in 2016.

This edition contains scenarios contributed by past readers and my continued experiences in reviewing partner visa applications.

What Is The Partner Visa?

The partner visa consists of 2 stages: 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.

The entire process takes 2 years. Your temporary visa will be granted within these 2 years and then the permanent residency processing happens at month 24.

What Is The Partner Visa

Last year when I first published the book, the processing time was around 12 months. And so another 12 months later you would be asked for more information to begin the second stage processing. Nowadays (November 2017), the minimum processing time is 19 months, meaning permanent visa processing is a mere 5 months after the grant of the temporary visa.

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.

I have written an additional supplement for second stage processing [here](#).

The guide to the second stage processing is available for purchase [here](#).





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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.

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 \$7,000.00.

What Is The Partner Visa

How Much Does It Cost?

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 \$7,000.

For offshore partner visas and prospective spouse (fiancé) visas, the fees are also \$7,000. The harmonisation occurred around September 2016.

What Are The Criteria For Being A Sponsor?

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

There are only general age and citizenship requirements for the Australian partner and they may need to undergo police or health checks.

There are however 'serial sponsorship' provisions that may prevent an Australian from sponsoring.



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

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

The best format for all documents is Portable Document Format (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 and is preferred by the Department.

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

Practical Points About the Online Application Process

Since the first publication of this guide, I've received great feedback and more commonly asked questions, namely about the online application process.

So this section will go through small quirks of the online application process and the likely questions you may have once you start.

Suggested Workflow

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.