

"The **only** resource that
you'll need to do your own
Australian partner visa"

THE AUSTRALIAN PARTNER VISA GUIDE

LOVE SHOULDN'T COST
YOU EVERYTHING

FOURTH EDITION

FIONA CHAN

2021

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.

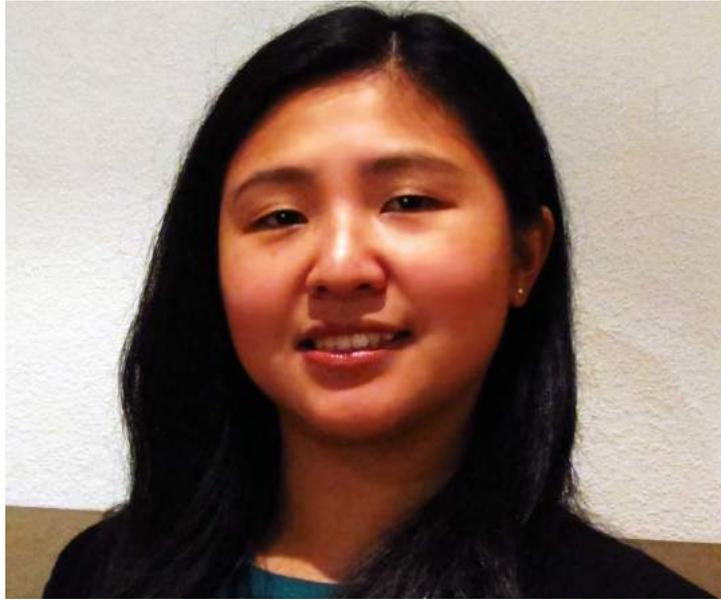
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Her guiding principle for her firm Frontier Migration Services is to make immigration law more accessible and transparent to the public.

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 fourth 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.

We've come a long way since the first edition and I am eternally grateful to the readers who contribute

Foreword

their stories, questions and experiences so that we can grow this guide together.

Acknowledgements

I always dreamt of being an author but when the opportunity presented itself, I was completely overwhelmed with what goes into publishing.

While I poured my knowledge into the book and laboured to make it as informative and clear as possible, I forgot to give thanks to the ones that have helped and supported me through writing the many drafts and editions of the book.

I would like to thank in no particular order: my family, mijn voorgaande echtgenoot, Dansk K-drama, los padres de Tito.

To all those that have gone through thick and thin with me: thank you from the deepest depths of my heart.

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. Although you submit both at the same time, this does not guarantee that both will be granted.

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

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.

In 2016 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 as of May 2021, the minimum processing time is 21 months, meaning permanent visa processing is a mere 3 months after the grant of the temporary visa i.e. 3 months later you need to satisfy a whole new criteria and process.

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

The *Permanent Partner Visa Process* includes additional templates, checklists as well as interview questions that are specific to the permanent partner visa process.

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





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.

Because this is a 2-in-1 visa application, it is important to note that although they may not be granted at the same time, the applicant must satisfy the criteria for **both visas 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 \$7,715.00.

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 in stages and the following will give you an idea of how much you should budget.

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. I've also tracked it over the years [here](#) if you're interested.

Visa fees

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

The application fee for an onshore partner visa is currently \$7,715. This will go up in July 2021.

For offshore partner visas and prospective spouse (fiancé) visas, the fees are also \$7,715.

There used to be a difference between onshore and offshore application fees but the

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 used to be only general age and citizenship requirements for the Australian partner and they may need to undergo police or health checks but with the amendments in December 2018, there are now a raft of changes that turns the spotlight and scrutiny on the Australian sponsor.

But don't worry, I'll walk you through it and most are a matter of formality and ticking boxes.



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;
or
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
6. Have not been convicted of a relevant offence or have a significant criminal record
7. Be an approved sponsor

Caution!

Gaps In Your Relationship

If there are gaps in your relationship, and we're talking about physical absences or periods that **you cannot explain**, then the Department will require an explanation and in all circumstances evidence and documentation of how you continued your relationship despite the distance/absence or circumstance that gave rise to this period.

What's considered a gap?

Generally any time that you have been physically apart because the understanding is that if you're de-factos or spouses then you theoretically never leave each other's side. Absurd I know but I don't write the rules.

Small vacations such as going away with mates without your partner doesn't constitute a gap so don't include evidence of that. However if the vacation was with the intention of you two being on a relationship break then do include that and give a good explanation as to why.

Long Distance Relationships

As they say, love has no boundaries. And if there are, they're only temporary.

For whatever reason, you and your partner have been physically separated for a period of time but now you intend to live in Australia.

Thankfully we have progressed from snail mail and infrequent and expensive telephone calls. We have graduated to the Internet age where most of our interactions are tracked or can be documented.

If you met online and continued your relationship online then the evidence that you need to provide include:

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

Statutory Declarations

Statutory Declarations are **legal documents** and need to be properly signed and witnessed. Treat these with as much respect as your visa applications.

In this section we will go through what a statutory declaration looks like and how to fill them in.

Statutory declarations need to be signed in front of a qualified person who is allowed to witness and certify documents.

For more information see the section titled 'Certifying documents' and our page ['Who can witness and certify documents?'](#)

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.

Identity documents are now limited to 500KB in size.

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

I'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.