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THE
AUSTRALIAN
PARTNER
VISA GUIDE

Love shouldn't cost you everything

BY FIONA CHAN

THE AUSTRALIAN PARTNER VISA GUIDE



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About the Author



Fiona Chan

Fiona is an accomplished Australian lawyer who founded her immigration practice in 2012. Prior to this, Fiona had an extensive career in corporate law and environmental regulation working in Big 4 Accounting firms, national energy providers and the New South Wales State Government.

Her guiding principle for her firm Frontier Migration Services is to make immigration law more accessible and transparent to the public. She continues to believe strongly in everyone having a fair go and is passionate in helping foreigners move to Australia.

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

You can connect with her on LinkedIn and our website.



Chapter One

Overview of the visa and process

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 application process takes 2 years and the grants are in stages. Your temporary visa will be granted within these 2 years and then they start considering your permanent residency application at month 24.

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.



Chapter 2

Eligibility requirements

Sponsor requirements

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. In order to be a sponsor you must be:

1. Over 18 years old;
2. An Australian permanent resident or citizen;

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How to fill in Statutory Declarations

Commonwealth of Australia
STATUTORY DECLARATION
Statutory Declarations Act 1959

1. Insert the name, address and occupation of person making the declaration

I,¹ Insert your full name, Current address, date of birth and occupation

2. Set out matter declared to in numbered paragraphs

2
BASIC INFORMATION
At a minimum you need to include:
1. How you know the person
2. How long you have known the person

AIM
The aim is to make it as easy to follow as possible for whoever is reading it.

PARAGRAPHS
write in succinct paragraphs what you want to convey. Try to introduce one concept per paragraph.

HEADINGS
Headings and subheadings are also encouraged if is a Statutory Declaration that addresses few points.

ABBREVIATIONS
Try not to use too many abbreviations and if you must use abbreviations you should introduce the full name before using the abbreviation.
Eg "According to the Department of Immigration and Border Protection ("DIBP")"
Subsequent references: "When I went to the DIBP...."

FORMAT
Write like a narrative, like you are telling a story.
Otherwise use numbered paragraphs.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

3. Signature of person making the declaration

4. Place

5. Day

6. Month and year

Declared at ⁴ _____ on ⁵ _____ of ⁶ _____

Before me,

7. Signature of person before whom the declaration is made (see over)

8. Full name, qualification and address of person before whom the declaration is made (in printed letters)

Note 1 A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.

Note 2 Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.

We use the Commonwealth statutory declaration as our sample. The Form 888 will have similar instructions on the form.



Chapter 5

Special circumstances to consider

These are areas of concern and are common speed bumps in partner visa applications.

What I've highlighted here are the things that the Department will be looking at with scrutiny.

I've also included common ways to provide explanations to these suspicious or potential mistakes.

Genuineness Of The Relationship

The principal concern of the Department is the 'genuineness of the relationship'.

The main suspicious trigger for further investigation is the length of time that you have been together. It is arbitrarily decided that a 'partner' or 'de-facto partner' is



Chapter 10

After you have applied

It is extremely important to keep the Department up to date if your circumstances change.

Two pieces of information that is important:

1. Address changes or changes in personal information; and
2. End in the relationship.

If you do not provide an up to date address then the Department will be unable to contact you after 2 years when they start assessing your permanent visa.

As you have applied for a permanent visa at the same time as the temporary, the Department will automatically send a request for information to the address they have on file, 2 years after the lodgement date.

Therefore if you do not let the Department know that you have changed your address, you will never receive the mail - unless you put in a mail redirect at the Post Office but



Suggested Workflow

I've included with this guide a number of checklists, worksheets, templates and a Statutory Declaration Library and we know it's extremely daunting to even begin. Therefore I 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.
5. Start asking friends and family if they'd be willing to write statutory declarations.
6. Start drafting personal statutory declarations.
7. Continue to update 'Document Collection Worksheet' as documents come in.
8. Review all documents according to the 'How to Prepare Your Documents Worksheet'.
9. If need be, use the second tab of the 'Document Collection Worksheet', to rename your files for online applications.