

July 2003

# Immigration Advice and Rights Centre

## FIANCE(E) APPLICATIONS OUTSIDE AUSTRALIA

The Prospective Marriage visa is for people who are outside Australia and who are engaged to be married to an Australian citizen, Australian permanent resident or eligible NZ citizen and who wish to lodge an application for a visa to come to Australia to marry their fiancé(e)

This visa is a nine-month temporary visa that allows the visa holder to travel to Australia and marry their sponsor. The law requires that the applicant and sponsor have met and are known to each other personally. The visa is valid for nine months from the date of visa grant and the applicant must marry within that time. After marriage you should apply for the onshore spouse visas (subclass 820 and 801). Subclass 820 is a two year provisional visa allowing you to remain in Australia with your partner. At the end of the two years the relationship will be assessed and if the Department of Immigration is satisfied that your relationship is ongoing and genuine, a permanent visa will be granted.

If your sponsor has previously sponsored/nominated a partner or was sponsored/nominated themselves as a partner then there may be limitations on this visa application. If this applies to you, please talk to a registered migration agent about this.

### Making an application

You can download a Partner Migration Booklet free of charge from the Department of Immigration's website ([www.immi.gov.au](http://www.immi.gov.au)) or buy it from a Department of Immigration office for \$10 (see below for addresses) or ask for the specific forms listed below, provided without charge.

- Form 47SP the application form, to be completed by the applicant
- Form 40SP the sponsorship form to be completed by the Australian partner
- Statutory declarations
- Form 160 X-Ray
- Form 26 medical examination
- Form 80 character check
- Police clearance from any country where the fiancé(e) has lived for more than 12 months in the last 10 years. See Form 47P.
- 4 passport sized photographs of all applicants with the name of each person written on the back of the passport.
- Visa application charge of \$1,210

## **Evidence**

You should provide evidence that you and your fiancé(e) have met and are known to each other personally and that you both genuinely intend to get married and to live together as husband and wife. The evidence should be detailed and describe your relationship as much as possible.

- a statutory declaration from the applicant giving the following information:
  - when/where/how you met your partner
  - whether you go out/socialise/entertain people as a couple,
  - what your plans are for the future such as when/where you plan to be married, where you plan to work, where you plan to live, whether you are planning to have children,
  - whether you give each other emotional support and companionship
  - If the marriage has been arranged according to traditional custom then explain the customs.
- a statutory declaration from your partner covering the same things, but in her/his own words.
- evidence of the marriage arrangements
- at least 2 statutory declaration from friends or relatives explaining how they know the applicant and their partner, what they know about the relationship, why they believe it is genuine and the reasons why they believe that you intend to be married in Australia.
- evidence of ongoing contact during times spent apart such as letters(with envelopes) written to each other, copies of telephone bills showing the itemised calls to each other, evidence of any money sent to each other.
- certified copies of the applicant's passport and birth certificate and the birth certificates of any children.
- certified copy of partner's Australian passport, birth certificate, Australian citizenship certificate or permanent residence visa.

## **Certified Copies, Statutory Declarations and Translations**

Any photocopies of documents to be included with the application must be certified by a solicitor/Justice of the Peace/Bank manager etc (ie they state it is a true copy of an original document they have seen)

People who make a statutory declaration for you must attach proof of identity such as a certified copy of the front page of their passport, birth certificate, Australian citizenship certificate or permanent resident's visa. The statutory declaration must be signed in front of a solicitor, Justice of the Peace or Bank manager. If the person making the statutory declaration is outside Australia then the statutory declaration should be in form prescribed for the country where the declaration is being made.

Any documents which are not in English should be translated by an accredited translator. Both the translation and a certified copy of the untranslated original should be submitted with the application. For accredited translators call either the Ethnic Affairs Commission on (02) 9716 2231 or the Department of Immigration Translating and Interpreting Service on 131 450.

## **Process**

**Step 1** Applicant should fill out and sign form 47SP.

**Step 2** The sponsor should fill out and sign form 40SP. This should be sent to the applicant to lodge with the visa application form 47SP.

**Step 3** Attach the evidence mentioned above.

**Step 4** Attach a cover letter to the application form with

- your name
- current address
- reasons for applications
- list of documents attached to application. If you are waiting for any information to be included with the application say that it will be provided to the Department as soon as it is received.

Also offer to provide any further information required by the Department of Immigration.

**Step 5** Photocopy all the documents to be submitted to the Department of Immigration.

**Step 6** Lodge these forms with the fee of \$1,210 at the appropriate overseas post of the Department of Immigration. These are usually in an Australian Embassy or Consulate. A complete list of overseas posts and the countries or regions they service can be found on the Department of Immigration's website: [www.immi.gov.au](http://www.immi.gov.au)

Remember to keep your receipt as it is proof that you lodged the application.

If you have not done the following during processing, you will be asked to:

**Step 7** Complete a form 80 and attach it to the application.

**Step 8** When you are asked to have a medical examination complete Forms 26 and 160 and take these to the doctor identified by the Embassy and have your X-Ray taken and medical examination. The forms will be completed by the doctor. They will then be sent directly to the Embassy to be included in your application. If the forms are handed back to you, they should be sealed. DO NOT OPEN THE ENVELOPE, Send it directly to the Embassy.

**Step 9** If the visa is approved you will be granted the subclass 300 visa which will allow you to travel to Australia. It is a condition of the visa that you marry within 9 months of the date of grant of the visa.

**Step 10** After marriage, you should apply for the on-shore spouse visa, subclasses 820/801 by completing form 47SP and paying the application fee of \$585. You might like to contact IARC or another registered migration agent for advice about this process when the time comes.

*Remember to tell the Department Immigration of any change in your circumstances, for example if you change your address or the relationship ends.*

## **Contact information for (DIMIA)**

Department of Immigration and Multicultural Affairs and Indigenous Affairs

### **Counter service all NSW offices**

9am–4pm Monday, Tuesday, Thursday and Friday  
9am–1.30pm Wednesday

Sydney CBD 26 Lee Street, Sydney 2000  
GPO Box 9984, Sydney, NSW 2001

Parramatta Commonwealth Government Centre 2-12, Macquarie St  
Parramatta NSW 2150  
Locked Bag CC7, Parramatta 2123

National Telephone Inquiry Line: 131 881

Website: [www.immi.gov.au](http://www.immi.gov.au)

### **For further advice contact the Immigration Advice and Rights Centre**

Telephone Advice: (02) 9281 8355  
2.00pm–4.00pm Tuesday and Thursday

### **Drop in service (no appointment needed)**

Surry Hills: Monday 6pm–9pm  
IARC, Level 4, 414 Elizabeth Street,

Parramatta: Wednesday 6pm–9pm,  
Parramatta Migrant Resource Centre,  
L6, Macquarie House  
Macquarie Street (cnr Smith)  
(press buzzer to left of the door)

Website: [www.iarc.asn.au](http://www.iarc.asn.au)